

SECOND REGULAR SESSION

HOUSE BILL NO. 2420

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOY.

4406H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 160.400, 160.405, 160.415, 160.420, 160.425, and 167.349, RSMo, and to enact in lieu thereof six 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Section A. Sections 160.400, 160.405, 160.415, 160.420, 160.425, and 167.349, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.400, 160.405, 160.415, 160.420, 160.425, and 167.349, to read as follows:

- 160.400. 1. A charter school is an independent public school.
2. ~~[Except as further provided in subsection 4 of this section,]~~ Charter schools may be operated ~~[only:~~
- ~~(1) In a metropolitan school district;~~
 - ~~(2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;~~
 - ~~(3) In a school district that has been classified as unaccredited by the state board of education;~~
 - ~~(4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year under the following conditions:~~
 - ~~(a) The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as defined in sections 161.520 to 161.529, or on financial hardship as defined by rule of the state board of education, shall be~~

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.

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] in any school district.~~

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

36 (1) (a) The school board of **[the] any school** district ~~[in any district which is~~
37 ~~sponsoring a charter school as of August 27, 2012, as permitted under subdivision (1) or (2)~~
38 ~~of subsection 2 of this section,];~~

39 (b) The special administrative board of a metropolitan school district during any time
40 in which powers granted to the district's board of education are vested in a special
41 administrative board~~[-];~~ or

42 (c) If the state board of education appoints a special administrative board to retain the
43 authority granted to the board of education of an urban school district containing most or all
44 of a city with a population greater than three hundred fifty thousand inhabitants, the special
45 administrative board of such school district;

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

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

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

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

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

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

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

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

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

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

79 ~~5.]~~ 4. The mayor of a city not within a county may request a sponsor under
80 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a
81 "workplace charter school", which is defined for purposes of sections 160.400 to 160.425 as a
82 charter school with the ability to target prospective students whose parent or parents are
83 employed in a business district, as defined in the charter, which is located in the city.

84 ~~[6.]~~ 5. No sponsor shall receive from an applicant for a charter school any fee of any
85 type for the consideration of a charter, nor may a sponsor condition its consideration of a
86 charter on the promise of future payment of any kind.

87 ~~[7.]~~ 6. The charter school shall be organized as a Missouri nonprofit corporation
88 incorporated pursuant to chapter 355. The charter provided for herein shall constitute a
89 contract between the sponsor and the charter school.

90 ~~[8:]~~ 7. As a nonprofit corporation incorporated pursuant to chapter 355, the charter
91 school shall select the method for election of officers pursuant to section 355.326 based on
92 the class of corporation selected. Meetings of the governing board of the charter school shall
93 be subject to the provisions of sections 610.010 to 610.030.

94 ~~[9:]~~ 8. A sponsor of a charter school, its agents and employees are not liable for any
95 acts or omissions of a charter school that it sponsors, including acts or omissions relating to
96 the charter submitted by the charter school, the operation of the charter school and the
97 performance of the charter school.

98 ~~[10:]~~ 9. A charter school may affiliate with a four-year college or university, including
99 a private college or university, or a community college as otherwise specified in subsection 3
100 of this section when its charter is granted by a sponsor other than such college, university or
101 community college. Affiliation status recognizes a relationship between the charter school
102 and the college or university for purposes of teacher training and staff development,
103 curriculum and assessment development, use of physical facilities owned by or rented on
104 behalf of the college or university, and other similar purposes. A university, college or
105 community college may not charge or accept a fee for affiliation status.

106 ~~[11:]~~ 10. The expenses associated with sponsorship of charter schools shall be
107 defrayed by the department of elementary and secondary education retaining one and five-
108 tenths percent of the amount of state and local funding allocated to the charter school under
109 section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for
110 inflation. The department of elementary and secondary education shall remit the retained
111 funds for each charter school to the school's sponsor, provided the sponsor remains in good
112 standing by fulfilling its sponsorship obligations under sections 160.400 to 160.425 and
113 167.349 with regard to each charter school it sponsors, including appropriate demonstration
114 of the following:

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

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

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

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

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

130 ~~[12.]~~ **11.** Sponsors receiving funds under subsection 11 of this section shall be
131 required to submit annual reports to the joint committee on education demonstrating they are
132 in compliance with subsection ~~[17]~~ **16** of this section.

133 ~~[13.]~~ **12.** No university, college or community college shall grant a charter to a
134 nonprofit corporation if an employee of the university, college or community college is a
135 member of the corporation's board of directors.

136 ~~[14.]~~ **13.** No sponsor shall grant a charter under sections 160.400 to 160.425 and
137 167.349 without ensuring that a criminal background check and family care safety registry
138 check are conducted for all members of the governing board of the charter schools or the
139 incorporators of the charter school if initial directors are not named in the articles of
140 incorporation, nor shall a sponsor renew a charter without ensuring a criminal background
141 check and family care safety registry check are conducted for each member of the governing
142 board of the charter school.

143 ~~[15.]~~ **14.** No member of the governing board of a charter school shall hold any office
144 or employment from the board or the charter school while serving as a member, nor shall the
145 member have any substantial interest, as defined in section 105.450, in any entity employed
146 by or contracting with the board. No board member shall be an employee of a company that
147 provides substantial services to the charter school. All members of the governing board of the
148 charter school shall be considered decision-making public servants as defined in section
149 105.450 for the purposes of the financial disclosure requirements contained in sections
150 105.483, 105.485, 105.487, and 105.489.

151 ~~[16.]~~ **15.** A sponsor shall develop the policies and procedures for:

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

157 (2) The granting of a charter;

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

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

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

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

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

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

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

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

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

202 ~~[48:]~~ 17. If a sponsor notifies a charter school of closure under subsection 8 of section
203 160.405, the department of elementary and secondary education shall exercise its financial
204 withholding authority under subsection 12 of section 160.415 to assure all obligations of the
205 charter school shall be met. The state, charter sponsor, or resident district shall not be liable
206 for any outstanding liability or obligations of the charter school.

160.405. 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 charter shall include a
8 legally binding performance contract that describes the obligations and responsibilities of the
9 school and the sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and
10 shall address the following:

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

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

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

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

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

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

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

- 30 (8) A description of the charter school's educational program and curriculum;
- 31 (9) The term of the charter, which shall be five years and may be renewed;
- 32 (10) Procedures, consistent with the Missouri financial accounting manual, for
33 monitoring the financial accountability of the charter, which shall meet the requirements of
34 subdivision (4) of subsection 4 of this section;
- 35 (11) Preopening requirements for applications that require that charter schools meet
36 all health, safety, and other legal requirements prior to opening;
- 37 (12) A description of the charter school's policies on student discipline and student
38 admission, which shall include a statement, where applicable, of the validity of attendance of
39 students who do not reside in the district but who may be eligible to attend under the terms of
40 judicial settlements and procedures that ensure admission of students with disabilities in a
41 nondiscriminatory manner;
- 42 (13) A description of the charter school's grievance procedure for parents or
43 guardians;
- 44 (14) A description of the agreement and time frame for implementation between the
45 charter school and the sponsor as to when a sponsor shall intervene in a charter school, when
46 a sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and
47 when a sponsor will not renew a charter under subsection 9 of this section;
- 48 (15) Procedures to be implemented if the charter school should close, as provided in
49 subdivision (6) of subsection ~~[46]~~ 15 of section 160.400 including:
- 50 (a) Orderly transition of student records to new schools and archival of student
51 records;
- 52 (b) Archival of business operation and transfer or repository of personnel records;
- 53 (c) Submission of final financial reports;
- 54 (d) Resolution of any remaining financial obligations;
- 55 (e) Disposition of the charter school's assets upon closure; and
- 56 (f) A notification plan to inform parents or guardians of students, the local school
57 district, the retirement system in which the charter school's employees participate, and the
58 state board of education within thirty days of the decision to close;
- 59 (16) A description of the special education and related services that shall be available
60 to meet the needs of students with disabilities; and
- 61 (17) For all new or revised charters, procedures to be used upon closure of the charter
62 school requiring that unobligated assets of the charter school be returned to the department of
63 elementary and secondary education for their disposition, which upon receipt of such assets
64 shall return them to the local school district in which the school was located, the state, or any
65 other entity to which they would belong.
- 66

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

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

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

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

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

82 (4) If a proposed charter is denied by a sponsor, the proposed charter may be
83 submitted to the state board of education, along with the sponsor's written reasons for its
84 denial. If the state board determines that the applicant meets the requirements of this section,
85 that the applicant is sufficiently qualified to operate the charter school, and that granting a
86 charter to the applicant would be likely to provide educational benefit to the children of the
87 district, the state board may grant a charter and act as sponsor of the charter school. The state
88 board shall review the proposed charter and make a determination of whether to deny or grant
89 the proposed charter within sixty days of receipt of the proposed charter, provided that any
90 charter to be considered by the state board of education under this subdivision shall be
91 submitted no later than March first prior to the school year in which the charter school intends
92 to begin operations. The state board of education shall notify the applicant in writing as the
93 reasons for its denial, if applicable; and

94 (5) The sponsor of a charter school shall give priority to charter school applicants that
95 propose a school oriented to high-risk students and to the reentry of dropouts into the school
96 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
97 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their
98 student body and address the needs of dropouts or high-risk students through their proposed
99 mission, curriculum, teaching methods, and services. For purposes of this subsection, a
100 "high-risk" student is one who is at least one year behind in satisfactory completion of course
101 work or obtaining high school credits for graduation, has dropped out of school, is at risk of
102 dropping out of school, needs drug and alcohol treatment, has severe behavioral problems,
103 has been suspended from school three or more times, has a history of severe truancy, is a

104 pregnant or parenting teen, has been referred for enrollment by the judicial system, is exiting
105 incarceration, is a refugee, is homeless or has been homeless sometime within the preceding
106 six months, has been referred by an area school district for enrollment in an alternative
107 program, or qualifies as high risk under department of elementary and secondary education
108 guidelines. Dropout shall be defined through the guidelines of the school core data report.
109 The provisions of this subsection do not apply to charters sponsored by the state board of
110 education.

111 3. If a charter is approved by a sponsor, the charter application shall be submitted to
112 the state board of education, along with a statement of finding by the sponsor that the
113 application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a
114 monitoring plan under which the charter sponsor shall evaluate the academic performance,
115 including annual performance reports, of students enrolled in the charter school. The state
116 board of education shall approve or deny a charter application within sixty days of receipt of
117 the application. The state board of education may deny a charter on grounds that the
118 application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349
119 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter
120 sponsor. Any denial of a charter application made by the state board of education shall be in
121 writing and shall identify the specific failures of the application to meet the requirements of
122 sections 160.400 to 160.425 and section 167.349, and the written denial shall be provided
123 within ten business days to the sponsor.

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

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

127 (2) Comply with laws and regulations of the state, county, or city relating to health,
128 safety, and state minimum educational standards, as specified by the state board of education,
129 including the requirements relating to student discipline under sections 160.261, 167.161,
130 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under
131 sections 167.115 ~~[to]~~ and 167.117, academic assessment under section 160.518, transmittal of
132 school records under section 167.020, the minimum amount of school time required under
133 section 171.031, and the employee criminal history background check and the family care
134 safety registry check under section 168.133;

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

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

141 financial report may be published on the department of elementary and secondary education's
142 internet website in addition to other publishing requirements, and provide liability insurance
143 to indemnify the school, its board, staff and teachers against tort claims. A charter school that
144 receives local educational agency status under subsection 6 of this section shall meet the
145 requirements imposed by the Elementary and Secondary Education Act for audits of such
146 agencies and comply with all federal audit requirements for charters with local educational
147 agency status. For purposes of an audit by petition under section 29.230, a charter school
148 shall be treated as a political subdivision on the same terms and conditions as the school
149 district in which it is located. For the purposes of securing such insurance, a charter school
150 shall be eligible for the Missouri public entity risk management fund pursuant to section
151 537.700. A charter school that incurs debt shall include a repayment plan in its financial plan;

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

154 (6) (a) Design a method to measure pupil progress toward the pupil academic
155 standards adopted by the state board of education pursuant to section 160.514, establish
156 baseline student performance in accordance with the performance contract during the first
157 year of operation, collect student performance data as defined by the annual performance
158 report throughout the duration of the charter to annually monitor student academic
159 performance, and to the extent applicable based upon grade levels offered by the charter
160 school, participate in the statewide system of assessments, comprised of the essential skills
161 tests and the nationally standardized norm-referenced achievement tests, as designated by the
162 state board pursuant to section 160.518, complete and distribute an annual report card as
163 prescribed in section 160.522, which shall also include a statement that background checks
164 have been completed on the charter school's board members, and report to its sponsor, the
165 local school district, and the state board of education as to its teaching methods and any
166 educational innovations and the results thereof. No charter school shall be considered in the
167 Missouri school improvement program review of the district in which it is located for the
168 resource or process standards of the program.

169 (b) For proposed high-risk or alternative charter schools, sponsors shall approve
170 performance measures based on mission, curriculum, teaching methods, and services.
171 Sponsors shall also approve comprehensive academic and behavioral measures to determine
172 whether students are meeting performance standards on a different time frame as specified in
173 that school's charter. Student performance shall be assessed comprehensively to determine
174 whether a high-risk or alternative charter school has documented adequate student progress.
175 Student performance shall be based on sponsor-approved comprehensive measures as well as
176 standardized public school measures. Annual presentation of charter school report card data

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

179 (c) Nothing in this subdivision shall be construed as permitting a charter school to be
180 held to lower performance standards than other public schools within a district; however, the
181 charter of a charter school may permit students to meet performance standards on a different
182 time frame as specified in its charter. The performance standards for alternative and special
183 purpose charter schools that target high-risk students as defined in subdivision (5) of
184 subsection 2 of this section shall be based on measures defined in the school's performance
185 contract with its sponsors;

186 (7) Comply with all applicable federal and state laws and regulations regarding
187 students with disabilities, including sections 162.670 to 162.710, the Individuals with
188 Disabilities Education Act (20 U.S.C. Section 1400 **et seq.**) and Section 504 of the
189 Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor legislation;

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

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

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

197 5. (1) Proposed or existing high-risk or alternative charter schools may include
198 alternative arrangements for students to obtain credit for satisfying graduation requirements in
199 the school's charter application and charter. Alternative arrangements may include, but not be
200 limited to, credit for off-campus instruction, embedded credit, work experience through an
201 internship arranged through the school, and independent studies. When the state board of
202 education approves the charter, any such alternative arrangements shall be approved at such
203 time.

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

208 6. The charter of a charter school may be amended at the request of the governing
209 body of the charter school and on the approval of the sponsor. The sponsor and the governing
210 board and staff of the charter school shall jointly review the school's performance,
211 management and operations during the first year of operation and then every other year after
212 the most recent review or at any point where the operation or management of the charter
213 school is changed or transferred to another entity, either public or private. The governing

214 board of a charter school may amend the charter, if the sponsor approves such amendment, or
215 the sponsor and the governing board may reach an agreement in writing to reflect the charter
216 school's decision to become a local educational agency. In such case the sponsor shall give
217 the department of elementary and secondary education written notice no later than March first
218 of any year, with the agreement to become effective July first. The department may waive the
219 March first notice date in its discretion. The department shall identify and furnish a list of its
220 regulations that pertain to local educational agencies to such schools within thirty days of
221 receiving such notice.

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

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

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

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

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

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

233 8. (1) (a) A sponsor's policies shall give schools clear, adequate, evidence-based, and
234 timely notice of contract violations or performance deficiencies and mandate intervention
235 based upon findings of the state board of education of the following:

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

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

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

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

247 a. Clear evidence of underperformance as demonstrated in the charter school's annual
248 performance report in three of the last four school years; or

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

250 (c) A sponsor shall revoke a charter or take other appropriate remedial action, which
251 may include placing the charter school on probationary status for no more than twenty-four
252 months, provided that no more than one designation of probationary status shall be allowed
253 for the duration of the charter contract, at any time if the charter school commits a serious
254 breach of one or more provisions of its charter or on any of the following grounds: failure to
255 meet the performance contract as set forth in its charter, failure to meet generally accepted
256 standards of fiscal management, failure to provide information necessary to confirm
257 compliance with all provisions of the charter and sections 160.400 to 160.425 and 167.349
258 within forty-five days following receipt of written notice requesting such information, or
259 violation of law.

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

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

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

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

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

278 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter
279 school sponsored by such sponsor is in material compliance and remains in material
280 compliance with all material provisions of the charter and sections 160.400 to 160.425 and
281 167.349. Every charter school shall provide all information necessary to confirm ongoing
282 compliance with all provisions of its charter and sections 160.400 to 160.425 and 167.349 in a
283 timely manner to its sponsor.

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

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

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

292 a. A negative balance in its operating funds;

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

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

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

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

303 (3) (a) Beginning August first during the year in which a charter is considered for
304 renewal, a charter school sponsor shall demonstrate to the state board of education that the
305 charter school is in compliance with federal and state law as provided in sections 160.400 to
306 160.425 and section 167.349 and the school's performance contract including but not limited
307 to those requirements specific to academic performance.

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

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

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

317 10. A school district may enter into a lease with a charter school for physical
318 facilities.

319 11. A governing board or a school district employee who has control over personnel
320 actions shall not take unlawful reprisal against another employee at the school district because
321 the employee is directly or indirectly involved in an application to establish a charter school.
322 A governing board or a school district employee shall not take unlawful reprisal against an

323 educational program of the school or the school district because an application to establish a
324 charter school proposes the conversion of all or a portion of the educational program to a
325 charter school. As used in this subsection, "unlawful reprisal" means an action that is taken
326 by a governing board or a school district employee as a direct result of a lawful application to
327 establish a charter school and that is adverse to another employee or an educational program.

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

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

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

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

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

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

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

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 and
54 secondary education, and the department's decision shall be the final administrative action for
55 the purposes of review pursuant to chapter 536. During the period of dispute, the department
56 of elementary and secondary education shall make every administrative and statutory effort to
57 allow the continued education of students in their current charter school setting.

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

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

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

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

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

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

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

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

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

89 9. A charter school shall be eligible for transportation state aid pursuant to section
90 163.161 and shall be free to contract with the local district, or any other entity, for the
91 provision of transportation to the students of the charter school.

92 10. (1) The proportionate share of state and federal resources generated by students
93 with disabilities or staff serving them shall be paid in full to charter schools enrolling those
94 students by their school district where such enrollment is through a contract for services
95 described in this section. The proportionate share of money generated under other federal or
96 state categorical aid programs shall be directed to charter schools serving such students
97 eligible for that aid.

98 (2) A charter school shall provide the special services provided pursuant to section
99 162.705 and may provide the special services pursuant to a contract with a school district or
100 any provider of such services.

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

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

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

121 14. The governing board of a charter school is authorized to accept grants, gifts or
122 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or

123 donation shall not be accepted by the governing board if it is subject to any condition contrary
124 to law applicable to the charter school or other public schools, or contrary to the terms of the
125 charter.

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

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

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

137 16. Charter schools may adjust weighted average daily attendance pursuant to section
138 163.036.

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

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

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

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

145 (a) Property taxes and delinquent taxes;

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

147 (c) Financial institutions' tax revenues;

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

150 (e) Payments in lieu of taxes; and

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

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

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

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

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

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

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

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

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

~~(1) In a metropolitan school district;~~

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

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

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

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

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

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

~~[21.]~~ **20.** (1) Any charter school management company operating a charter school in the state shall be a nonprofit corporation incorporated pursuant to chapter 355.

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

~~[22.]~~ **21.** Beginning July 1, 2023, the provisions of section 160.995 shall be applicable to charter schools.

195 ~~[23-]~~ **22.** Each charter school shall publish its annual performance report on the
196 school's website in a downloadable format.

160.420. 1. ~~[Any]~~ **A** school district in which ~~a charter [schools may be]~~ **school is**
2 established under sections 160.400 to 160.425 shall establish a uniform policy which provides
3 that if a charter school offers to retain the services of an employee of a school district, and the
4 employee accepts a position at the charter school, an employee at the employee's option may
5 remain an employee of the district and the charter school shall pay to the district the district's
6 full costs of salary and benefits provided to the employee. The district's policy shall provide
7 that any teacher who accepts a position at a charter school and opts to remain an employee of
8 the 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 employ noncertificated instructional personnel; provided that
12 no more than twenty percent of the full-time equivalent instructional staff positions at the
13 school are filled by noncertificated personnel. All noncertificated instructional personnel shall
14 be supervised by certificated instructional personnel. A charter school that has a foreign
15 language immersion experience as its chief educational mission, as stated in its charter, shall
16 not be subject to the twenty-percent requirement of this subsection but shall ensure that any
17 teachers whose duties include instruction given in a foreign language have current valid
18 credentials in the country in which such teacher received his or her training and shall remain
19 subject to the remaining requirements of this subsection. The charter school shall ensure that
20 all instructional employees of the charter school have experience, training and skills
21 appropriate to the instructional duties of the employee, and the charter school shall ensure that
22 a criminal background check and family care safety registry check are conducted for each
23 employee of the charter school prior to the hiring of the employee under the requirements of
24 section 168.133. The charter school may not employ instructional personnel whose
25 certificate of license to teach has been revoked or is currently suspended by the state board of
26 education. Appropriate experience, training and skills of noncertificated instructional
27 personnel shall be determined considering:

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

33 3. Personnel employed by the charter school shall participate in the retirement system
34 of the school district in which the charter school is located, subject to the same terms,
35 conditions, requirements and other provisions applicable to personnel employed by the school

36 district. For purposes of participating in the retirement system, the charter school shall be
37 considered to be a public school within the school district, and personnel employed by the
38 charter school shall be public school employees. In the event of a lapse of the school district's
39 corporate organization as described in subsections 1 and 4 of section 162.081, personnel
40 employed by the charter school shall continue to participate in the retirement system and shall
41 do so on the same terms, conditions, requirements and other provisions as they participated
42 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]~~ **chair** and vice ~~[chairperson]~~
29 **chair**, who shall act as ~~[chairperson]~~ **chair** in his or her absence. The commission shall meet
30 at the call of the ~~[chairperson]~~ **chair**. The ~~[chairperson]~~ **chair** may call meetings at such

31 times as he or she deems advisable and shall call a meeting when requested to do so by three
32 or more members of the commission. Members of the commission are not eligible to receive
33 compensation.

34 6. The commission may approve proposed charters for its sponsorship under sections
35 160.400 to 160.425 and shall:

36 (1) Comply with all of the requirements applicable to sponsors under sections
37 160.400 to 160.425;

38 (2) Exercise sponsorship over charters approved by the commission under sections
39 160.400 to 160.425, including receipt of sponsorship funding under subsection [44] 10 of
40 section 160.400. Sponsorship funding due to the commission shall be deposited to the credit
41 of the charter public school commission revolving fund created pursuant to this section.

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

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

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

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

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

167.349. In any school district to which any provisions of sections 167.340 to
2 167.346 apply and in which district a charter ~~[schools may be]~~ **school is** established pursuant
3 to section 160.400, any state college or university which provides educational programs to
4 any part of such district and any campus of the state university located in a county of the third
5 classification may sponsor one or more charter schools pursuant to section 160.400 and, in
6 addition to the purposes for which charter schools may be established pursuant to sections

7 160.400 to 160.420, such charter schools may be established to emphasize remediation of
8 reading deficiencies.

✓