

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 473
96TH GENERAL ASSEMBLY

0963L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.400, 160.405, 160.410, 160.415, and 160.420, RSMo, and to enact in lieu thereof seven 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, 160.410, 160.415, and 160.420, RSMo, are
2 repealed and seven new sections enacted in lieu thereof, to be known as sections 160.400,
3 160.403, 160.405, 160.410, 160.415, 160.420, and 160.425, to read as follows:

160.400. 1. A charter school is an independent public school.

2 **2. Except as further provided in subsection 4 of this section,** charter schools may be
3 operated only in a metropolitan school district [or] , in an urban school district containing most
4 or all of a city with a population greater than three hundred fifty thousand inhabitants [and may
5 be sponsored by any of the following] , **or in a school district that has been declared**
6 **unaccredited or provisionally accredited.**

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

9 (1) The school board of [the] **any** district;

10 (2) A public four-year college or university [with its primary campus in the school
11 district or in a county adjacent to the county in which the district is located,] with an approved
12 teacher education program that meets regional or national standards of accreditation;

13 (3) A community college [located in] , **the service area of which encompasses some**
14 **portion of** the district; [or]

15 (4) Any private four-year college or university [located in a city not within a county] with
16 an enrollment of at least one thousand students, **with its primary campus in Missouri,** and with
17 an approved teacher preparation program;

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.

18 **(5) Any two-year private vocational or technical school designated as a 501(c)(3)**
19 **nonprofit organization under the Internal Revenue Code of 1986, as amended, which is a**
20 **member of the North Central Association and accredited by the Higher Learning**
21 **Commission, with its primary campus in Missouri;**

22 **(6) The Missouri charter public school commission created in section 160.425; or**

23 **(7) A nonprofit or charitable organization excluding a nonpublic sectarian or**
24 **religious institution which is exempt from federal taxation under section 501(c)(3) or**
25 **501(c)(6) of the Internal Revenue Code of 1986, as amended and is in compliance with the**
26 **annual filing requirements of the secretary of state under section 355.011.**

27 **4. Effective July 1, 2014, charter schools may be operated in school districts that**
28 **have been accredited without provisions for at least the last five consecutive school years**
29 **sponsored only by the local school board.**

30 [3.] **5.** The mayor of a city not within a county may request a sponsor under subdivision
31 (2), (3), [or] (4), **(5), (6) or (7)** of subsection [2] **3** of this section to consider sponsoring a
32 "workplace charter school", which is defined for purposes of sections 160.400 to [160.420]
33 **160.425** as a charter school with the ability to target prospective students whose parent or parents
34 are employed in a business district, as defined in the charter, which is located in the city.

35 [4.] **6.** No sponsor shall receive from an applicant for a charter school any fee of any type
36 for the consideration of a charter, nor may a sponsor condition its consideration of a charter on
37 the promise of future payment of any kind.

38 [5.] **7.** The charter school shall be **organized as** a Missouri nonprofit corporation
39 incorporated pursuant to chapter 355. The charter provided for herein shall constitute a contract
40 between the sponsor and the charter school.

41 [6.] **8.** As a nonprofit corporation incorporated pursuant to chapter 355, the charter
42 school shall select the method for election of officers pursuant to section 355.326 based on the
43 class of corporation selected. Meetings of the governing board of the charter school shall be
44 subject to the provisions of sections 610.010 to 610.030[, the open meetings law].

45 [7.] **9.** A sponsor of a charter school, its agents and employees are not liable for any acts
46 or omissions of a charter school that it sponsors, including acts or omissions relating to the
47 charter submitted by the charter school, the operation of the charter school and the performance
48 of the charter school.

49 [8.] **10.** A charter school may affiliate with a four-year college or university, including
50 a private college or university, or a community college as otherwise specified in subsection [2]
51 **3** of this section when its charter is granted by a sponsor other than such college, university or
52 community college. Affiliation status recognizes a relationship between the charter school and
53 the college or university for purposes of teacher training and staff development, curriculum and
54 assessment development, use of physical facilities owned by or rented on behalf of the college

55 or university, and other similar purposes. [The primary campus of the college or university must
56 be located within the county in which the school district lies wherein the charter school is located
57 or in a county adjacent to the county in which the district is located.] A university, college or
58 community college may not charge or accept a fee for affiliation status.

59 [9.] **11.** The expenses associated with sponsorship of charter schools shall be defrayed
60 by the department of elementary and secondary education retaining one and five-tenths percent
61 of the amount of state and local funding allocated to the charter school under section 160.415,
62 not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. [Such amount
63 shall not be withheld when the sponsor is a school district or the state board of education.] The
64 department of elementary and secondary education shall remit the retained funds for each charter
65 school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its
66 sponsorship obligations under sections 160.400 to [160.420] **160.425** and 167.349 with regard
67 to each charter school it sponsors, including appropriate demonstration of the following:

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

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

73 (3) Negotiates contracts with charter schools that clearly articulate the rights and
74 responsibilities of each party regarding school autonomy, expected outcomes, measures for
75 evaluating success or failure, performance consequences, and other material terms;

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

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

81 **12. Sponsors receiving funds under subsection 11 of this section shall be required**
82 **to submit annual reports to the general assembly demonstrating they are in compliance**
83 **with subsection 16 of this section.**

84 [10.] **13.** No university, college or community college shall grant a charter to a nonprofit
85 corporation if an employee of the university, college or community college is a member of the
86 corporation's board of directors.

87 [11.] **14.** No sponsor shall grant a charter under sections 160.400 to [160.420] **160.425**
88 and 167.349 without ensuring that a criminal background check and [child abuse] **family care**
89 **safety** registry check are conducted for all members of the governing board of the charter schools
90 or the incorporators of the charter school if initial directors are not named in the articles of
91 incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check

92 and [child abuse] **family care safety** registry check are conducted for each member of the
93 governing board of the charter school.

94 [12.] **15.** No member of the governing board of a charter school shall hold any office or
95 employment from the board or the charter school while serving as a member, nor shall the
96 member have any substantial interest, as defined in section 105.450, in any entity employed by
97 or contracting with the board. No board member shall be an employee of a company that
98 provides substantial services to the charter school. All members of the governing board of the
99 charter school shall be considered decision-making public servants as defined in section 105.450
100 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485,
101 105.487, and 105.489.

102 [13.] **16.** A sponsor shall provide timely submission to the state board of education of
103 all data necessary to demonstrate that the sponsor is in material compliance with all requirements
104 of sections 160.400 to [160.420] **160.425** and 167.349.

105 [14.] **17. A sponsor shall develop the policies and procedures for:**

106 (1) **The review of a charter school proposal;**

107 (2) **The granting of a charter;**

108 (3) **The performance framework that the sponsor will use to evaluate the**
109 **performance of charter schools;**

110 (4) **The sponsor's renewal, revocation, and nonrenewal processes;**

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

113 (6) **Procedures to be implemented if a charter school should close, including but not**
114 **limited to:**

115 (a) **A notification plan to inform parents or guardians of students, the local school**
116 **district, the retirement system in which the charter school's employees participate, and the**
117 **state board of education upon closure;**

118 (b) **The transfer or repository of student records upon closure;**

119 (c) **The transfer or repository of personnel records upon closure;**

120 (d) **The disposition of the charter school's assets upon closure.**

121

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

124 **18.** The state board of education shall ensure each sponsor is in compliance with all
125 requirements under sections 160.400 to [160.420] **160.425** and 167.349 for each charter school
126 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
127 sponsorship of charter schools, delineating both what is mandated by statute and what best
128 practices dictate. The state board, after a public hearing, may require remedial action for a

129 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
130 including withholding the sponsor's funding and suspending for a period of up to one year the
131 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
132 school. If the state board removes the authority to sponsor a currently operating charter school
133 **pursuant to any provision of law**, the state board shall become the interim sponsor of the
134 school for a period of up to three years until the school finds a new sponsor or until the charter
135 contract period lapses. **During such time, if the charter school fails to meet academic**
136 **performance or other goals as prescribed in the school's charter, the state board shall**
137 **revoke the charter.**

160.403. 1. The department of elementary and secondary education shall establish
2 **an annual application and approval process for all entities eligible to sponsor charters as**
3 **set forth in section 160.400. No later than January 1, 2012, the department shall make**
4 **available information and guidelines for all eligible sponsors concerning the opportunity**
5 **to apply for sponsoring authority under this section.**

6 **2. The application process for sponsorship shall require each interested eligible**
7 **sponsor to submit an application by April first that includes the following:**

8 **(1) Written notification of intent to serve as a charter sponsor in accordance with**
9 **section 160.400;**

10 **(2) Evidence of the applicant sponsor's budget and personnel capacity;**

11 **(3) An outline of the request for proposal that the applicant sponsor would, if**
12 **approved as a charter sponsor, issue to solicit public charter school applicants consistent**
13 **with sections 160.400 to 160.425;**

14 **(4) The performance framework that the applicant sponsor would, if approved as**
15 **a charter sponsor, use to guide the establishment of a charter contract and for ongoing**
16 **oversight and a description of how it would evaluate the charter schools it sponsors; and**

17 **(5) The applicant sponsor's renewal, revocation, and nonrenewal processes**
18 **consistent with section 160.405.**

19 **3. By July first of each year, the department shall decide whether to grant or deny**
20 **a sponsoring authority to a sponsor applicant. This decision shall be made based on the**
21 **applicant charter's compliance with sections 160.400 to 160.425 and any properly**
22 **promulgated rules of the department.**

23 **4. Within thirty days of the department's decision, the department shall execute a**
24 **renewable sponsoring contract with each entity it has approved as a sponsor. The term of**
25 **each authorizing contract shall be ten years. No eligible sponsor which is not currently**
26 **sponsoring a charter school upon the effective date of this section shall commence charter**
27 **sponsorship without approval from the department and a sponsor contract with the**
28 **department in effect.**

29 **5. All entities sponsoring a charter school upon the effective date of this section**
30 **shall apply to the department for approval to continue as a sponsor no later than April 1,**
31 **2012. By July 1, 2012, the department shall decide whether to grant the sponsor the**
32 **authority to continue or deny such authority. Charter sponsors that are granted the**
33 **authority to continue sponsorship by the department shall be granted such authority for**
34 **a period of ten years. Charter sponsors that are denied the authority to continue as a**
35 **sponsor shall lose the authority to continue as a sponsor immediately. The charter public**
36 **school commission shall become the interim sponsor for a period of up to three years until**
37 **the charter school finds a new sponsor or until the charter contract period lapses.**

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five
5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall include a mission statement
8 for the charter school, a description of the charter school's organizational structure and bylaws
9 of the governing body, which will be responsible for the policy and operational decisions of the
10 charter school, a financial plan for the first three years of operation of the charter school
11 including provisions for annual audits, a description of the charter school's policy for securing
12 personnel services, its personnel policies, personnel qualifications, and professional development
13 plan, a description of the grades or ages of students being served, the school's calendar of
14 operation, which shall include at least the equivalent of a full school term as defined in section
15 160.011, and an outline of criteria specified in this section designed to measure the effectiveness
16 of the school. The charter shall also state:

17 (1) [The educational goals and objectives to be achieved by the charter school] **A**
18 **performance contract, which shall contain a complete set of indicators, measures, metrics,**
19 **and targets in the following areas: academic program performance; operational program**
20 **performance, including governance; and, if applicable, elements related specifically to the**
21 **charter school's mission and vision;**

22 (2) A description of the charter school's educational program and curriculum;

23 (3) The term of the charter, which shall be [not less than] five years[, nor greater than
24 ten years] and shall be renewable;

25 (4) A description of the charter school's pupil performance standards, which must meet
26 the requirements of subdivision (6) of subsection 5 of this section. The charter school program
27 must be designed to enable each pupil to achieve such standards;

28 (5) A description of the governance and operation of the charter school, including the
29 nature and extent of parental, professional educator, and community involvement in the
30 governance and operation of the charter school; [and]

31 (6) A description of the charter school's policies on student discipline and student
32 admission, which shall include a statement, where applicable, of the validity of attendance of
33 students who do not reside in the district but who may be eligible to attend under the terms of
34 judicial settlements;

35 **(7) A description of the charter school's grievance procedure for parents or**
36 **guardians;**

37 **(8) A description of the agreement between the charter school and the sponsor as**
38 **to when a charter shall be revoked for failure to comply with subsection 8 of this section**
39 **and when it will fail to be renewed under subsection 9 of this section; and**

40 **(9) Procedures to be implemented if the charter school should close, as provided in**
41 **subdivision (4) of subsection 17 of section 160.400.**

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

43 **(1) A charter shall be submitted to the sponsor, and follow the sponsor's policies**
44 **and procedures for review and granting of a charter approval, and be approved by the**
45 **state board by March thirty-first prior to the proposed opening date of the charter school;**

46 **(2)** A charter may be approved when the sponsor determines that the requirements of this
47 section are met and determines that the applicant is sufficiently qualified to operate a charter
48 school. The sponsor's decision of approval or denial shall be made within ninety days of the
49 filing of the proposed charter;

50 ~~[(2)]~~ **(3)** If the charter is denied, the proposed sponsor shall notify the applicant in writing
51 as to the reasons for its denial and forward a copy to the state board of education within five
52 business days following the denial;

53 ~~[(3)]~~ **(4)** If a proposed charter is denied by a sponsor, the proposed charter may be
54 submitted to the state board of education, along with the sponsor's written reasons for its denial.
55 If the state board determines that the applicant meets the requirements of this section, that the
56 applicant is sufficiently qualified to operate the charter school, and that granting a charter to the
57 applicant would be likely to provide educational benefit to the children of the district, the state
58 board may grant a charter and act as sponsor of the charter school. The state board shall review
59 the proposed charter and make a determination of whether to deny or grant the proposed charter
60 within sixty days of receipt of the proposed charter, provided that any charter to be considered
61 by the state board of education under this subdivision shall be submitted no later than March first
62 prior to the school year in which the charter school intends to begin operations. The state board
63 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

64 [(4)] (5) The sponsor of a charter school shall give priority to charter school applicants
65 that propose a school oriented to high-risk students and to the reentry of dropouts into the school
66 system. [If a sponsor grants three or more charters, at least one-third of the charters granted by
67 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
68 body and address the needs of dropouts or high-risk students through their proposed mission,
69 curriculum, teaching methods, and services.] For purposes of this subsection, a "high-risk"
70 student is one who is at least one year behind in satisfactory completion of course work or
71 obtaining [credits for graduation, pregnant or a parent, homeless or has been homeless sometime
72 within the preceding six months, has limited English proficiency, has been suspended from
73 school three or more times, is eligible for free or reduced-price school lunch, or has been referred
74 by the school district for enrollment in an alternative program] **high school credits for
75 graduation, has dropped out of school, is at risk of dropping out of school, needs drug and
76 alcohol treatment, has severe behavioral disorders, has been suspended from school three
77 or more times, has a history of severe truancy, is a pregnant or parenting teen, has been
78 referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is
79 homeless or has been homeless sometime within the preceding six months, is in need of low
80 incident special education services, has been referred by an area school district for
81 enrollment in an alternative program, or qualifies as high risk under department of
82 elementary and secondary education guidelines.** "Dropout" shall be defined through the
83 guidelines of the school core data report. The provisions of this subsection do not apply to
84 charters sponsored by the state board of education.

85 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
86 state board of education, along with a statement of finding that the application meets the
87 requirements of sections 160.400 to 160.420 and section [167.439] **167.349** and a monitoring
88 plan under which the charter sponsor will evaluate the academic performance of students
89 enrolled in the charter school. The state board of education may, within sixty days, disapprove
90 the granting of the charter. The state board of education may disapprove a charter on grounds
91 that the application fails to meet the requirements of sections 160.400 to 160.420 and section
92 167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a
93 charter sponsor.

94 4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject
95 to judicial review pursuant to chapter 536.

96 5. A charter school shall, as provided in its charter:

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

99 (2) Comply with laws and regulations of the state, county, or city relating to health,
100 safety, and state minimum educational standards, as specified by the state board of education,

101 including the requirements relating to student discipline under sections 160.261, 167.161,
102 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under
103 sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school
104 records under section 167.020, [and] the minimum number of school days and hours required
105 under section 160.041, **and the employee criminal history background check and the family**
106 **care safety registry check under section 168.133;**

107 (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules
108 relating to schools, governing boards and school districts;

109 (4) Be financially accountable, use practices consistent with the Missouri financial
110 accounting manual, provide for an annual audit by a certified public accountant, publish audit
111 reports and annual financial reports [as provided in chapter 165, RSMo, provided that the annual
112 financial report may be published] **on the charter school's internet website or** on the
113 department of elementary and secondary education's internet website [in addition to other
114 publishing requirements], and provide liability insurance to indemnify the school, its board, staff
115 and teachers against tort claims. A charter school that receives local educational agency status
116 under subsection [6] **7** of this section shall meet the requirements imposed by the Elementary and
117 Secondary Education Act for audits of such agencies. For purposes of an audit by petition under
118 section 29.230, a charter school shall be treated as a political subdivision on the same terms and
119 conditions as the school district in which it is located. For the purposes of securing such
120 insurance, a charter school shall be eligible for the Missouri public entity risk management fund
121 pursuant to section 537.700. A charter school that incurs debt [must] **shall** include a repayment
122 plan in its financial plan;

123 (5) Provide a comprehensive program of instruction for at least one grade or age group
124 from kindergarten through grade twelve, which may include early childhood education if funding
125 for such programs is established by statute, as specified in its charter;

126 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
127 adopted by the state board of education pursuant to section 160.514, [collect baseline data during
128 at least the first three years for determining how the charter school is performing] **establish**
129 **baseline student performance in accordance with the performance contract during the first**
130 **year of operation, collect student performance data as defined by the annual performance**
131 **report throughout the duration of the charter to annually monitor student academic**
132 **performance,** and to the extent applicable **based upon grade levels offered by the charter**
133 **school,** participate in the statewide system of assessments, comprised of the essential skills tests
134 and the nationally standardized norm-referenced achievement tests, as designated by the state
135 board pursuant to section 160.518, complete and distribute an annual report card as prescribed
136 in section 160.522, which shall also include a statement that background checks have been
137 completed on the charter school's board members, report to its sponsor, the local school district,

138 and the state board of education as to its teaching methods and any educational innovations and
139 the results thereof, and provide data required for the study of charter schools pursuant to
140 subsection 4 of section 160.410. No charter school will be considered in the Missouri school
141 improvement program review of the district in which it is located for the resource or process
142 standards of the program.

143 (b) For proposed high risk or alternative charter schools, sponsors shall approve
144 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
145 shall also approve comprehensive academic and behavioral measures to determine whether
146 students are meeting performance standards on a different time frame as specified in that school's
147 charter. Student performance shall be assessed comprehensively to determine whether a high
148 risk or alternative charter school has documented adequate student progress. Student
149 performance shall be based on sponsor-approved comprehensive measures as well as
150 standardized public school measures. Annual presentation of charter school report card data to
151 the department of elementary and secondary education, the state board, and the public shall
152 include comprehensive measures of student progress.

153 (c) Nothing in this [paragraph] **subdivision** shall be construed as permitting a charter
154 school to be held to lower performance standards than other public schools within a district;
155 however, the charter of a charter school may permit students to meet performance standards on
156 a different time frame as specified in its charter; **the performance standards for alternative**
157 **and special purpose charter schools that target high-risk students as defined in subdivision**
158 **(5) of subsection 2 of this section shall be based on academic growth measures;**

159 (7) Assure that the needs of special education children are met in compliance with all
160 applicable federal and state laws and regulations;

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

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

166 (b) A statement outlining the reasons for approval or disapproval by the sponsor,
167 specifically addressing the requirements of sections 160.400 to [160.420] **160.425** and 167.349.

168 **6. (1) Proposed or existing high risk or alternative charter schools may include**
169 **alternative arrangements for students to obtain credit for satisfying graduation**
170 **requirements in the school's charter application and charter. Alternative arrangements**
171 **may include, but not be limited to, credit for off-campus instruction, embedded credit,**
172 **work experience through an internship arranged through the school, and independent**
173 **studies. When the state board of education approves the charter, any such alternative**
174 **arrangements shall be approved at such time.**

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

179 7. The charter of a charter school may be amended at the request of the governing body
180 of the charter school and on the approval of the sponsor. The sponsor and the governing board
181 and staff of the charter school shall jointly review the school's performance, management and
182 operations [at least once every two years] **during the first year of operation and then every**
183 **other year after the most recent review** or at any point where the operation or management of
184 the charter school is changed or transferred to another entity, either public or private. The
185 governing board of a charter school may amend the charter, if the sponsor approves such
186 amendment, or the sponsor and the governing board may reach an agreement in writing to reflect
187 the charter school's decision to become a local educational agency [for the sole purpose of
188 seeking direct access to federal grants]. In such case the sponsor shall give the department of
189 elementary and secondary education written notice no later than March first of any year, with the
190 agreement to become effective July first. The department may waive the March first notice date
191 in its discretion. The department shall identify and furnish a list of its regulations that pertain
192 to local educational agencies to such schools within thirty days of receiving such notice.

193 [7.] 8. (1) A sponsor shall revoke a charter or take other appropriate remedial action,
194 which may include placing the charter school on probationary status **for no more than twelve**
195 **months, provided that no more than one designation of probationary status will be allowed**
196 **for the duration of the charter contract**, at any time if the charter school commits a serious
197 breach of one or more provisions of its charter or on any of the following grounds: failure to
198 meet [academic performance standards] **the performance contract** as set forth in its charter,
199 failure to meet generally accepted standards of fiscal management, failure to provide information
200 necessary to confirm compliance with all provisions of the charter and sections 160.400 to
201 [160.420] **160.425** and 167.349 within forty-five days following receipt of written notice
202 requesting such information, or violation of law.

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

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

210 (4) The sponsor of a charter school shall establish procedures to conduct administrative
211 hearings upon determination by the sponsor that grounds exist to revoke a charter. [Final

212 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial
213 review pursuant to chapter 536.]

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

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

220 [8.] **9. (1)** A sponsor shall take all reasonable steps necessary to confirm that each
221 charter school sponsored by such sponsor is in material compliance and remains in material
222 compliance with all material provisions of the charter and sections 160.400 to [160.420] **160.425**
223 and 167.349. Every charter school shall provide all information necessary to confirm ongoing
224 compliance with all provisions of its charter and sections 160.400 to [160.420] **160.425** and
225 167.349 in a timely manner to its sponsor.

226 **(2) (a) Beginning January 1, 2012, during the year in which a charter is considered**
227 **for renewal, a charter school sponsor shall demonstrate to the state board of education that**
228 **the charter school is in compliance with federal and state laws on accountability;**
229 **transparency; maintenance of parent, student, and employee rights; performance of**
230 **charter requirements; and the following academic performance standards:**

231 **a. For a charter school the grade span of which includes high school grades, the**
232 **sponsor shall establish that the average graduation rate for the most recent three years is**
233 **no lower than seventy percent in any three of the last four years unless the school has as**
234 **its mission dropout recovery and enrolls students from the ages of seventeen to twenty-one;**

235 **b. For all charter schools, the sponsor shall establish that the school is not among**
236 **the lowest achieving five percent of Title I schools in corrective action or restructuring in**
237 **any three of the last four years; and**

238 **c. For all charter schools, the sponsor shall demonstrate growth as evidenced by**
239 **Missouri assessment program scores or a nationally normed assessment instrument three**
240 **out of the four last years.**

241 **(b) The state board of education shall determine if compliance with all standards**
242 **enumerated in paragraph (a) of this subdivision has been achieved. If compliance has been**
243 **achieved, the state board of education shall so note at its next regularly scheduled meeting.**
244 **If compliance with all standards has not been achieved, the charter school and its sponsor**
245 **may file a statement no later than January thirty-first, stating the reasons why the charter**
246 **school should not be closed. If no such statement is filed, the charter school shall cease**
247 **operation at the end of the current academic year. If a statement is timely filed, the state**
248 **board of education shall hold a public hearing no later than March first on the merits of**

249 **keeping the school open. The state board of education shall vote no later than March**
250 **thirty-first on whether to continue the operation of the charter school, to continue**
251 **operation only upon certain conditions on its continuing operation as specified in**
252 **subdivision (1) of subsection 8 of this section, or to close the charter school at the end of the**
253 **current academic year.**

254 **10. A charter school shall close if any of the following events take place:**

255 **(1) The charter is revoked by the state board of education under subsection 17 of**
256 **section 160.400;**

257 **(2) The charter is revoked by the charter school's sponsor under subsection 8 of**
258 **section 160.405;**

259 **(3) The charter is not renewed under paragraph (b) of subdivision (2) of subsection**
260 **9 of section 160.405; or**

261 **(4) The charter is voluntarily relinquished.**

262 [9.] **11. A school district may enter into a lease with a charter school for physical**
263 **facilities. A properly authorized charter school shall have the right to purchase or lease an**
264 **unused facility or unused portion of a facility from a school district. Such purchase or**
265 **lease shall be made available to a charter school at a fair market value prior to any unused**
266 **facility or unused portion of a facility being offered to any noncharter school entity. No**
267 **school district shall sell or lease a facility to another entity unless it has first complied with**
268 **this subsection.**

269 **12. The state board of education shall immediately close all existing charter schools**
270 **that have failed to attain the state's annual yearly performance standard established**
271 **pursuant to the state's implementation plan for the federal No Child Left Behind Act of**
272 **2001 that are not outperforming the lowest performing district school in the district.**

273 [10.] **13. A governing board or a school district employee who has control over**
274 **personnel actions shall not take unlawful reprisal against another employee at the school district**
275 **because the employee is directly or indirectly involved in an application to establish a charter**
276 **school. A governing board or a school district employee shall not take unlawful reprisal against**
277 **an educational program of the school or the school district because an application to establish**
278 **a charter school proposes the conversion of all or a portion of the educational program to a**
279 **charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by**
280 **a governing board or a school district employee as a direct result of a lawful application to**
281 **establish a charter school and that is adverse to another employee or an educational program.**

282 [11.] **14. Charter school board members shall be subject to the same liability for acts**
283 **while in office as if they were regularly and duly elected members of school boards in any other**
284 **public school district in this state. The governing board of a charter school may participate, to**

285 the same extent as a school board, in the Missouri public entity risk management fund in the
286 manner provided under sections 537.700 to 537.756.

287 [12.] 15. Any entity, either public or private, operating, administering, or otherwise
288 managing a charter school shall be considered a quasi-public governmental body and subject to
289 the provisions of sections 610.010 to 610.035.

290 [13.] 16. The chief financial officer of a charter school shall maintain:

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

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

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

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

5 (3) **In the case of a charter school whose mission includes student drop-out**
6 **prevention or recovery, any nonresident pupil from the same or an adjacent county who**
7 **is considered high risk or is a dropout, or any nonresident pupil from the same or an**
8 **adjacent county who resides in a residential care facility, a transitional living group home,**
9 **or an independent living program whose last school of enrollment is in the school district**
10 **where the charter school is established, who submits a timely application; and**

11 (4) In the case of a workplace charter school, any student eligible to attend under
12 subdivision (1) or (2) of this subsection whose parent is employed in the business district, who
13 submits a timely application, unless the number of applications exceeds the capacity of a
14 program, class, grade level or building. The configuration of a business district shall be set forth
15 in the charter and shall not be construed to create an undue advantage for a single employer or
16 small number of employers.

17 2. If capacity is insufficient to enroll all pupils who submit a timely application, the
18 charter school shall have an admissions process that assures all applicants of an equal chance of
19 gaining admission except that:

20 (1) A charter school may establish a geographical area around the school whose residents
21 will receive a preference for enrolling in the school, provided that such preferences do not result
22 in the establishment of racially or socioeconomically isolated schools and provided such
23 preferences conform to policies and guidelines established by the state board of education; [and]

24 (2) A charter school may also give a preference for admission of children whose siblings
25 attend the school or whose parents are employed at the school or in the case of a workplace

26 charter school, a child whose parent is employed in the business district or at the business site
27 of such school; and

28 **(3) Charter alternative and special purpose schools may also give a preference for**
29 **admission to high-risk students, as defined in subdivision (5) of subsection 2 of section**
30 **160.405, when the school targets these students through its proposed mission, curriculum,**
31 **teaching methods, and services.**

32 3. A charter school shall not limit admission based on race, ethnicity, national origin,
33 disability, gender, income level, proficiency in the English language or athletic ability, but may
34 limit admission to pupils within a given age group or grade level.

35 4. The department of elementary and secondary education shall commission a study of
36 the performance of students at each charter school in comparison with an equivalent group of
37 district students representing an equivalent demographic and geographic population and a study
38 of the impact of charter schools upon the constituents they serve in the districts in which they are
39 located, to be conducted by the joint committee on education. The charter school study shall
40 include analysis of the administrative and instructional practices of each charter school and shall
41 include findings on innovative programs that illustrate best practices and lend themselves to
42 replication or incorporation in other schools. The joint committee on education shall coordinate
43 with individuals representing charter [public] schools and the districts in which charter schools
44 are located in conducting the study. The study of a charter school's student performance in
45 relation to a comparable group shall be designed to provide information that would allow parents
46 and educators to make valid comparisons of academic performance between the charter school's
47 students and an equivalent group of district students representing an equivalent demographic and
48 geographic population. The student performance assessment and comparison shall include, but
49 may not be limited to:

50 (1) Missouri assessment program test performance and aggregate growth over several
51 years;

52 (2) Student reenrollment rates;

53 (3) Educator, parent, and student satisfaction data;

54 (4) Graduation rates in secondary programs; and

55 (5) Performance of students enrolled in the same public school for three or more
56 consecutive years. The impact study shall be undertaken every two years to determine the impact
57 of charter schools on the constituents they serve in the districts where charter schools are
58 operated. The impact study shall include, but is not limited to, determining if changes have been
59 made in district policy or procedures attributable to the charter school and to perceived changes
60 in attitudes and expectations on the part of district personnel, school board members, parents,
61 students, the business community and other education stakeholders. The department of
62 elementary and secondary education shall make the results of the studies public and shall deliver

63 copies to the governing boards of the charter schools, the sponsors of the charter schools, the
64 school board and superintendent of the districts in which the charter schools are operated.

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

68 (1) The school's charter;

69 (2) The school's most recent annual report card published according to section 160.522;
70 [and]

71 (3) The results of background checks on the charter school's board members; **and**

72 **(4) If a charter school is operated by a management company, a copy of the written**
73 **contract between the governing board of the charter school and the educational**
74 **management organization or the charter management organization for services.**

75 The charter school may charge reasonable fees, not to exceed the rate specified in section
76 610.026, for furnishing copies of documents under this subsection.

77 **6. When a student attending a charter school who is a resident of the school district**
78 **in which the charter school is located moves out of the boundaries of such school district,**
79 **the student may complete the current semester and shall be considered a resident student.**
80 **The student's parent or legal guardian shall be responsible for the student's transportation**
81 **to and from the charter school.**

82 **7. If a change in school district boundary lines occurs under section 162.223,**
83 **162.431, 162.441, or 162.451, or by action of the state board of education under section**
84 **162.081, including attachment of a school district's territory to another district or**
85 **dissolution, such that a student attending a charter school prior to such change no longer**
86 **resides in a school district in which the charter school is located, then the student may**
87 **complete the current academic year at the charter school. The student shall be considered**
88 **a resident student. The student's parent or legal guardian shall be responsible for the**
89 **student's transportation to and from the charter school.**

90 **8. The provisions of sections 167.018 and 167.019 concerning foster children's**
91 **educational rights are applicable to charter schools.**

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

9 of elementary and secondary education. Each charter school shall promptly notify the state
10 department of elementary and secondary education and the pupil's school district when a student
11 discontinues enrollment at a charter school.

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

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

22 (3) If the department overpays or underpays the amount due to the charter school, such
23 overpayment or underpayment shall be repaid by the public charter school or credited to the
24 public 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 the
30 disbursal agent within five days of the required due date.

31 3. A workplace charter school shall receive payment for each eligible pupil as provided
32 under subsection 2 of this section, except that if the student is not a resident of the district and
33 is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be
34 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 target,
38 multiplied by the dollar value modifier for the district, plus local tax revenues per weighted
39 average daily attendance from the incidental and teachers funds in excess of the performance
40 levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter
41 school declares itself as a local education agency, the department of elementary and secondary
42 education shall, upon notice of the declaration, reduce the payment made to the school district
43 by the amount specified in this subsection and pay directly to the charter school the annual
44 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 shall
48 deduct the same amount from the next state school aid apportionment to the owing school
49 district. If a charter school is paid more or less than the amounts due pursuant to this section,
50 the amount of overpayment or underpayment shall be adjusted equally in the next twelve
51 payments by the school district or the department of elementary and secondary education, as
52 appropriate. Any dispute between the school district and a charter school as to the amount owing
53 to the charter school shall be resolved by the department of elementary and secondary education,
54 and the department's decision shall be the final administrative action for the purposes of review
55 pursuant to chapter 536. During the period of dispute, the department of elementary and
56 secondary education shall make every administrative and statutory effort to allow the continued
57 education of children in their current public charter school setting.

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

66 7. **In the case of a proposed charter school that intends to contract with an**
67 **education service provider for substantial educational services, management services, or**
68 **both types of services, as permitted in subsection 6 of this section, the request for proposals**
69 **shall additionally require the charter school applicants to:**

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

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

81 **(3) Disclose and explain any existing or potential conflicts of interest between the**
82 **school governing board and proposed service provider or any affiliated business entities;**
83 **and**

84 **(4) Disclose and explain any termination or nonrenewal of contracts for equivalent**
85 **services for any other charter school in the United States within the past five years.**

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 children and their
88 families linked to the school.

89 [8.] **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 provision
91 of transportation to the students of the charter school.

92 [9.] **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 eligible
97 for that aid.

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

101 [10.] **11.** A charter school may not charge tuition, nor may it impose fees that a school
102 district is prohibited from imposing.

103 [11.] **12.** A charter school is authorized to incur debt in anticipation of receipt of funds.
104 A charter school may also borrow to finance facilities and other capital items. A school district
105 may incur bonded indebtedness or take other measures to provide for physical facilities and other
106 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
107 charter school, any liabilities of the corporation will be satisfied through the procedures of
108 chapter 355. **The department of elementary and secondary education may withhold**
109 **funding at a level the department determines to be adequate during a school's last year of**
110 **operation until the department determines that school records, liabilities, and reporting**
111 **requirements, including a full audit, are satisfied.**

112 [12.] **13.** Charter schools shall not have the power to acquire property by eminent
113 domain.

114 [13.] **14.** The governing body of a charter school is authorized to accept grants, gifts or
115 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
116 donation may not be accepted by the governing body if it is subject to any condition contrary to

117 law applicable to the charter school or other public schools, or contrary to the terms of the
118 charter.

160.420. 1. Any school district in which charter schools may be established under
2 sections 160.400 to [160.420] **160.425** shall establish a uniform policy which provides that if a
3 charter 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 of
6 salary and benefits provided to the employee. The district's policy shall provide that any teacher
7 who accepts a position at a charter school and opts to remain an employee of the district retains
8 such teacher's permanent teacher status and retains such teacher's seniority rights in the district
9 for three years. The school district shall not be liable for any such employee's acts while an
10 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 school
13 are filled by noncertificated personnel. All noncertificated instructional personnel shall be
14 supervised by certificated instructional personnel. A charter school that has a foreign language
15 immersion experience as its chief educational mission, as stated in its charter, shall not be subject
16 to the twenty-percent requirement of this subsection but shall ensure that any teachers whose
17 duties include instruction given in a foreign language have current valid credentials in the
18 country in which such teacher received his or her training and shall remain subject to the
19 remaining requirements of this subsection. The charter school shall ensure that all instructional
20 employees of the charter school have experience, training and skills appropriate to the
21 instructional duties of the employee, and the charter school shall ensure that a criminal
22 background check and [child abuse] **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 certificate
25 of license to teach has been revoked or is currently suspended by the state board of education.
26 Appropriate experience, training and skills of noncertificated instructional personnel shall be
27 determined considering:

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

34 3. Personnel employed by the charter school shall participate in the retirement system
35 of the school district in which the charter school is located, subject to the same terms, conditions,

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

43 [4. The charter school and a local school board may agree by contract for services to be
44 provided by the school district to the charter school. The charter school may contract with any
45 other entity for services. Such services may include but are not limited to food service, custodial
46 service, maintenance, management assistance, curriculum assistance, media services and libraries
47 and shall be subject to negotiation between the charter school and the local school board or other
48 entity. Documented actual costs of such services shall be paid for by the charter school.

49 5. A charter school may enter into contracts with community partnerships and state
50 agencies acting in collaboration with such partnerships that provide services to children and their
51 families linked to the school.

52 6. A charter school shall be eligible for transportation state aid pursuant to section
53 163.161 and shall be free to contract with the local district, or any other entity, for the provision
54 of transportation to the students of the charter school.

55 7. (1) The proportionate share of state and federal resources generated by students with
56 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
57 by their school district where such enrollment is through a contract for services described in this
58 section. The proportionate share of money generated under other federal or state categorical aid
59 programs shall be directed to charter schools serving such students eligible for that aid.

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

63 8. A charter school may not charge tuition, nor may it impose fees that a school district
64 is prohibited from imposing.

65 9. A charter school is authorized to incur debt in anticipation of receipt of funds. A
66 charter school may also borrow to finance facilities and other capital items. A school district
67 may incur bonded indebtedness or take other measures to provide for physical facilities and other
68 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
69 charter school, any liabilities of the corporation will be satisfied through the procedures of
70 chapter 355.

71 10. Charter schools shall not have the power to acquire property by eminent domain.

72 11. The governing body of a charter school is authorized to accept grants, gifts or
73 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
74 donation may not be accepted by the governing body if it is subject to any condition contrary to
75 law applicable to the charter school or other public schools, or contrary to the terms of the
76 charter.]

**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, after an open committee hearing. No more than
5 five of the members shall be of the same political party. No more than two members shall
6 be from the same congressional district. The term of office of each member is four years,
7 except that of the members first appointed, three shall be appointed for a term of one year,
8 two for a term of two years, two for a term of three years, and two for a term of four years.
9 At the expiration of the term of each member, the governor, by and with the advice and
10 consent of the senate, shall 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 tem 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.

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

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

**31 6. The commission may approve proposed charters for its sponsorship under
32 sections 160.400 to 160.425 and shall:**

33 **(1) Comply with all of the requirements applicable to sponsors under sections**
34 **160.400 to 160.425;**

35 **(2) Exercise sponsorship over charters approved by the commission under sections**
36 **160.400 to 160.425, including receipt of sponsorship funding under subsection 11 of section**
37 **160.400.**

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

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

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

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