

SECOND REGULAR SESSION

# HOUSE BILL NO. 2039

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES TORPEY (Sponsor), DIECKHAUS, JONES (63), CIERPIOT,  
SCHARNHORST, TILLEY, STREAM, LAIR, JONES (89) AND NETH (Co-sponsors).

4656L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to a reading-intensive charter school pilot program.

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

Section A. Section 160.400, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 160.400, to read as follows:

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

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

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

(3) A community college located in the district; or

(4) Any private four-year college or university located in a city not within a county with an enrollment of at least one thousand students, and with an approved teacher preparation program.

3. The mayor of a city not within a county may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a "workplace charter school", which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability

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

16 to target prospective students whose parent or parents are employed in a business district, as  
17 defined in the charter, which is located in the city.

18 **4. In each district where a charter school is permitted under subsection 2 of this**  
19 **section, the state board of education may approve one pilot program school for accelerated**  
20 **reading instruction in early childhood and early elementary grades, sponsored by the**  
21 **district and to be operated under contract with an adjacent school district including**  
22 **personnel from the adjacent district for a period of four years. Such pilot program school**  
23 **shall use a reading program that has been recognized as having a high rate of success in**  
24 **districts with demographic characteristics that resemble the high density urban and**  
25 **metropolitan districts where charter schools are permitted under subsection 2 of this**  
26 **section. Its mission shall be to increase the number of children in the district who are**  
27 **reading on grade level by the end of third grade. The state board of education may**  
28 **promulgate rules for an expedited approval process for such pilot program school,**  
29 **consistent with meeting accepted best practices in charter school operation and reading**  
30 **instruction. The operator may, no earlier than the third year of operation, notify the**  
31 **sponsor of its intent not to operate under a renewed charter.**

32 **5.** No sponsor shall receive from an applicant for a charter school any fee of any type for  
33 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the  
34 promise of future payment of any kind.

35 [5.] **6.** The charter school shall be a Missouri nonprofit corporation incorporated pursuant  
36 to chapter 355. The charter provided for herein shall constitute a contract between the sponsor  
37 and the charter school.

38 [6.] **7.** As a nonprofit corporation incorporated pursuant to chapter 355, the charter  
39 school shall select the method for election of officers pursuant to section 355.326 based on the  
40 class of corporation selected. Meetings of the governing board of the charter school shall be  
41 subject to the provisions of sections 610.010 to 610.030, the open meetings law.

42 [7.] **8.** A sponsor of a charter school, its agents and employees are not liable for any acts  
43 or omissions of a charter school that it sponsors, including acts or omissions relating to the  
44 charter submitted by the charter school, the operation of the charter school and the performance  
45 of the charter school.

46 [8.] **9.** A charter school may affiliate with a four-year college or university, including a  
47 private college or university, or a community college as otherwise specified in subsection 2 of  
48 this section when its charter is granted by a sponsor other than such college, university or  
49 community college. Affiliation status recognizes a relationship between the charter school and  
50 the college or university for purposes of teacher training and staff development, curriculum and  
51 assessment development, use of physical facilities owned by or rented on behalf of the college

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

56 [9.] 10. The expenses associated with sponsorship of charter schools shall be defrayed  
57 by the department of elementary and secondary education retaining one and five-tenths percent  
58 of the amount of state and local funding allocated to the charter school under section 160.415,  
59 not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount  
60 shall not be withheld when the sponsor is a school district or the state board of education. The  
61 department of elementary and secondary education shall remit the retained funds for each charter  
62 school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its  
63 sponsorship obligations under sections 160.400 to 160.420 and 167.349 with regard to each  
64 charter school it sponsors, including appropriate demonstration of the following:

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

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

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

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

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

78 [10.] 11. No university, college or community college shall grant a charter to a nonprofit  
79 corporation if an employee of the university, college or community college is a member of the  
80 corporation's board of directors.

81 [11.] 12. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349  
82 without ensuring that a criminal background check and child abuse registry check are conducted  
83 for all members of the governing board of the charter schools or the incorporators of the charter  
84 school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew  
85 a charter without ensuring a criminal background check and child abuse registry check are  
86 conducted for each member of the governing board of the charter school.

87 [12.] 13. No member of the governing board of a charter school shall hold any office or  
88 employment from the board or the charter school while serving as a member, nor shall the  
89 member have any substantial interest, as defined in section 105.450, in any entity employed by  
90 or contracting with the board. No board member shall be an employee of a company that  
91 provides substantial services to the charter school. All members of the governing board of the  
92 charter school shall be considered decision-making public servants as defined in section 105.450  
93 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485,  
94 105.487, and 105.489.

95 [13.] 14. A sponsor shall provide timely submission to the state board of education of  
96 all data necessary to demonstrate that the sponsor is in material compliance with all requirements  
97 of sections 160.400 to 160.420 and 167.349.

98 [14.] 15. The state board of education shall ensure each sponsor is in compliance with  
99 all requirements under sections 160.400 to 160.420 and 167.349 for each charter school  
100 sponsored by any sponsor. The state board shall notify each sponsor of the standards for  
101 sponsorship of charter schools, delineating both what is mandated by statute and what best  
102 practices dictate.

103 The state board, after a public hearing, may require remedial action for a sponsor that it finds has  
104 not fulfilled its obligations of sponsorship, such remedial actions including withholding the  
105 sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor  
106 a school that it currently sponsors or to sponsor any additional school. If the state board removes  
107 the authority to sponsor a currently operating charter school, the state board shall become the  
108 interim sponsor of the school for a period of up to three years until the school finds a new  
109 sponsor or until the charter contract period lapses.

110 **16. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
111 **created under the authority delegated in this section shall become effective only if it**  
112 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
113 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
114 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
115 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
116 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,**  
117 **shall be invalid and void.**

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