

HB 405 --MODIFIES CHARTER SCHOOL PROVISIONS

SPONSOR: Clemens

Currently, a charter school is defined as an independent public school operated in a specified district. Entities that are eligible to sponsor charter schools are also specified.

This bill instead defines a charter school as a semi-autonomous public school that may be operated in any school district, sponsored only by the school board of the district or by a special administrative board for the district. The bill will not, however, affect charter contracts that are in effect on the effective date of this bill until the expiration of the contract.

Currently, a charter school must select the method for election of officers based on the class of corporation selected. As specified in this bill, the method for election of officers of the charter school will be mutually agreed to by the charter and sponsoring school board.

The bill also repeals provisions relating to the expenses associated with sponsorship of charter schools, and specifies that the Department of Elementary and Secondary Education will monitor each school board's sponsorship and ensure that the school board meets certain requirements.

Currently, the Department is permitted to withhold a sponsor's funding if the sponsor is found to be in material noncompliance with its sponsorship duties. This bill repeals this provision.

If the State Board of Education removes the authority to sponsor a currently operating charter school, the State Board, rather than the Missouri Charter Public School Commission, will become the sponsor of the school for the remainder of the term of the charter contract. The State and the sponsoring district will not be liable for any outstanding liability or obligations of the charter school (Section 160.400).

The bill repeals provisions setting forth the application and approval process for charter school sponsors, and instead specifies that the Department must exercise sponsorship oversight and monitoring to ensure that local school districts only sponsor charter schools that meet criteria specified in the bill, and do so by way of a procedure that complies with the process specified bill (Section 160.403).

Any person, group or organization seeking to establish a charter school must submit the proposed charter to the local school board

or special administrative board, rather than to a charter sponsor. The bill repeals the provision requiring a charter to include a legally binding performance contract that outlines the obligations and responsibilities of the school and sponsor, and also repeals all contract requirements. Instead, a charter must include a contract that outlines the responsibilities of the school to provide students with a free, accessible, non-sectarian, quality education that is delivered subject to the same basic safeguards and standards as other district schools, including certain standards specified in the bill. Each charter must not exceed five years.

A charter school may be approved, as specified in this bill, only if the sponsor determines the charter is both necessary to meet the needs of students in the district and will meet those needs in a manner that improves the local public school system. Charter schools may be authorized or expanded only after a district has assessed the impact of the proposed charter school on local public school resources, programs and services, and other elements specified in the bill. The impact analysis will be independent, developed with community input, and be publicly available.

If a proposed charter is denied by a sponsor, the charter may be submitted to the State Board to consider appeals of approvals or denials on the grounds that the sponsor's process for approving a charter was not properly followed or that the approval or denial was arbitrary or illegal. The bill repeals current provisions specifying charter school requirements, and charter school sponsor requirements.

The charter of a charter school may be amended by mutual agreement of the governing body of the charter school and the sponsor, rather than at the request of the governing body and upon approval of the sponsor. The bill also repeals provisions relating to when the sponsor and governing board will review the school's performance, management and operations, and requires the sponsor and governing board to do so as specified in the charter contract.

The bill repeals provisions requiring the Department to calculate an annual performance report for each charter school, and requiring the Joint Committee on Education to create a committee to investigate facility access and affordability of charter schools (Section 160.405).

This bill repeals all provisions relating to high-quality charter schools (Section 160.408).

A charter school must enroll, as specified in this bill, all pupils residing in the district in which it operates as provided in the

contract, provided that charter schools operating under contracts in effect on the effective date of this section may enroll pupils as specified in the charter and contract in effect on the effective date of this bill.

The bill repeals provisions establishing requirements for the admissions process in current law, as well as provisions requiring charter school students who have been enrolled for a full academic year to be counted in the performance of the charter school on statewide assessments.

This bill further repeals the provision requiring a charter school to make available a copy of any contract between a charter school and an educational management company (Section 160.410).

Provisions relating to State aid for workplace charter schools are repealed in this bill, in addition to certain provisions specifying the amount of State aid charter schools can receive from the Department. Any dispute between the school district and a charter school as to the amount owed to the charter school will be resolved as specified in the contract, rather than by the Department.

This bill prohibits a charter school from being operated by a management company or any entity other than the charter school board and the chief administrative officer, and repeals provisions specifying the requirements for proposal requests (Section 160.415).

Provisions allowing the Department to obtain information regarding the financial condition of a charter school, and outlining the determination for whether a charter school will be identified as experiencing financial stress are repealed under this bill.

A sponsor will be required to promptly notify the governing board of a charter school if the school is experiencing financial stress. Currently, a sponsor is required to notify the board by November first. Upon receiving such notification, the charter school and sponsor must mutually agree to a revised budget and education plan meeting certain requirements specified in the bill.

Provisions allowing a sponsor to make suggestions to improve a plan are repealed, along with provisions allowing the Department to withhold any payment aid due to a charter school until compliance with current law (Section 160.417).

Currently a charter school is allowed to employ non-certificated instructional personnel provided certain conditions are met. This bill repeals such provision and requires a charter school to employ

certificated personnel under the same requirements applicable to instructional personnel of the district (Section 160.420).

As specified in this bill, the Missouri Charter Public School Commission will be prohibited from approving or renewing any charter for sponsorship on or after the effective date of this bill.

The Commission will be abolished 30 days after the date of the last expiration of existing charter contracts effective on the effective date of this bill for charter schools sponsored by the Commission on the effective date of this bill (Section 160.425).

This bill is similar to HB 2847 (2024).