

SECOND REGULAR SESSION

HOUSE BILL NO. 2723

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOUGLAS.

6013H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 160.405, 160.420, 160.518, 160.522, 160.545, 161.092, 163.023, 168.011, and 171.031, RSMo, and to enact in lieu thereof twelve new sections relating to elementary and secondary education.

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

Section A. Sections 160.405, 160.420, 160.518, 160.522, 160.545, 161.092, 163.023, 168.011, and 171.031, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 160.405, 160.420, 160.518, 160.522, 160.545, 161.092, 162.012, 162.015, 163.023, 166.706, 168.011, and 171.031, to read as follows:

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a legally binding performance contract that describes the obligations and responsibilities of the school and the sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall address the following:

(1) A mission and vision statement for the charter school;
(2) A description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy, financial management, and operational decisions of the charter school, including the nature and extent of parental,

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 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 16 of section 160.400 including:

50 (a) Orderly transition of student records to new schools and archival of student
51 records;

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;

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 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 **except for all laws and rules relating to procurement processes, wage**
138 standards, and contractual obligations;

139 (4) Be financially accountable, use practices consistent with the Missouri financial
140 accounting manual, provide for an annual audit by a certified public accountant, publish audit
141 reports and annual financial reports as provided in chapter 165, provided that the annual
142 financial report may be published on the department of elementary and secondary education's
143 internet website in addition to other publishing requirements, and provide liability insurance
144 to indemnify the school, its board, staff and teachers against tort claims. A charter school that
145 receives local educational agency status under subsection 6 of this section shall meet the
146 requirements imposed by the Elementary and Secondary Education Act for audits of such
147 agencies and comply with all federal audit requirements for charters with local educational
148 agency status. For purposes of an audit by petition under section 29.230, a charter school
149 shall be treated as a political subdivision on the same terms and conditions as the school
150 district in which it is located. For the purposes of securing such insurance, a charter school
151 shall be eligible for the Missouri public entity risk management fund pursuant to section
152 537.700. A charter school that incurs debt shall include a repayment plan in its financial plan;

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

155 (6) (a) Design a method to measure pupil progress toward the pupil academic
156 standards adopted by the state board of education pursuant to section 160.514, establish
157 baseline student performance in accordance with the performance contract during the first
158 year of operation, collect student performance data as defined by the annual performance
159 report throughout the duration of the charter to annually monitor student academic
160 performance, and to the extent applicable based upon grade levels offered by the charter
161 school, participate in the statewide system of assessments, comprised of the essential skills

162 tests and the nationally standardized norm-referenced achievement tests, as designated by the
163 state board pursuant to section 160.518, complete and distribute an annual report card as
164 prescribed in section 160.522, which shall also include a statement that background checks
165 have been completed on the charter school's board members, and report to its sponsor, the
166 local school district, and the state board of education as to its teaching methods and any
167 educational innovations and the results thereof. No charter school shall be considered in the
168 Missouri school improvement program review of the district in which it is located for the
169 resource or process standards of the program.

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

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

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

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

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

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

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

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

209 6. The charter of a charter school may be amended at the request of the governing
210 body of the charter school and on the approval of the sponsor. The sponsor and the governing
211 board and staff of the charter school shall jointly review the school's performance,
212 management and operations during the first year of operation and then every other year after
213 the most recent review or at any point where the operation or management of the charter
214 school is changed or transferred to another entity, either public or private. The governing
215 board of a charter school may amend the charter, if the sponsor approves such amendment, or
216 the sponsor and the governing board may reach an agreement in writing to reflect the charter
217 school's decision to become a local educational agency. In such case the sponsor shall give
218 the department of elementary and secondary education written notice no later than March first
219 of any year, with the agreement to become effective July first. The department may waive the
220 March first notice date in its discretion. The department shall identify and furnish a list of its
221 regulations that pertain to local educational agencies to such schools within thirty days of
222 receiving such notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

268 (4) The sponsor of a charter school shall establish procedures to conduct
269 administrative hearings upon determination by the sponsor that grounds exist to revoke a
270 charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are

271 subject to an appeal to the state board of education, which shall determine whether the charter
272 shall be revoked.

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

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

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

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

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

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

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

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

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

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

304 (3) (a) Beginning August first during the year in which a charter is considered for
305 renewal, a charter school sponsor shall demonstrate to the state board of education that the
306 charter school is in compliance with federal and state law as provided in sections 160.400 to

307 160.425 and section 167.349 and the school's performance contract including but not limited
308 to those requirements specific to academic performance.

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

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

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

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

320 11. A governing board or a school district employee who has control over personnel
321 actions shall not take unlawful reprisal against another employee at the school district because
322 the employee is directly or indirectly involved in an application to establish a charter school.
323 A governing board or a school district employee shall not take unlawful reprisal against an
324 educational program of the school or the school district because an application to establish a
325 charter school proposes the conversion of all or a portion of the educational program to a
326 charter school. As used in this subsection, "unlawful reprisal" means an action that is taken
327 by a governing board or a school district employee as a direct result of a lawful application to
328 establish a charter school and that is adverse to another employee or an educational program.

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

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

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

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

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

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

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

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 employ noncertificated instructional personnel; provided that
12 no more than ~~twenty~~ ten percent of the full-time equivalent instructional staff positions at
13 the school are filled by noncertificated personnel. All noncertificated instructional personnel
14 shall 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~~ ten-percent requirement of this subsection but shall
17 ensure that any teachers whose duties include instruction given in a foreign language have
18 current valid credentials in the country in which such teacher received his or her training and
19 shall remain subject to the remaining requirements of this subsection. The charter school
20 shall ensure that all instructional employees of the charter school have experience, training
21 and skills appropriate to the instructional duties of the employee, and the charter school shall
22 ensure that a criminal background check and family care safety registry check are conducted
23 for each employee of the charter school prior to the hiring of the employee under the
24 requirements of section 168.133. The charter school may not employ instructional personnel
25 whose certificate of license to teach has been revoked or is currently suspended by the state
26 board of education. Appropriate experience, training and skills of noncertificated
27 instructional 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.

160.518. 1. (1) Consistent with the provisions contained in section 160.526, the state
2 board of education shall develop, modify, and revise, as necessary, a statewide assessment
3 system that provides maximum flexibility for local school districts, **private schools, and**
4 **charter schools** to determine the degree to which students in the public schools, **private**
5 **schools, and charter schools** of the state are proficient in the knowledge, skills, and
6 competencies adopted by such board pursuant to section 160.514.

11 (b) The statewide assessment system shall neither promote nor prohibit rote
12 memorization and shall not include existing versions of tests approved for use pursuant to the
13 provisions of section 160.257, nor enhanced versions of such tests.

22 2. The statewide assessment system shall only permit the academic performance of
23 students in each **public school, private school, or charter** school in the state to be tracked
24 against prior academic performance in the same school.

25 3. (1) The state board of education shall suggest, but not mandate, criteria for a
26 school to demonstrate that its students learn the knowledge, skills and competencies at
27 exemplary levels worthy of imitation by students in other schools in the state and nation.

28 (2) Exemplary levels shall be measured by the statewide assessment system
29 developed pursuant to subsection 1 of this section, or until said statewide assessment system
30 is available, by indicators approved for such use by the state board of education.

31 (3) The provisions of other law to the contrary notwithstanding, the commissioner of
32 education may, upon request of the school district, **private school, or charter school**, present
33 a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding
34 Schools Waivers", consistent with the provisions of subsection 4 of this section.

35 4. (1) For any school that meets the criteria established by the state board of
36 education for three successive school years pursuant to the provisions of subsection 3 of this
37 section, by August first following the third such school year, the commissioner of education
38 shall present a plan to the **charter school governing board, private school governing body,**
39 **or the** superintendent of the school district in which such school is located for the waiver of
40 rules and regulations to promote flexibility in the operations of the school and to enhance and
41 encourage efficiency in the delivery of instructional services.

42 (2) The provisions of other law to the contrary notwithstanding, the plan presented to
43 the **governing board, governing body, or** superintendent shall provide a summary waiver,
44 with no conditions, for the pupil testing requirements pursuant to section 160.257, in the
45 school.

46 (3) Further, the provisions of other law to the contrary notwithstanding, the plan shall
47 detail a means for the waiver of requirements otherwise imposed on the school related to the
48 authority of the state board of education to classify **charter schools, private schools, and**
49 school districts pursuant to subdivision (9) of subsection 1 of section 161.092 and such other
50 rules and regulations as determined by the commissioner of education, excepting such
51 waivers shall be confined to the school and not other schools in the district unless such other
52 schools meet the criteria established by the state board of education consistent with
53 subsection 3 of this section and the waivers shall not include the requirements contained in
54 this section and section 160.514.

55 (4) Any waiver provided to any school as outlined in this subsection shall be void on
56 June thirtieth of any school year in which the school fails to meet the criteria established by
57 the state board of education consistent with subsection 3 of this section.

58 5. The score on any assessment test developed pursuant to this section or this chapter
59 of any student for whom English is a second language shall not be counted until such time as
60 such student has been educated for three full school years in a school in this state, or in any
61 other state, in which English is the primary language.

62 6. (1) (a) The state board of education shall identify or, if necessary, establish one or
63 more developmentally appropriate alternate assessments for students who receive special
64 educational services, as that term is defined pursuant to section 162.675.

65 (b) In the development of such alternate assessments, the state board shall establish
66 an advisory panel consisting of a majority of active special education teachers residing in
67 Missouri and other education professionals as appropriate to research available assessment
68 options.

69 (c) The advisory panel shall attempt to identify preexisting developmentally
70 appropriate alternate assessments but shall, if necessary, develop alternate assessments and
71 recommend one or more alternate assessments for adoption by the state board.

72 (d) The state board shall consider the recommendations of the advisory council in
73 establishing such alternate assessment or assessments.

74 (2) Any student who receives special educational services, as that term is defined
75 pursuant to section 162.675, shall be assessed by an alternate assessment established pursuant
76 to this subsection upon a determination by the student's individualized education program
77 team that such alternate assessment is more appropriate to assess the student's knowledge,
78 skills and competencies than the assessment developed pursuant to subsection 1 of this
79 section.

80 (3) The alternate assessment shall evaluate the student's independent living skills,
81 which include how effectively the student addresses common life demands and how well the
82 student meets standards for personal independence expected for someone in the student's age
83 group, sociocultural background, and community setting.

84 7. The state board of education shall also develop recommendations regarding
85 alternate assessments for any military dependent who relocates to Missouri after the
86 commencement of a school term, in order to accommodate such student while ensuring that
87 he or she is proficient in the knowledge, skills, and competencies adopted under section
88 160.514.

89 8. (1) As used in this subsection, the following terms mean:

90 (a) "Department", the department of elementary and secondary education;
91 (b) "Grade-level equivalence", a metric developed for grades three to eight and used
92 by the department to show a student's proximity to doing grade-level work;

93 (c) "Parent", a parent, guardian, custodian, or other person with authority to act on
94 behalf of a student.

95 (2) Grade-level equivalence, as developed and used under this subsection, shall
96 consist of a student's knowledge of academic subjects by grade level and performance-level
97 descriptors indicating whether such student is ready for the next grade or level of education.
98 Such performance-level descriptors shall consist of the following:

99 (a) Advanced, which shall indicate that such student:
100 a. Demonstrates superior performance on challenging grade-level subject matter;
101 b. Is above such student's current grade or level of education; and
102 c. Is ready for, at a minimum, the next grade or level of education;
103 (b) Proficient, which shall indicate that such student:
104 a. Demonstrates mastery over all appropriate grade-level standards and has
105 introductory-level knowledge for the next grade or level of education;
106 b. May be above such student's current grade or level of education in some areas; and
107 c. Is ready for the next grade or level of education;
108 (c) Grade level, which shall indicate that such student:
109 a. Demonstrates mastery over appropriate grade-level subject matter;
110 b. Is at such student's current grade or level of education; and
111 c. May be ready, with appropriate reinforcement, for the next grade or level of
112 education;
113 (d) Basic, which shall indicate that such student:
114 a. Demonstrates partial mastery of the essential knowledge and skills appropriate to
115 such student's grade or level of education;
116 b. May not be at such student's current grade or level of education; and
117 c. May not be ready, without appropriate remediation, for the next grade or level of
118 education; and
119 (e) Below basic, which shall indicate that such student:
120 a. Has failed to perform, at a minimum, at the limited knowledge level necessary for
121 such student's grade or level of education;
122 b. Is not at such student's current grade or level of education; and
123 c. Has been determined to be at the specific lower grade or level of education
124 measured by and listed in such student's statewide assessment score.
125 (3) (a) Such grade-level equivalence shall be determined at the same time each
126 student's academic performance is measured by the statewide assessment system developed
127 under this section.
128 (b) Such grade-level equivalence shall be provided at the same time such student's
129 statewide assessment score is reported to such student or such student's parent.
130 (4) (a) Data related to grade-level equivalence shall be searchable on a building-by-
131 building, school-by-school, district-by-district, and statewide basis on the department's school
132 accountability report card developed under section 160.522.
133 (b) Data related to grade-level equivalence shall display the percentage of students
134 whose performance-level descriptor is grade level or above on a building-by-building, school-
135 by-school, district-by-district, and statewide basis.

136 (c) No data related to grade-level equivalence shall be disclosed in any form that
137 allows the personal identification of any student to any individual or entity except such
138 student or such student's parent.

139 (5) The provisions of subsection 2 of section 160.514 shall not apply to the
140 development of the grade-level equivalence metric.

141 (6) The department may choose a third-party nonprofit entity to develop the grade-
142 level equivalence metric.

143 **9. As used in this section, "private school" means any private school that enrolls
144 a student who participates in the program established in sections 135.712 to 135.719 and
145 sections 166.700 to 166.720.**

160.522. 1. The department of elementary and secondary education shall produce or
2 cause to be produced, at least annually, a school accountability report card for each public
3 school district, each public school building in a school district, **each private school**, and each
4 charter school in the state. **All school districts, private schools, and charter schools shall**
5 **be held to the same annual reporting standards pursuant to this section.** The report card
6 shall be designed to satisfy state and federal requirements for the disclosure of statistics about
7 students, staff, finances, academic achievement, and other indicators. The purpose of the
8 report card shall be to provide educational statistics and accountability information for
9 parents, taxpayers, school personnel, legislators, and the print and broadcast news media in a
10 standardized, easily accessible form.

11 2. (1) The department of elementary and secondary education shall develop a
12 standard form for the school accountability report card.

13 (2) The information reported shall include, but not be limited to, the following
14 information reported by each school district, **private school**, or charter school:

15 (a) The most recent accreditation rating;
16 (b) Enrollment;
17 (c) Rates of pupil attendance;
18 (d) High school dropout rate and graduation rate;
19 (e) The number and rate of suspensions of ten days or longer and expulsions of
20 pupils;

21 (f) The district, **private school**, or charter school ratio of students to administrators
22 and students to classroom teachers;

23 (g) The average years of experience of professional staff and advanced degrees
24 earned;

25 (h) Student achievement and grade-level equivalence data as measured through the
26 statewide assessment system developed pursuant to section 160.518;

27 (i) Student scores on the ACT, along with the percentage of graduates taking the test;

64 other information about the reports so that parents and businesses from outside the district
65 who may be contemplating relocation have access.

66 6. For purposes of completing and distributing the annual report card as prescribed in
67 this section, a school district may include the data from a charter school located within such
68 school district, provided the local board of education or special administrative board for such
69 district and the charter school reach mutual agreement for the inclusion of the data from the
70 charter school and the terms of such agreement are approved by the state board of education.
71 The charter school shall not be required to be a part of the local educational agency of such
72 school district and may maintain a separate local educational agency status.

73 **7. As used in this section, "private school" means any private school that enrolls
74 a student who participates in the program established in sections 135.712 to 135.719 and
75 sections 166.700 to 166.720.**

160.545. 1. There is hereby established within the department of elementary and
2 secondary education the "A+ Schools Program" to be administered by the commissioner of
3 education. The program shall consist of grant awards made to public secondary schools that
4 demonstrate a commitment to ensure that:

- 5 (1) All students be graduated from school;
- 6 (2) All students complete a selection of high school studies that is challenging and for
7 which there are identified learning expectations; and
- 8 (3) All students:
 - 9 (a) Earn credits toward any type of college degree while in high school; or
 - 10 (b) Proceed from high school graduation to a college or postsecondary vocational or
11 technical school or high-wage job with work place skill development opportunities.

12 2. The state board of education shall promulgate rules and regulations for the
13 approval of grants made under the program to schools that:

- 14 (1) Establish measurable districtwide performance standards for the goals of the
15 program outlined in subsection 1 of this section; and
- 16 (2) Specify the knowledge, skills and competencies, in measurable terms, that
17 students must demonstrate to successfully complete any individual course offered by the
18 school, and any course of studies which will qualify a student for graduation from the school;
19 and
- 20 (3) Do not offer a general track of courses that, upon completion, can lead to a high
21 school diploma; and
- 22 (4) Require rigorous coursework with standards of competency in basic academic
23 subjects for students pursuing vocational and technical education as prescribed by rule and
24 regulation of the state board of education; and

25 (5) Have a partnership plan developed in cooperation and with the advice of local
26 business persons, labor leaders, parents, and representatives of college and postsecondary
27 vocational and technical school representatives, with the plan then approved by the local
28 board of education. The plan shall specify a mechanism to receive information on an annual
29 basis from those who developed the plan in addition to senior citizens, community leaders,
30 and teachers to update the plan in order to best meet the goals of the program as provided in
31 subsection 1 of this section. Further, the plan shall detail the procedures used in the school to
32 identify students that may drop out of school and the intervention services to be used to meet
33 the needs of such students. The plan shall outline counseling and mentoring services
34 provided to students who will enter the work force upon graduation from high school, address
35 apprenticeship and intern programs, and shall contain procedures for the recruitment of
36 volunteers from the community of the school to serve in schools receiving program grants.

37 3. Any nonpublic school in this state may apply to the state board of education for
38 certification that it meets the requirements of this section subject to the same criteria as public
39 high schools. Every nonpublic school that applies and has met the requirements of this
40 section shall have its students eligible for reimbursement of postsecondary education under
41 subsection 8 of this section on an equal basis to students who graduate from public schools
42 that meet the requirements of this section. Any nonpublic school that applies shall not be
43 eligible for any grants under this section. Students of certified nonpublic schools shall be
44 eligible for reimbursement of postsecondary education under subsection 8 of this section so
45 long as they meet the other requirements of such subsection. For purposes of subdivision (5)
46 of subsection 2 of this section, the nonpublic school shall be included in the partnership plan
47 developed by the public school district in which the nonpublic school is located. For
48 purposes of subdivision (1) of subsection 2 of this section, the nonpublic school shall
49 establish measurable performance standards for the goals of the program for every school and
50 grade level over which the nonpublic school maintains control.

4. A school district may participate in the program irrespective of its accreditation
classification by the state board of education, provided it meets all other requirements.

53 5. By rule and regulation, the state board of education may determine a local school
54 district variable fund match requirement in order for a school or schools in the district to
55 receive a grant under the program. However, no school in any district shall receive a grant
56 under the program unless the district designates a salaried employee to serve as the program
57 coordinator, with the district assuming a minimum of one-half the cost of the salary and other
58 benefits provided to the coordinator. Further, no school in any district shall receive a grant
59 under the program unless the district makes available facilities and services for adult literacy
60 training as specified by rule of the state board of education.

61 6. For any school that meets the requirements for the approval of the grants
62 authorized by this section and specified in subsection 2 of this section for three successive
63 school years, by August first following the third such school year, the commissioner of
64 education shall present a plan to the superintendent of the school district in which such school
65 is located for the waiver of rules and regulations to promote flexibility in the operations of the
66 school and to enhance and encourage efficiency in the delivery of instructional services in the
67 school. The provisions of other law to the contrary notwithstanding, the plan presented to the
68 superintendent shall provide a summary waiver, with no conditions, for the pupil testing
69 requirements pursuant to section 160.257 in the school. Further, the provisions of other law
70 to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements
71 otherwise imposed on the school related to the authority of the state board of education to
72 classify school districts pursuant to subdivision (9) **of subsection 1** of section 161.092 and
73 such other rules and regulations as determined by the commissioner of education, except such
74 waivers shall be confined to the school and not other schools in the school district unless such
75 other schools meet the requirements of this subsection. However, any waiver provided to any
76 school as outlined in this subsection shall be void on June thirtieth of any school year in
77 which the school fails to meet the requirements for the approval of the grants authorized by
78 this section as specified in subsection 2 of this section.

79 7. For any school year, grants authorized by subsections 1, 2, and 5 of this section
80 shall be funded with the amount appropriated for this program, less those funds necessary to
81 reimburse eligible students pursuant to subsection 8 of this section.

82 8. The department of higher education and workforce development shall, by rule,
83 establish a procedure for the reimbursement of the cost of tuition, books and fees to any
84 public community college or vocational or technical school or within the limits established in
85 subsection 10 of this section for any two-year private vocational or technical school for any
86 student:

87 (1) Who has attended a high school in the state for at least two years that meets the
88 requirements of subsection 2 of this section and who has graduated from such a school;
89 except that, students who are active duty military dependents, and students who are
90 dependents of retired military who relocate to Missouri within one year of the date of the
91 parent's retirement from active duty who meet all other requirements of this subsection and
92 are attending a school that meets the requirements of subsection 2 of this section shall be
93 exempt from the two-year attendance requirement of this subdivision; and

94 (2) Who has made a good faith effort to first secure all available federal sources of
95 funding that could be applied to the reimbursement described in this subsection; and

96 (3) Who has earned a minimal grade average while in high school or through the
97 semester immediately before taking the course for which reimbursement is sought as

98 determined by rule of the department of higher education and workforce development, and
99 other requirements for the reimbursement authorized by this subsection as determined by rule
100 and regulation of the department; and

101 (4) Who is a citizen or permanent resident of the United States.

102 9. The commissioner of education shall develop a procedure for evaluating the
103 effectiveness of the program described in this section. Such evaluation shall be conducted
104 annually with the results of the evaluation provided to the governor, speaker of the house, and
105 president pro tempore of the senate.

106 10. For a two-year private vocational or technical school to obtain reimbursements
107 under subsection 8 of this section, the following requirements shall be satisfied:

108 (1) Such two-year private vocational or technical school shall be a member of the
109 North Central Association and be accredited by the Higher Learning Commission as of July
110 1, 2008, and maintain such accreditation;

111 (2) Such two-year private vocational or technical school shall be designated as a 501
112 (c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

113 (3) No two-year private vocational or technical school shall receive tuition
114 reimbursements in excess of the tuition rate charged by a public community college for
115 course work offered by the private vocational or technical school within the service area of
116 such college; and

117 (4) The reimbursements provided to any two-year private vocational or technical
118 school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the
119 Missouri Constitution or the first amendment of the United States Constitution.

161.092. 1. The state board of education shall:

2 (1) Adopt rules governing its own proceedings and formulate policies for the
3 guidance of the commissioner of education and the department of elementary and secondary
4 education;

5 (2) Carry out the educational policies of the state relating to public schools that are
6 provided by law and supervise instruction in the public schools;

7 (3) Direct the investment of all moneys received by the state to be applied to the
8 capital of any permanent fund established for the support of public education within the
9 jurisdiction of the department of elementary and secondary education and see that the funds
10 are applied to the branches of educational interest of the state that by grant, gift, devise or law
11 they were originally intended, and if necessary institute suit for and collect the funds and
12 return them to their legitimate channels;

13 (4) Cause to be assembled information which will reflect continuously the condition
14 and management of the public schools of the state;

15 (5) Require of county clerks or treasurers, boards of education or other school
16 officers, recorders and treasurers of cities, towns and villages, copies of all records required to
17 be made by them and all other information in relation to the funds and condition of schools
18 and the management thereof that is deemed necessary;

19 (6) Provide blanks suitable for use by officials in reporting the information required
20 by the board;

21 (7) When conditions demand, cause the laws relating to schools to be published in a
22 separate volume, with pertinent notes and comments, for the guidance of those charged with
23 the execution of the laws;

24 (8) Grant, without fee except as provided in section 168.021, certificates of
25 qualification and licenses to teach in any of the public schools of the state, establish
26 requirements therefor, formulate regulations governing the issuance thereof, and cause the
27 certificates to be revoked for the reasons and in the manner provided in section 168.071;

28 (9) Classify the public schools, **private schools, and charter schools** of the state,
29 subject to limitations provided by law and subdivision (14) of this [section] subsection,
30 establish requirements for the schools of each class, and formulate rules governing the
31 inspection and accreditation of schools preparatory to classification, with such requirements
32 taking effect not less than two years from the date of adoption of the proposed rule by the
33 state board of education, provided that this condition shall not apply to any requirement for
34 which a time line for adoption is mandated in either federal or state law. Such rules shall
35 include a process to allow any district, **private school, or charter school** that is accredited
36 without provision that does not meet the state board's promulgated criteria for a classification
37 designation of accredited with distinction to propose alternative criteria to the state board to
38 be classified as accredited with distinction;

39 (10) Make an annual report on or before the first Wednesday after the first day of
40 January to the general assembly or, when it is not in session, to the governor for publication
41 and transmission to the general assembly. The report shall be for the last preceding school
42 year, and shall include:

43 (a) A statement of the number of public schools in the state, the number of pupils
44 attending the schools, their sex, and the branches taught;

45 (b) A statement of the number of teachers employed, their sex, their professional
46 training, and their average salary;

47 (c) A statement of the receipts and disbursements of public school funds of every
48 description, their sources, and the purposes for which they were disbursed;

49 (d) Suggestions for the improvement of public schools; and

50 (e) Any other information relative to the educational interests of the state that the law
51 requires or the board deems important;

52 (11) Make an annual report to the general assembly and the governor concerning
53 coordination with other agencies and departments of government that support family literacy
54 programs and other services which influence educational attainment of children of all ages;

55 (12) Require from the chief officer of each division of the department of elementary
56 and secondary education, on or before the thirty-first day of August of each year, reports
57 containing information the board deems important and desires for publication;

58 (13) Cause fifty copies of its annual report to be reserved for the use of each division
59 of the state department of elementary and secondary education, and ten copies for
60 preservation in the state library;

61 (14) Promulgate rules under which the board shall classify the public schools, **private**
62 **schools, and charter schools** of the state; provided **that all public schools, private schools,**
63 **and charter schools shall be classified using the same assessment systems and**
64 **accountability measures; and further provided** that the appropriate scoring guides,
65 instruments, and procedures used in determining the accreditation status of a district shall be
66 subject to a public meeting upon notice in a newspaper of general circulation in each of the
67 three most populous cities in the state and also a newspaper that is a certified minority
68 business enterprise or woman-owned business enterprise in each of the two most populous
69 cities in the state, and notice to each district board of education, each superintendent of a
70 school district, and to the speaker of the house of representatives, the president pro tem of the
71 senate, and the members of the joint committee on education, at least fourteen days in
72 advance of the meeting, which shall be conducted by the department of elementary and
73 secondary education not less than ninety days prior to their application in accreditation, with
74 all comments received to be reported to the state board of education;

75 (15) Have other powers and duties prescribed by law.

76 2. As used in this section, "private school" means any private school that enrolls
77 a student who participates in the program established in sections 135.712 to 135.719 and
78 sections 166.700 to 166.720.

162.012. 1. Notwithstanding any provision of law to the contrary, the governing
2 body of a school district, private school, or charter school shall comply with all
3 requirements for public meetings pursuant to the provisions of chapter 610, provide
4 public notice of all meetings pursuant to the provisions of section 610.020, and provide
5 online public access to all meeting minutes.

6 2. As used in this section, "private school" means any private school that enrolls
7 a student who participates in the program established in sections 135.712 to 135.719 and
8 sections 166.700 to 166.720.

162.015. 1. Notwithstanding any provision of law to the contrary, a school
2 district, private school, or charter school shall publicly display on such district's or

3 **school's website the annual financial report for such district or school. The report shall**
4 **include, but is not limited to, comprehensive information about the school district's or**
5 **school's revenues, expenses, contributions, contracts, and personnel salary schedules.**

6 **2. As used in this section, "private school" means any private school that enrolls**
7 **a student who participates in the program established in sections 135.712 to 135.719 and**
8 **sections 166.700 to 166.720.**

163.023. 1. Commencing September 1, 1997, a school district that has an operating
2 levy for school purposes as defined in section 163.011, of less than the minimum value
3 required by section 163.021, shall be classified as unaccredited by the state board of
4 education and shall be deemed to be an unclassified school district for all purposes under
5 force of law, pursuant to the authority of the state board of education to classify school
6 districts pursuant to section 161.092, except that no school district shall be classified as
7 unaccredited or deemed to be an unclassified school district pursuant to this section if such
8 district is ineligible to receive state aid under section 163.031, exclusive of categorical add-
9 ons, because the district's local effort is greater than its weighted average daily attendance
10 multiplied by the state adequacy target multiplied by the dollar value modifier. No school
11 district, except a district which is ineligible to receive state aid under section 163.031,
12 exclusive of categorical add-ons, because the district's local effort is greater than its weighted
13 average daily attendance multiplied by the state adequacy target multiplied by the dollar value
14 modifier, may be classified or reclassified as accredited until such district has an operating
15 levy for school purposes which is equal to or greater than the minimum value required by
16 section 163.021. Beginning July 1, 1998, the state board of education shall consider the
17 results for a school district from the statewide assessment system developed pursuant to the
18 provisions of section 160.518 when classifying a school district as authorized by subdivision
19 **(9) of subsection 1 of section 161.092.** Further, the state board of education shall consider the
20 condition and adequacy of facilities of a school district when determining such classification.

21 2. For any school district classified unaccredited for any school year, the state board
22 of education shall conduct procedures to classify said school district for the first school year
23 following.

166.706. 1. **As used in this section, "private school" means any private school**
2 **that enrolls a student who participates in the program established in sections 135.712 to**
3 **135.719 and sections 166.700 to 166.720.**

4 2. **A private school shall be subject to the following provisions of state law:**
5 **(1) Statewide assessment system requirements as provided in section 160.518;**
6 **(2) Annual performance reporting requirements as provided in section 160.522;**
7 **(3) Classification by the state board of education as provided in section 161.092;**
8 **(4) Public meeting requirements as provided in section 162.012;**

- (5) Annual financial report requirements as provided in section 162.015;
- (6) Teacher certification requirements as provided in section 168.011; and
- (7) The school term start date as provided in section 171.031.

12 3. A private school shall be subject to the same state laws and rules relating to
13 procurement processes, wage standards, and contractual obligations as are public
14 schools and school districts.

168.011. 1. **Except as provided in subsection 3 of this section**, no person shall be
2 employed to teach in any position in a public school **or private school** until he has received a
3 valid certificate of license entitling him to teach in that position.

4 2. Teaching in the state of Missouri, performing other related education duties, school
5 administration, and teacher education are hereby declared to be professions with all the
6 appropriate rights, responsibilities and privileges accorded to other recognized professions.

7 3. A school district or private school may employ noncertificated instructional
8 personnel; provided that no more than ten percent of the full-time equivalent
9 instructional staff positions at the school district or private school are filled by
10 noncertificated personnel. The school district or private school shall ensure that all
11 instructional employees of the school district or private school have experience, training,
12 and skills appropriate to the instructional duties of the employee, and the school district
13 or private school shall ensure that a criminal background check and family care safety
14 registry check are conducted for each employee of the school district or private school
15 prior to the hiring of the employee pursuant to the requirements of section 168.133. The
16 school district or private school shall not employ instructional personnel whose
17 certificate of license to teach has been revoked or is currently suspended by the state
18 board of education. Appropriate experience, training, and skills of noncertificated
19 instructional personnel shall be determined considering:

- (1) Teaching certificates issued by another state or states;
- (2) Certification by the National Board for Professional Teaching Standards;
- (3) College degrees in the appropriate field;
- (4) Evidence of technical training and competence when such is appropriate;

24 and

(5) The level of supervision and coordination with certificated instructional staff.

26 4. As used in this section, "private school" means any private school that enrolls
27 a student who participates in the program established in sections 135.712 to 135.719 and
28 sections 166.700 to 166.720.

171.031. 1. Each school board shall prepare annually a calendar for the school term,
2 specifying the opening date, days of planned attendance, and providing a minimum term of at
3 least one thousand forty-four hours of actual pupil attendance, and, for a school district that is

4 located wholly or partially in a county with a charter form of government or a school district
5 that is located wholly or partially in a city with more than thirty thousand inhabitants, a
6 minimum of one hundred and sixty-nine school days, unless the district has adopted a four-
7 day school week as provided in section 171.028, in which case the district school term shall
8 have a minimum of one hundred forty-two school days. In addition, such calendar shall
9 include six make-up days for possible loss of attendance due to inclement weather as defined
10 in subsection 1 of section 171.033. In school year 2019-20 and subsequent years, such
11 calendar shall include thirty-six make-up hours for possible loss of attendance due to
12 inclement weather, as defined in subsection 1 of section 171.033, with no minimum number
13 of make-up days.

14 **2. Each charter school that accepts transferring students under any public school
15 open enrollment program enacted by the general assembly, each private school that
16 enrolls a student who participates in the program established in sections 135.712 to
17 135.719 and sections 166.700 to 166.720, and each local school district may set its opening
18 date each year, which date shall be no earlier than fourteen calendar days prior to the first
19 Monday in September. No such charter school, private school, or public school district
20 shall select an earlier start date [unless, for calendars for school years before school year
21 2020-21, the district follows the procedure set forth in subsection 3 of this section. The
22 procedure set forth in subsection 3 of this section shall be unavailable to school districts in
23 preparing their calendars for school year 2020-21 and for subsequent years].**

24 **3. [For calendars for school years before school year 2020-21, a district may set an
25 opening date that is more than fourteen calendar days prior to the first Monday in September
26 only if the local school board first gives public notice of a public meeting to discuss the
27 proposal of opening school on a date more than fourteen days prior to the first Monday in
28 September, and the local school board holds said meeting and, at the same public meeting, a
29 majority of the board votes to allow an earlier opening date. If all of the previous conditions
30 are met, the district may set its opening date more than fourteen calendar days prior to the first
31 Monday in September. The condition provided in this subsection must be satisfied by the
32 local school board each year that the board proposes an opening date more than fourteen days
33 before the first Monday in September.**

34 **4.] If any local district violates the provisions of this section, the department of
35 elementary and secondary education shall withhold an amount equal to one quarter of the
36 state funding the district generated under section 163.031 for each date the district was in
37 violation of this section.**

38 **[§.] 4. The provisions of subsections 2 [to 4] and 3 of this section shall not apply to
39 charter schools, private schools, or school districts in which school is in session for twelve
40 months of each calendar year.**

41 **[6.] 5.** The state board of education may grant an exemption from this section to a
42 **charter school, private school, or** school district that demonstrates highly unusual and
43 extenuating circumstances justifying exemption from the provisions of subsections 2 **[to-4]**
44 **and 3** of this section. Any exemption granted by the state board of education shall be valid
45 for one academic year only.

✓