

FIRST REGULAR SESSION

HOUSE BILL NO. 405

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CLEMENS.

1379H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 160.420, and 160.425, RSMo, and to enact in lieu thereof eight new sections relating to charter schools.

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

Section A. Sections 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 2 160.420, and 160.425, RSMo, are repealed and eight new sections enacted in lieu thereof, to 3 be known as sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.420, and 4 160.425, to read as follows:

- 160.400. 1. A charter school is ~~[an independent]~~ **a semi-autonomous** public school.
- 2 2. ~~[Except as further provided in subsection 4 of this section, charter schools may be~~
3 ~~operated only:~~
- 4 (1) ~~In a metropolitan school district;~~
- 5 (2) ~~In an urban school district containing most or all of a city with a population~~
6 ~~greater than three hundred fifty thousand inhabitants;~~
- 7 (3) ~~In a school district that has been classified as unaccredited by the state board of~~
8 ~~education;~~
- 9 (4) ~~In a school district that has been classified as provisionally accredited by the state~~
10 ~~board of education and has received scores on its annual performance report consistent with a~~
11 ~~classification of provisionally accredited or unaccredited for three consecutive school years~~
12 ~~beginning with the 2012-13 accreditation year under the following conditions:~~
- 13 (a) ~~The eligibility for charter schools of any school district whose provisional~~
14 ~~accreditation is based in whole or in part on financial stress as defined in sections 161.520 to~~

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 ~~161.529, or on financial hardship as defined by rule of the state board of education, shall be~~
16 ~~decided by a vote of the state board of education during the third consecutive school year after~~
17 ~~the designation of provisional accreditation; and~~

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

22 ~~(5) In a school district located within a county with more than one hundred fifty~~
23 ~~thousand but fewer than two hundred thousand inhabitants, provided that the provisions of~~
24 ~~subsections 15 to 18 of section 160.415 shall not apply to any charter school operated in such~~
25 ~~county; or~~

26 ~~(6) In a school district that has been accredited without provisions, sponsored only by~~
27 ~~the local school board; provided that no board with a current year enrollment of one thousand~~
28 ~~five hundred fifty students or greater shall permit more than thirty five percent of its student~~
29 ~~enrollment to enroll in charter schools sponsored by the local board under the authority of this~~
30 ~~subdivision, except that this restriction shall not apply to any school district that subsequently~~
31 ~~becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited~~
32 ~~without provisions that sponsors charter schools prior to having a current year student~~
33 ~~enrollment of one thousand five hundred fifty students or greater.~~

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

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

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

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

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

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

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

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

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

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

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

69

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

77 ~~5. The mayor of a city not within a county may request a sponsor under subdivision~~
78 ~~(2), (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace~~
79 ~~charter school", which is defined for purposes of sections 160.400 to 160.425 as a charter~~
80 ~~school with the ability to target prospective students whose parent or parents are employed in~~
81 ~~a business district, as defined in the charter, which is located in the city] Charter schools~~
82 **may be operated in any school district sponsored only by the school board of the district**
83 **or by a special administrative board for the district. This section shall not be construed**
84 **to affect a charter contract that is in effect on the effective date of this section until the**
85 **expiration of such contract.**

86 ~~[6.]~~ **3.** No sponsor shall receive from an applicant for a charter school any fee of any
87 type for the consideration of a charter, nor may a sponsor condition its consideration of a
88 charter on the promise of future payment of any kind.

89 ~~[7.]~~ **4.** The charter school shall be organized as a Missouri nonprofit corporation
90 incorporated pursuant to chapter 355. The charter provided for herein shall constitute a
91 contract between the sponsor and the charter school.

92 ~~[8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school
93 shall select]~~ **5.** The method for election of officers ~~[pursuant to section 355.326 based on the
94 class of corporation selected]~~ **of the charter school shall be mutually agreed to by the
95 charter school and sponsoring school board and shall comply with the provisions of
96 chapter 355.** Meetings of the governing board of the charter school shall be subject to the
97 provisions of sections 610.010 to 610.030.

98 ~~[9.]~~ **6.** A sponsor of a charter school, its agents and employees are not liable for any
99 acts or omissions of a charter school that it sponsors, including acts or omissions relating to
100 the charter submitted by the charter school, the operation of the charter school and the
101 performance of the charter school.

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

110 ~~11. The expenses associated with sponsorship of charter schools shall be defrayed by
111 the department of elementary and secondary education retaining one and five tenths percent
112 of the amount of state and local funding allocated to the charter school under section 160.415,
113 not to exceed one hundred twenty five thousand dollars, adjusted for inflation.]~~

114 **7.** The department of elementary and secondary education shall ~~[remit the retained
115 funds for each charter school to the school's sponsor, provided the sponsor remains in good
116 standing by fulfilling its sponsorship obligations under sections 160.400 to 160.425 and
117 167.349 with regard to each charter school it sponsors, including appropriate demonstration
118 of the following:~~

119 ~~(1) Expends no less than ninety percent of its charter school sponsorship funds in
120 support of its charter school sponsorship program, or as a direct investment in the sponsored
121 schools;]~~ **monitor each school board's sponsorship and ensure that the school board:**

122 ~~[(2)]~~ (1) Maintains a comprehensive application process that follows fair procedures
123 and rigorous criteria and grants charters only to those developers who demonstrate strong
124 capacity for establishing and operating a quality charter school;

125 ~~[(3)]~~ (2) Negotiates contracts with charter schools that clearly articulate the rights and
126 responsibilities of each party regarding school autonomy, expected outcomes, measures for
127 evaluating success or failure, performance consequences ~~[based on the annual performance~~
128 ~~report]~~, and other material terms;

129 ~~[(4)]~~ (3) Conducts contract oversight that evaluates performance, monitors
130 compliance, informs intervention and renewal decisions, and ensures autonomy provided
131 under applicable law; and

132 ~~[(5)]~~ (4) Designs and implements a transparent and rigorous process that uses
133 comprehensive data to make merit-based renewal decisions.

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

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

140 ~~14.]~~ 8. No sponsor shall grant a charter under sections 160.400 to 160.425 and
141 167.349 without ensuring that a criminal background check and family care safety registry
142 check are conducted for all members of the governing board of the charter schools or the
143 incorporators of the charter school if initial directors are not named in the articles of
144 incorporation, nor shall a sponsor renew a charter without ensuring a criminal background
145 check and family care safety registry check are conducted for each member of the governing
146 board of the charter school.

147 ~~[15.]~~ 9. No member of the governing board of a charter school shall hold any office or
148 employment from the board or the charter school while serving as a member, nor shall the
149 member have any substantial interest, as defined in section 105.450, in any entity employed
150 by or contracting with the board. No board member shall be an employee of a company that
151 provides substantial services to the charter school. All members of the governing board of the
152 charter school shall be considered decision-making public servants as defined in section
153 105.450 for the purposes of the financial disclosure requirements contained in sections
154 105.483, 105.485, 105.487, and 105.489.

155 ~~[16.]~~ 10. A sponsor shall develop the policies and procedures for:

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

159 standards and grade-level expectations, and provides clear documentation of effective
160 governance and management structures, and a sustainable operational plan;

161 (2) The granting of a charter;

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

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

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

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

174

175 The department shall provide guidance to sponsors in developing such policies and
176 procedures.

177 ~~[17-]~~ 11. (1) A sponsor shall provide timely submission to the state board of
178 education of all data necessary to demonstrate that the sponsor is in material compliance with
179 all requirements of sections 160.400 to 160.425 and section 167.349. The state board of
180 education shall ensure each sponsor is in compliance with all requirements under sections
181 160.400 to 160.425 and 167.349 for each charter school sponsored by any sponsor. The state
182 board shall notify each sponsor of the standards for sponsorship of charter schools,
183 delineating both what is mandated by statute and what best practices dictate. The state board
184 shall evaluate sponsors to determine compliance with these standards every three years. The
185 evaluation shall include a sponsor's policies and procedures in the areas of charter application
186 approval; required charter agreement terms and content; sponsor performance evaluation and
187 compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing
188 shall preclude the department from undertaking an evaluation at any time for cause.

189 (2) If the department determines that a sponsor is in material noncompliance with its
190 sponsorship duties, the sponsor shall be notified and given reasonable time for remediation.
191 If remediation does not address the compliance issues identified by the department, the
192 commissioner of education shall conduct a public hearing and thereafter provide notice to the
193 charter sponsor of corrective action that will be recommended to the state board of education.
194 Corrective action by the department may include ~~[withholding the sponsor's funding and]~~
195 suspending the sponsor's authority to sponsor a **charter** school that it currently sponsors or to

196 sponsor any additional school until the sponsor is reauthorized by the state board of education
197 under section 160.403.

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

203 (4) If the state board removes the authority to sponsor a currently operating charter
204 school under any provision of law, the ~~[Missouri charter public school commission]~~ **state**
205 **board** shall become the sponsor of the school **for the remainder of the term of the charter**
206 **contract, and the state board shall not be authorized to renew the contract.**

207 ~~[18.]~~ **12.** If a sponsor notifies a charter school of closure ~~[under subsection 8 of~~
208 ~~section 160.405]~~, the department of elementary and secondary education shall exercise its
209 financial withholding authority under subsection ~~[42]~~ **9** of section 160.415 to assure all
210 obligations of the charter school shall be met. The state~~[-, charter sponsor, or resident]~~ **and**
211 **the sponsoring** district shall not be liable for any outstanding liability or obligations of the
212 charter school.

160.403. ~~[1-]~~ The department of elementary and secondary education shall ~~[establish~~
2 ~~an annual application and approval process for all entities eligible to sponsor charters as set~~
3 ~~forth in section 160.400 which are not sponsoring a charter school as of August 28, 2012,~~
4 ~~except that the Missouri charter public school commission shall not be required to undergo~~
5 ~~the application and approval process. No later than November 1, 2012, the department shall~~
6 ~~make available information and guidelines for all eligible sponsors concerning the~~
7 ~~opportunity to apply for sponsoring authority under this section.~~

8 ~~2.—The application process for sponsorship shall require each interested eligible~~
9 ~~sponsor, except for the Missouri charter public school commission, to submit an application~~
10 ~~by February first that includes the following:~~

11 ~~(1) Written notification of intent to serve as a charter school sponsor in accordance~~
12 ~~with sections 160.400 to 160.425 and section 167.349;~~

13 ~~(2) Evidence of the applicant sponsor's budget and personnel capacity;~~

14 ~~(3) An outline of the request for proposal that the applicant sponsor would, if~~
15 ~~approved as a charter sponsor, issue to solicit charter school applicants consistent with~~
16 ~~sections 160.400 to 160.425 and section 167.349;~~

17 ~~(4) The performance contract that the applicant sponsor would, if approved as a~~
18 ~~charter sponsor, use to evaluate the charter schools it sponsors; and~~

19 ~~(5) The applicant sponsor's renewal, revocation, and nonrenewal processes consistent~~
20 ~~with section 160.405.~~

21 ~~3. By April first of each year, the department shall decide whether to grant or deny a~~
22 ~~sponsoring authority to a sponsor applicant. This decision shall be made based on the~~
23 ~~applicant sponsor's compliance with sections 160.400 to 160.425 and section 167.349 and~~
24 ~~properly promulgated rules of the department.~~

25 ~~4. Within thirty days of the department's decision, the department shall execute a~~
26 ~~renewable sponsoring contract with each entity it has approved as a sponsor. The term of~~
27 ~~each authorizing contract shall be six years and renewable] **exercise sponsorship oversight**~~
28 **and monitoring to ensure that local school districts sponsor only charter schools that**
29 **meet the criteria specified in sections 160.400 to 160.425 and do so by way of a**
30 **procedure that complies with the process outlined in sections 160.400 to 160.425.**

160.405. 1. **(1)** A person, group or organization seeking to establish a charter school
2 shall submit the proposed charter, as provided in this section, to ~~[a sponsor. If the sponsor is~~
3 ~~not a school board, the applicant shall give a copy of its application to the school board of the~~
4 ~~district in which the charter school is to be located and to the state board of education, within~~
5 ~~five business days of the date the application is filed with the proposed sponsor. The school~~
6 ~~board may file objections with the proposed sponsor, and, if a charter is granted, the school~~
7 ~~board may file objections with the state board of education] **the local school board or the**~~
8 **special administrative board in the case that the state board has established a special**
9 **administrative board for the district.** The charter shall include a ~~[legally binding~~
10 ~~performance] contract that describes the obligations and responsibilities of the school [and the~~
11 ~~sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall address the~~
12 ~~following] **to provide students with a free, accessible, nonsectarian, quality education**~~
13 **that is delivered subject to the same basic safeguards and standards as other district**
14 **schools, including compliance with:**

15 ~~[(1) A mission and vision statement for the charter school;~~

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

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

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

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

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

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

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

35 ~~(9) The term of the charter, which shall be five years and may be renewed;~~

36 ~~(10) Procedures, consistent with the Missouri financial accounting manual, for~~
37 ~~monitoring the financial accountability of the charter, which shall meet the requirements of~~
38 ~~subdivision (4) of subsection 4 of this section;~~

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

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

46 ~~(13) A description of the charter school's grievance procedure for parents or~~
47 ~~guardians;~~

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

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

54 ~~(a) Orderly transition of student records to new schools and archival of student~~
55 ~~records;~~

56 ~~(b) Archival of business operation and transfer or repository of personnel records;~~

57 ~~(c) Submission of final financial reports;~~

58 ~~(d) Resolution of any remaining financial obligations;~~

59 ~~(e) Disposition of the charter school's assets upon closure; and~~

60 ~~(f) A notification plan to inform parents or guardians of students, the local school~~
61 ~~district, the retirement system in which the charter school's employees participate, and the~~
62 ~~state board of education within thirty days of the decision to close;~~

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

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

70

71 ~~Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the~~
72 ~~requirements of this subsection.]~~

73 **(a) Open meetings and public record laws;**

74 **(b) Prohibitions against for-profit operation or profiteering as enforced by**
75 **conflict of interest, financial disclosure, and auditing requirements;**

76 **(c) The same civil rights including, but not limited to, constitutional rights and**
77 **federal and state laws relating to employment, health, labor, safety, staff qualification,**
78 **certification requirements, and protections for students with disabilities as other district**
79 **schools; and**

80 **(d) The same standards of accreditation, accountability, and academic**
81 **assessment and performance as other district schools.**

82 **(2) The term of the charter shall not exceed five years.**

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

84 (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and
85 procedures for review and granting of a charter approval~~], and be approved by the state board~~
86 ~~of education by January thirty first prior to the school year of the proposed opening date of~~
87 ~~the charter school];~~

88 (2) A charter may be approved ~~[when the sponsor determines that the requirements of~~
89 ~~this section are met, determines that the applicant is sufficiently qualified to operate a charter~~
90 ~~school, and that the proposed charter is consistent with the sponsor's charter sponsorship~~
91 ~~goals and capacity. The sponsor's decision of approval or denial shall be made within ninety~~
92 ~~days of the filing of the proposed charter]~~ **only if the sponsor determines the charter is**
93 **both necessary to meet the needs of students in the district and will meet those needs in a**
94 **manner that improves the local public school system;**

95 (3) Charter schools may be authorized or expanded only after a district has
96 assessed the impact of the proposed charter school on local public school resources,
97 programs, and services including, but not limited to, the district's operating and capital
98 expenses, appropriate facility availability, the likelihood that the charter will prompt
99 cutbacks or closures in local public schools, and consideration of whether other
100 improvements in either educational program or school management, which may include
101 reduced class sizes and community or magnet schools, would better serve the district's

102 **needs. The district shall also consider the impact of the charter on the racial, ethnic,**
103 **and socioeconomic composition of schools and neighborhoods and on equitable access to**
104 **quality services for all district students including, but not limited to, students with**
105 **special needs and English-language learners. The impact analysis shall be independent,**
106 **developed with community input, and be written and publicly available.** If the charter is
107 denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its
108 denial and forward a copy to the state board of education within five business days following
109 the denial;

110 (4) If a proposed charter is denied by a sponsor, the proposed charter may be
111 submitted to the state board of education, along with the sponsor's written reasons for its
112 denial. ~~[If the state board determines that the applicant meets the requirements of this section,~~
113 ~~that the applicant is sufficiently qualified to operate the charter school, and that granting a~~
114 ~~charter to the applicant would be likely to provide educational benefit to the children of the~~
115 ~~district, the state board may grant a charter and act as sponsor of the charter school. The state~~
116 ~~board shall review the proposed charter and make a determination of whether to deny or grant~~
117 ~~the proposed charter within sixty days of receipt of the proposed charter, provided that any~~
118 ~~charter to be considered by the state board of education under this subdivision shall be~~
119 ~~submitted no later than March first prior to the school year in which the charter school intends~~
120 ~~to begin operations. The state board of education shall notify the applicant in writing as the~~
121 ~~reasons for its denial, if applicable; and~~

122 (5) ~~The sponsor of a charter school shall give priority to charter school applicants that~~
123 ~~propose a school oriented to high risk students and to the reentry of dropouts into the school~~
124 ~~system. If a sponsor grants three or more charters, at least one third of the charters granted by~~
125 ~~the sponsor shall be to schools that actively recruit dropouts or high risk students as their~~
126 ~~student body and address the needs of dropouts or high risk students through their proposed~~
127 ~~mission, curriculum, teaching methods, and services. For purposes of this subsection, a~~
128 ~~"high risk" student is one who is at least one year behind in satisfactory completion of course~~
129 ~~work or obtaining high school credits for graduation, has dropped out of school, is at risk of~~
130 ~~dropping out of school, needs drug and alcohol treatment, has severe behavioral problems,~~
131 ~~has been suspended from school three or more times, has a history of severe truancy, is a~~
132 ~~pregnant or parenting teen, has been referred for enrollment by the judicial system, is exiting~~
133 ~~incarceration, is a refugee, is homeless or has been homeless sometime within the preceding~~
134 ~~six months, has been referred by an area school district for enrollment in an alternative~~
135 ~~program, or qualifies as high risk under department of elementary and secondary education~~
136 ~~guidelines. Dropout shall be defined through the guidelines of the school core data report.~~
137 ~~The provisions of this subsection do not apply to charters sponsored by the state board of~~
138 ~~education]~~ **The state board of education may consider appeals of approvals or denials of**

139 **charters only on the grounds that the sponsor's process for approving a charter was not**
140 **properly followed or that the approval or denial of a charter was arbitrary or illegal. If**
141 **the state board of education determines, following a hearing on the appeal, that the**
142 **sponsor's process for approving the charter was not properly followed or that the**
143 **approval or denial of a charter was arbitrary or illegal, the state board may remand the**
144 **application to the sponsor with specific instructions for correction of the sponsor's**
145 **review under the sponsor's approval process.**

146 3. If a charter is approved by a sponsor, the charter application shall be submitted to
147 the state board of education, along with a statement of finding by the sponsor that the
148 application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a
149 monitoring plan under which the charter sponsor shall **monitor and** evaluate the [academic
150 performance, including annual performance reports, of students enrolled in the charter school.
151 ~~The state board of education shall approve or deny a charter application within sixty days of~~
152 ~~receipt of the application. The state board of education may deny a charter on grounds that~~
153 ~~the application fails to meet the requirements of sections 160.400 to 160.425 and section~~
154 ~~167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a~~
155 ~~charter sponsor. Any denial of a charter application made by the state board of education~~
156 ~~shall be in writing and shall identify the specific failures of the application to meet the~~
157 ~~requirements of sections 160.400 to 160.425 and section 167.349, and the written denial shall~~
158 ~~be provided within ten business days to the sponsor] **charter school.**~~

159 4. ~~[A charter school shall, as provided in its charter:~~

160 (1) ~~Be nonsectarian in its programs, admission policies, employment practices, and~~
161 ~~all other operations;~~

162 (2) ~~Comply with laws and regulations of the state, county, or city relating to health,~~
163 ~~safety, and state minimum educational standards, as specified by the state board of education,~~
164 ~~including the requirements relating to student discipline under sections 160.261, 167.161,~~
165 ~~167.164, and 167.171, notification of criminal conduct to law enforcement authorities under~~
166 ~~sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of~~
167 ~~school records under section 167.020, the minimum amount of school time required under~~
168 ~~section 171.031, and the employee criminal history background check and the family care~~
169 ~~safety registry check under section 168.133;~~

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

173 (4) ~~Be financially accountable, use practices consistent with the Missouri financial~~
174 ~~accounting manual, provide for an annual audit by a certified public accountant, publish audit~~
175 ~~reports and annual financial reports as provided in chapter 165, provided that the annual~~

176 financial report may be published on the department of elementary and secondary education's
177 internet website in addition to other publishing requirements, and provide liability insurance
178 to indemnify the school, its board, staff and teachers against tort claims. A charter school that
179 receives local educational agency status under subsection 6 of this section shall meet the
180 requirements imposed by the Elementary and Secondary Education Act for audits of such
181 agencies and comply with all federal audit requirements for charters with local educational
182 agency status. For purposes of an audit by petition under section 29.230, a charter school
183 shall be treated as a political subdivision on the same terms and conditions as the school
184 district in which it is located. For the purposes of securing such insurance, a charter school
185 shall be eligible for the Missouri public entity risk management fund pursuant to section
186 537.700. A charter school that incurs debt shall include a repayment plan in its financial plan;

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

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

204 (b) ~~For proposed high risk or alternative charter schools, sponsors shall approve~~
205 ~~performance measures based on mission, curriculum, teaching methods, and services.~~
206 ~~Sponsors shall also approve comprehensive academic and behavioral measures to determine~~
207 ~~whether students are meeting performance standards on a different time frame as specified in~~
208 ~~that school's charter. Student performance shall be assessed comprehensively to determine~~
209 ~~whether a high risk or alternative charter school has documented adequate student progress.~~
210 ~~Student performance shall be based on sponsor approved comprehensive measures as well as~~
211 ~~standardized public school measures. Annual presentation of charter school report card data~~

212 to the department of elementary and secondary education, the state board, and the public shall
213 include comprehensive measures of student progress.

214 (e) ~~Nothing in this subdivision shall be construed as permitting a charter school to be~~
215 ~~held to lower performance standards than other public schools within a district; however, the~~
216 ~~charter of a charter school may permit students to meet performance standards on a different~~
217 ~~time frame as specified in its charter. The performance standards for alternative and special~~
218 ~~purpose charter schools that target high risk students as defined in subdivision (5) of~~
219 ~~subsection 2 of this section shall be based on measures defined in the school's performance~~
220 ~~contract with its sponsors;~~

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

225 (8) ~~Provide along with any request for review by the state board of education the~~
226 ~~following:~~

227 (a) ~~Documentation that the applicant has provided a copy of the application to the~~
228 ~~school board of the district in which the charter school is to be located, except in those~~
229 ~~circumstances where the school district is the sponsor of the charter school; and~~

230 (b) ~~A statement outlining the reasons for approval or denial by the sponsor,~~
231 ~~specifically addressing the requirements of sections 160.400 to 160.425 and 167.349.~~

232 5. (1) ~~Proposed or existing high risk or alternative charter schools may include~~
233 ~~alternative arrangements for students to obtain credit for satisfying graduation requirements in~~
234 ~~the school's charter application and charter. Alternative arrangements may include, but not be~~
235 ~~limited to, credit for off-campus instruction, embedded credit, work experience through an~~
236 ~~internship arranged through the school, and independent studies. When the state board of~~
237 ~~education approves the charter, any such alternative arrangements shall be approved at such~~
238 ~~time.~~

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

243 [6.] 5. The charter of a charter school may be amended [at the request] by mutual
244 agreement of the governing body of the charter school and [on the approval of] the sponsor.
245 The sponsor and the governing board and staff of the charter school shall jointly review the
246 school's performance, management, and operations [during the first year of operation and
247 then every other year after the most recent review or at any point where the operation or
248 management of the charter school is changed or transferred to another entity, either public or

249 private. The governing board of a charter school may amend the charter, if the sponsor
250 approves such amendment, or the sponsor and the governing board may reach an agreement
251 in writing to reflect the charter school's decision to become a local educational agency. In
252 such case the sponsor shall give the department of elementary and secondary education
253 written notice no later than March first of any year, with the agreement to become effective
254 July first. The department may waive the March first notice date in its discretion. The
255 department shall identify and furnish a list of its regulations that pertain to local educational
256 agencies to such schools within thirty days of receiving such notice] as provided in the
257 contract.

258 [7. Sponsors shall annually review the charter school's compliance with statutory
259 standards including:

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

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

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

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

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

269 8. (1) (a) A sponsor's policies shall give schools clear, adequate, evidence based, and
270 timely notice of contract violations or performance deficiencies and mandate intervention
271 based upon findings of the state board of education of the following:

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

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

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

281 (b) 6. (1) A sponsor shall have a policy to revoke a charter during the charter term if
282 there is[:

283 a.] clear evidence of underperformance [as demonstrated in the charter school's
284 annual performance report in three of the last four school years;] or

285 [b.] a violation of the law or the public trust that imperils students or public funds.

286 ~~[(e)] (2) A sponsor shall revoke a charter or take other appropriate remedial action[;~~
287 ~~which may include placing the charter school on probationary status for no more than twenty-~~
288 ~~four months, provided that no more than one designation of probationary status shall be~~
289 ~~allowed for the duration of the charter contract, at any time if the charter school commits a~~
290 ~~serious breach of one or more provisions of its charter or on any of the following grounds:~~
291 ~~failure to meet the performance contract as set forth in its charter, failure to meet generally~~
292 ~~accepted standards of fiscal management, failure to provide information necessary to confirm~~
293 ~~compliance with all provisions of the charter and sections 160.400 to 160.425 and 167.349~~
294 ~~within forty-five days following receipt of written notice requesting such information, or~~
295 ~~violation of law.~~

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

299 ~~(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the~~
300 ~~governing board of the charter school of the proposed action in writing. The notice shall state~~
301 ~~the grounds for the proposed action. The school's governing board may request in writing a~~
302 ~~hearing before the sponsor within two weeks of receiving the notice.~~

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

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

311 ~~(6) A charter sponsor shall make available the school accountability report card~~
312 ~~information as provided under section 160.522 and the results of the academic monitoring~~
313 ~~required under subsection 3 of this section] as provided in the contract.~~

314 ~~[9:] 7. [(1)] A sponsor shall [take all reasonable steps necessary to] confirm that each~~
315 ~~charter school sponsored by such sponsor is in material compliance and remains in material~~
316 ~~compliance with all material provisions of the charter and sections 160.400 to 160.425 and~~
317 ~~167.349. Every charter school shall provide all information necessary to confirm ongoing~~
318 ~~compliance with all provisions of its charter and sections 160.400 to 160.425 and 167.349 in a~~
319 ~~timely manner to its sponsor.~~

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

322 ~~(a) The charter school has maintained results on its annual performance report that~~
323 ~~meet or exceed the district in which the charter school is located based on the performance~~
324 ~~standards that are applicable to the grade level configuration of both the charter school and~~
325 ~~the district in which the charter school is located in three of the last four school years;~~

326 ~~(b) The charter school is organizationally and fiscally viable determining at a~~
327 ~~minimum that the school does not have:~~

328 ~~a. A negative balance in its operating funds;~~

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

331 ~~c. Expenditures that exceed receipts for the most recently completed fiscal year;~~

332 ~~(c) The charter is in compliance with its legally binding performance contract and~~
333 ~~sections 160.400 to 160.425 and section 167.349; and~~

334 ~~(d) The charter school has an annual performance report consistent with a~~
335 ~~classification of accredited for three of the last four years and is fiscally viable as described in~~
336 ~~paragraph (b) of this subdivision. If such is the case, the charter school may have an~~
337 ~~expedited renewal process as defined by rule of the department of elementary and secondary~~
338 ~~education.~~

339 ~~(3) (a) Beginning August first during the year in which a charter is considered for~~
340 ~~renewal, a charter school sponsor shall demonstrate to the state board of education that the~~
341 ~~charter school is in compliance with federal and state law as provided in sections 160.400 to~~
342 ~~160.425 and section 167.349 and the school's performance contract including but not limited~~
343 ~~to those requirements specific to academic performance.~~

344 ~~(b) Along with data reflecting the academic performance standards indicated in~~
345 ~~paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the~~
346 ~~state board of education for review.~~

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

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

353 ~~10.] 8. A school district may enter into a lease with a charter school for physical~~
354 ~~facilities.~~

355 ~~11.] 9. A governing board or a school district employee who has control over~~
356 ~~personnel actions shall not take unlawful reprisal against another employee at the school~~
357 ~~district because the employee is directly or indirectly involved in an application to establish a~~
358 ~~charter school. A governing board or a school district employee shall not take unlawful~~

359 reprisal against an educational program of the school or the school district because an
 360 application to establish a charter school proposes the conversion of all or a portion of the
 361 educational program to a charter school. As used in this subsection, "unlawful reprisal"
 362 means an action that is taken by a governing board or a school district employee as a direct
 363 result of a lawful application to establish a charter school and that is adverse to another
 364 employee or an educational program.

365 ~~[12.]~~ **10.** Charter school board members shall be subject to the same liability for acts
 366 while in office as if they were regularly and duly elected members of school boards in any
 367 other public school district in this state. The governing board of a charter school may
 368 participate, to the same extent as a school board, in the Missouri public entity risk
 369 management fund in the manner provided under sections 537.700 to 537.756.

370 ~~[13.]~~ **11.** Any entity, either public or private, operating, administering, or otherwise
 371 managing a charter school shall be considered a quasi-public governmental body and subject
 372 to the provisions of sections 610.010 to 610.035.

373 ~~[14.]~~ **12.** The chief financial officer of a charter school shall maintain:

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

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

379 ~~[15. The department of elementary and secondary education shall calculate an annual
 380 performance report for each charter school and shall publish it in the same manner as annual
 381 performance reports are calculated and published for districts and attendance centers.~~

382 ~~16. The joint committee on education shall create a committee to investigate facility
 383 access and affordability for charter schools. The committee shall be comprised of equal
 384 numbers of the charter school sector and the public school sector and shall report its findings
 385 to the general assembly by December 31, 2016.]~~

160.410. 1. A charter school shall enroll[;

2 (1) all pupils ~~[resident]~~ **residing** in the district in which it operates[;

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

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

8 (4) ~~In the case of a charter school whose mission includes student drop-out prevention
 9 or recovery, any nonresident pupil from the same or an adjacent county who resides in a
 10 residential care facility, a transitional living group home, or an independent living program~~

11 ~~whose last school of enrollment is in the school district where the charter school is~~
12 ~~established, who submits a timely application; and~~

13 ~~(5) In the case of a workplace charter school, any student eligible to attend under~~
14 ~~subdivision (1) or (2) of this subsection whose parent is employed in the business district,~~
15 ~~who submits a timely application, unless the number of applications exceeds the capacity of a~~
16 ~~program, class, grade level or building. The configuration of a business district shall be set~~
17 ~~forth in the charter and shall not be construed to create an undue advantage for a single~~
18 ~~employer or small number of employers] as provided in the contract and subject to other~~
19 **requirements of law applicable to enrollment of students in the district, provided that a**
20 **charter school operating under a contract in effect on the effective date of this section**
21 **may enroll pupils as provided in the charter and such contract until the expiration of**
22 **such contract.**

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

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

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

36 (3) ~~Charter schools may also give a preference for admission to high-risk students, as~~
37 ~~defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these~~
38 ~~students through its proposed mission, curriculum, teaching methods, and services;~~

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

41 3. A charter school shall not limit admission based on race, ethnicity, national origin,
42 disability, income level, [except as allowed under subdivision (4) of subsection 2 of this
43 section,] proficiency in the English language, or athletic ability, but may limit admission to
44 pupils within a given age group or grade level. Charter schools may limit admission based on
45 gender only when the school is a single-gender school. [Students of a charter school who
46 have been enrolled for a full academic year shall be counted in the performance of the charter
47 school on the statewide assessments in that calendar year, unless otherwise exempted as

48 English language learners. For purposes of this subsection, "full academic year" means the
49 last Wednesday in September through the administration of the Missouri assessment program
50 test without transferring out of the school and re-enrolling.]

51 4. A charter school shall make available for public inspection, and provide upon
52 request, to the parent, guardian, or other custodian of any school-age pupil resident in the
53 district in which the school is located the following information:

54 (1) The school's charter;

55 (2) The school's most recent annual report card published according to section
56 160.522; **and**

57 (3) The results of background checks on the charter school's board members[; ~~and~~

58 (4) ~~If a charter school is operated by a management company, a copy of the written~~
59 ~~contract between the governing board of the charter school and the educational management~~
60 ~~organization or the charter management organization for services. The charter school may~~
61 ~~charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing~~
62 ~~copies of documents under this subsection].~~

63 5. When a student attending a charter school who is a resident of the school district in
64 which the charter school is located moves out of the boundaries of such school district, the
65 student may complete the current semester and shall be considered a resident student. The
66 student's parent or legal guardian shall be responsible for the student's transportation to and
67 from the charter school.

68 6. If a change in school district boundary lines occurs under section 162.223,
69 162.431, 162.441, or 162.451, or by action of the state board of education under section
70 162.081, including attachment of a school district's territory to another district or dissolution,
71 such that a student attending a charter school prior to such change no longer resides in a
72 school district in which the charter school is located, then the student may complete the
73 current academic year at the charter school. The student shall be considered a resident
74 student. The student's parent or legal guardian shall be responsible for the student's
75 transportation to and from the charter school.

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

160.415. 1. For the purposes of calculation and distribution of state school aid under
2 section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment
3 of the school district within which each pupil resides. Each charter school shall report the
4 eligibility for free and reduced price lunch, special education, or limited English proficiency
5 status, as well as eligibility for categorical aid, of pupils resident in a school district who are
6 enrolled in the charter school to the school district in which those pupils reside. The charter
7 school shall report the average daily attendance data, free and reduced price lunch count,

8 special education pupil count, and limited English proficiency pupil count to the state
9 department of elementary and secondary education. Each charter school shall promptly
10 notify the state department of elementary and secondary education and the pupil's school
11 district when a pupil discontinues enrollment at a charter school.

12 2. ~~[Except as provided in subsections 3 and 4 of this section, the]~~ Aid payments for
13 charter schools shall be as described in this subsection.

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

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

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

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

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

31 3. ~~[A workplace charter school shall receive payment for each eligible pupil as
32 provided under subsection 2 of this section, except that if the pupil is not a resident of the
33 district and is participating in a voluntary interdistrict transfer program, the payment for such
34 pupils shall be the same as provided under section 162.1060.]~~

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

45 ~~5. If a school district fails to make timely payments of any amount for which it is the~~
46 ~~disbursal agent, the state department of elementary and secondary education shall authorize~~
47 ~~payment to the charter school of the amount due pursuant to subsection 2 of this section and~~
48 ~~shall deduct the same amount from the next state school aid apportionment to the owing~~
49 ~~school district. If a charter school is paid more or less than the amounts due pursuant to this~~
50 ~~section, the amount of overpayment or underpayment shall be adjusted equally in the next~~
51 ~~twelve payments by the school district or the department of elementary and secondary~~
52 ~~education, as appropriate.] Any dispute between the school district and a charter school as to~~
53 ~~the amount owing to the charter school shall be resolved [by the department of elementary~~
54 ~~and secondary education, and the department's decision shall be the final administrative~~
55 ~~action for the purposes of review pursuant to chapter 536. During the period of dispute, the~~
56 ~~department of elementary and secondary education shall make every administrative and~~
57 ~~statutory effort to allow the continued education of students in their current charter school~~
58 ~~setting] as provided in the contract.~~

59 ~~[6.]~~ 4. The charter school and a local school board may agree by contract for services
60 to be provided by the school district to the charter school. The charter school may contract
61 with any other entity for services. Such services may include but are not limited to food
62 service, custodial service, maintenance, management assistance, curriculum assistance, media
63 services and libraries, **provided that no charter school shall be operated by a management**
64 **company or any entity other than the charter school board and its chief administrative**
65 **officer**, and shall be subject to negotiation between the charter school and the local school
66 board or other entity. Documented actual costs of such services shall be paid for by the
67 charter school.

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

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

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

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

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

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

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

89 ~~8.]~~ 5. A charter school may enter into contracts with community partnerships and
90 state agencies acting in collaboration with such partnerships that provide services to students
91 and their families linked to the school.

92 ~~[9.]~~ 6. A charter school shall be eligible for transportation state aid pursuant to section
93 163.161 and shall be free to contract with the local district, or any other entity, for the
94 provision of transportation to the students of the charter school.

95 ~~[10.]~~ 7. (1) The proportionate share of state and federal resources generated by
96 students with disabilities or staff serving them shall be paid in full to charter schools enrolling
97 those students by their school district where such enrollment is through a contract for services
98 described in this section. The proportionate share of money generated under other federal or
99 state categorical aid programs shall be directed to charter schools serving such students
100 eligible for that aid.

101 (2) A charter school shall provide the special services provided pursuant to section
102 162.705 and may provide the special services pursuant to a contract with a school district or
103 any provider of such services.

104 ~~[11.]~~ 8. A charter school shall not charge tuition or impose fees that a school district is
105 prohibited from charging or imposing, except that a charter school may receive tuition
106 payments from districts in the same or an adjoining county for nonresident students who
107 transfer to an approved charter school, as defined in section 167.895, from an unaccredited
108 district.

109 ~~[12.]~~ 9. A charter school is authorized to incur debt in anticipation of receipt of funds.
110 A charter school may also borrow to finance facilities and other capital items. A school
111 district may incur bonded indebtedness or take other measures to provide for physical
112 facilities and other capital items for charter schools that it sponsors or contracts with. Except
113 as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a
114 charter school, any liabilities of the corporation will be satisfied through the procedures of
115 chapter 355. A charter school shall satisfy all its financial obligations within twelve months
116 of notice from the sponsor of the charter school's closure ~~[under subsection 8 of section~~
117 ~~160.405]~~. After satisfaction of all its financial obligations, a charter school shall return any
118 remaining state and federal funds to the department of elementary and secondary education

119 for disposition ~~[as stated in subdivision (17) of subsection 1 of section 160.405]~~. The
120 department of elementary and secondary education may withhold funding at a level the
121 department determines to be adequate during a school's last year of operation until the
122 department determines that school records, liabilities, and reporting requirements, including a
123 full audit, are satisfied.

124 ~~[13:]~~ **10.** Charter schools shall not have the power to acquire property by eminent
125 domain.

126 ~~[14:]~~ **11.** The governing board of a charter school is authorized to accept grants, gifts
127 or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
128 donation shall not be accepted by the governing board if it is subject to any condition contrary
129 to law applicable to the charter school or other public schools, or contrary to the terms of the
130 charter.

131 ~~[15:]~~ **12.** In addition to any state aid remitted to charter schools under this section, the
132 department of elementary and secondary education shall remit to any charter school an
133 amount equal to the weighted average daily attendance of the charter school multiplied by the
134 difference of:

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

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

142 ~~[16:]~~ **13.** Charter schools may adjust weighted average daily attendance pursuant to
143 section 163.036.

144 ~~[17:]~~ **14.** When calculating the amounts in subdivisions (1) and (2) of subsection ~~[15]~~
145 **12** of this section, the department shall utilize the most current data to which the department
146 has access.

147 ~~[18:]~~ **15.** For the purposes of subsection ~~[15]~~ **12** of this section:

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

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

151 (a) Property taxes and delinquent taxes;

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

153 (c) Financial institutions' tax revenues;

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

- 156 (e) Payments in lieu of taxes; and
157 (f) Revenues from state-assessed railroad and utilities tax;
- 158 (3) The term local aid shall not be construed to include:
159 (a) Charitable contributions, gifts, and grants made to school districts;
160 (b) Interest earnings of school districts and student fees paid to school districts;
161 (c) Debt service authorized by a public vote for the purpose of making payments on a
162 bond issuance of a school district;
163 (d) Proposition C revenues received for school purposes from the school district trust
164 fund under section 163.087; or
165 (e) Any other funding solely intended for a particular school district or their
166 respective employees, schools, foundations, or organizations;
- 167 (4) The term "state aid" shall mean any revenues received pursuant to this section and
168 sections 163.043 and 163.087.
- 169 ~~[19. Notwithstanding any other provision of law to the contrary, subsections 15 to 18~~
170 ~~of this section shall be applicable to charter schools operated only in the following school~~
171 ~~districts, provided that no such school district shall be located in a county with more than one~~
172 ~~hundred fifty thousand but fewer than two hundred thousand inhabitants:~~
- 173 ~~(1) In a metropolitan school district;~~
174 ~~(2) In an urban school district containing most or all of a city with more than four~~
175 ~~hundred thousand inhabitants and located in more than one county;~~
176 ~~(3) In a school district that has been classified as unaccredited by the state board of~~
177 ~~education;~~
178 ~~(4) In a school district that has been classified as provisionally accredited by the state~~
179 ~~board of education and has received scores on its annual performance report consistent with a~~
180 ~~classification of provisionally accredited or unaccredited for three consecutive school years~~
181 ~~beginning with the 2012-13 accreditation year under the conditions described in paragraphs~~
182 ~~(a) and (b) of subdivision (4) of subsection 2 of section 160.400; or~~
183 ~~(5) In a school district that has been accredited without provisions, sponsored only by~~
184 ~~the local school board under the conditions described in subdivision (6) of subsection 2 of~~
185 ~~section 160.400.~~
- 186 ~~20.]~~ **16.** (1) The members of the governing board of a charter school shall be
187 residents of the state of Missouri.
- 188 (2) Any current member of a governing board of a charter school who does not meet
189 the requirements in subdivision (1) of this subsection may complete their term. Such
190 individual shall not be renominated as a member of the governing board on which he or she
191 sits.

192 ~~[21.]~~ 17. (1) Any charter school management company operating a charter school in
193 the state shall be a nonprofit corporation incorporated pursuant to chapter 355.

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

199 ~~[22.]~~ 18. Beginning July 1, 2023, the provisions of section 160.995 shall be
200 applicable to charter schools.

201 ~~[23.]~~ 19. Each charter school shall publish its annual performance report on the
202 school's website in a downloadable format.

160.417. 1. By October 1, 2012, and by each October first thereafter, the sponsor of
2 each charter school shall review the information submitted on the report required by section
3 162.821 to identify charter schools experiencing financial stress. ~~[The department of~~
4 ~~elementary and secondary education shall be authorized to obtain such additional information~~
5 ~~from a charter school as may be necessary to determine the financial condition of the charter~~
6 ~~school. Annually, a listing of charter schools identified as experiencing financial stress~~
7 ~~according to the provisions of this section shall be provided to the governor, speaker of the~~
8 ~~house of representatives, and president pro tempore of the senate by the department of~~
9 ~~elementary and secondary education.~~

10 ~~[2. For the purposes of this section, a charter school shall be identified as~~
11 ~~experiencing financial stress if it:~~

12 ~~(1) At the end of its most recently completed fiscal year:~~

13 ~~(a) Has a negative balance in its operating funds; or~~

14 ~~(b) Has a combined balance of less than three percent of the amount expended from~~
15 ~~such funds during the previous fiscal year;~~

16 ~~(2) For the most recently completed fiscal year expenditures, exceeded receipts for~~
17 ~~any of its funds because of recurring costs; or~~

18 ~~(3) Due to insufficient fund balances or reserves, incurred debt after January thirty-~~
19 ~~first and before July first during the most recently completed fiscal year in order to meet~~
20 ~~expenditures of the charter school.~~

21 ~~3.]~~ 2. The sponsor shall **promptly** notify ~~[by November first]~~ the governing board of
22 the charter school identified as experiencing financial stress. Upon receiving the notification,
23 the ~~[governing board shall develop, or cause to have developed, and shall approve a budget~~
24 ~~and education plan on forms provided by the sponsor. The budget and education plan shall be~~
25 ~~submitted to the sponsor, signed by the officers of the charter school, within forty-five~~
26 ~~calendar days of notification that the charter school has been identified as experiencing~~

27 ~~financial stress. Minimally, the budget and education plan]~~ **charter school and sponsor**
28 **shall mutually agree to a revised budget and education plan that shall:**

29 (1) Give **competent** assurances that adequate educational services to students of the
30 charter school shall continue uninterrupted for the remainder of the current school year and
31 that the charter school can provide the minimum amount of school time required by section
32 171.031;

33 (2) Outline a procedure to be followed by the charter school to report to charter
34 school patrons about the financial condition of the charter school; and

35 (3) Detail the expenditure reduction measures, revenue increases, or other actions to
36 be taken by the charter school to address its condition of financial stress.

37 ~~[4. Upon receipt and following review of any budget and education plan, the sponsor~~
38 ~~may make suggestions to improve the plan. Nothing in sections 160.400 to 160.425 or~~
39 ~~section 167.349 shall exempt a charter school from submitting a budget and education plan to~~
40 ~~the sponsor according to the provisions of this section following each such notification that a~~
41 ~~charter school has been identified as experiencing financial stress, except that the sponsor~~
42 ~~may permit a charter school's governing board to make amendments to or update a budget and~~
43 ~~education plan previously submitted to the sponsor.~~

44 ~~5. The department may withhold any payment of financial aid otherwise due to the~~
45 ~~charter school until such time as the sponsor and the charter school have fully complied with~~
46 ~~this section.]~~

160.420. 1. Any school district in which charter schools may be established under
2 sections 160.400 to 160.425 shall establish a uniform policy which provides that if a charter
3 school offers to retain the services of an employee of a school district, and the employee
4 accepts a position at the charter school, an employee at the employee's option may remain an
5 employee of the district and the charter school shall pay to the district the district's full costs
6 of salary and benefits provided to the employee. The district's policy shall provide that any
7 teacher who accepts a position at a charter school and opts to remain an employee of the
8 district retains such teacher's permanent teacher status and retains such teacher's seniority
9 rights in the district for three years. The school district shall not be liable for any such
10 employee's acts while an employee of the charter school.

11 2. A charter school ~~[may]~~ **shall** employ ~~[nuncertificated]~~ **certificated** instructional
12 personnel; ~~provided that no more than twenty percent of the full-time equivalent~~
13 ~~instructional staff positions at the school are filled by nuncertificated personnel. All~~
14 ~~nuncertificated instructional personnel shall be supervised by certificated instructional~~
15 ~~personnel. A charter school that has a foreign language immersion experience as its chief~~
16 ~~educational mission, as stated in its charter, shall not be subject to the twenty percent~~
17 ~~requirement of this subsection but shall ensure that any teachers whose duties include~~

~~18 instruction given in a foreign language have current valid credentials in the country in which
19 such teacher received his or her training and shall remain subject to the remaining
20 requirements of this subsection. The charter school shall ensure that all instructional
21 employees of the charter school have experience, training and skills appropriate to the
22 instructional duties of the employee, and the charter school shall ensure that a criminal
23 background check and family care safety registry check are conducted for each employee of
24 the charter school prior to the hiring of the employee under the requirements of section
25 168.133. The charter school may not employ instructional personnel whose certificate of
26 license to teach has been revoked or is currently suspended by the state board of education.
27 Appropriate experience, training and skills of noncertificated instructional personnel shall be
28 determined considering:~~

- ~~29 (1) Teaching certificates issued by another state or states;~~
- ~~30 (2) Certification by the National Board for Professional Teaching Standards;~~
- ~~31 (3) College degrees in the appropriate field;~~
- ~~32 (4) Evidence of technical training and competence when such is appropriate; and~~
- ~~33 (5) The level of supervision and coordination with certificated instructional staff]~~

~~34 **under the same requirements applicable to instructional personnel of the district,**
35 **provided that this subsection shall not apply to noncertificated personnel employed by a**
36 **charter school under a contract in effect on the effective date of this section.**~~

37 3. Personnel employed by the charter school shall participate in the retirement system
38 of the school district in which the charter school is located, subject to the same terms,
39 conditions, requirements and other provisions applicable to personnel employed by the school
40 district. For purposes of participating in the retirement system, the charter school shall be
41 considered to be a public school within the school district, and personnel employed by the
42 charter school shall be public school employees. In the event of a lapse of the school district's
43 corporate organization as described in subsections 1 and 4 of section 162.081, personnel
44 employed by the charter school shall continue to participate in the retirement system and shall
45 do so on the same terms, conditions, requirements and other provisions as they participated
46 prior to the lapse.

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

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

9 term of each member, the governor, by and with the advice and consent of the senate, shall
10 appoint a successor.

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

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

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

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

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

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

23 4. Members appointed to the commission shall collectively possess strong experience
24 and expertise in governance, management and finance, school leadership, assessment,
25 curriculum and instruction, and education law. All members of the commission shall have
26 demonstrated understanding of and commitment to charter schooling as a strategy for
27 strengthening public education.

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

33 6. The commission may approve proposed charters for its sponsorship under sections
34 160.400 to 160.425 and shall:

35 (1) Comply with all of the requirements applicable to sponsors under sections
36 160.400 to 160.425;

37 (2) Exercise sponsorship over charters approved by the commission under sections
38 160.400 to 160.425~~], including receipt of sponsorship funding under subsection 11 of section~~
39 ~~160.400~~]. Sponsorship funding due to the commission shall be deposited to the credit of the
40 charter public school commission revolving fund created pursuant to this section.

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

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

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

47 10. The commission is authorized to receive and expend gifts, grants, and donations
48 of any kind from any public or private entity to carry out the purposes of sections 160.400 to
49 160.425, subject to the terms and conditions under which they are given, provided that all
50 such terms and conditions are permissible under law.

51 11. There is hereby created in the state treasury the "Charter Public School
52 Commission Revolving Fund", which shall consist of moneys collected under this section.
53 The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
54 30.180, the state treasurer may approve disbursements. Notwithstanding the provisions of
55 section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium
56 shall not revert to the credit of the general revenue fund. The state treasurer shall invest
57 moneys in the fund in the same manner as other funds are invested. Subject to appropriation,
58 moneys in the fund shall be used solely for the administration of this section.

59 **12. The commission shall not approve any charter for sponsorship on or after**
60 **the effective date of this section.**

61 **13. The commission shall not renew any charter contract on or after the effective**
62 **date of this section.**

63 **14. The commission shall be abolished as of thirty days following the date of the**
64 **expiration of the last existing charter contract effective on the effective date of this**
65 **section for charter schools sponsored by the commission on the effective date of this**
66 **section.**

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

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

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

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

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

15 ~~2. Notwithstanding any other provision of law, high-quality charter~~
16 ~~schools shall be provided expedited opportunities to replicate and expand into~~
17 ~~unaccredited districts, a metropolitan district, or an urban school district~~
~~containing most or all of a home rule city with more than four hundred~~

18 ~~thousand inhabitants and located in more than one county. Such replication~~
19 ~~and expansion 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~~
23 ~~160.425 and section 167.349;~~

24 ~~(2) The sponsor's decision to approve or deny shall be made within~~
25 ~~sixty 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~~
27 ~~be 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~~
30 ~~shall 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~~
32 ~~year 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 years.~~
35 ~~Renewal shall be subject to the provisions of paragraphs (a) to (d) of~~
36 ~~subdivision (3) of subsection 9 of section 160.405.]~~

✓