

HOUSE BILL NO. 1868

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STREAM.

5429L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.011, 160.400, 160.405, 163.021, 167.131, 167.241, and 171.031, RSMo, and to enact in lieu thereof thirteen new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 160.011, 160.400, 160.405, 163.021, 167.131, 167.241, and
2 171.031, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as
3 sections 160.011, 160.400, 160.405, 160.408, 161.091, 162.1110, 163.021, 167.131, 167.132,
4 167.241, 167.243, 167.828, and 171.031, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and
2 178, the following terms mean:

3 (1) **"Borderline district"**, a school district that has a current annual performance
4 **report score between seventy-five and seventy with the last two consecutive years showing**
5 **a decline in the score, with a district third-grade or eighth-grade statewide reading**
6 **assessment that shows that seventy-five percent or more of the students are at a level less**
7 **than proficient, and a transiency rate in the top quartile of districts;**

8 (2) "District" or "school district", when used alone, may include seven-director, urban,
9 and metropolitan school districts;

10 [(2)] (3) "Elementary school", a public school giving instruction in a grade or grades not
11 higher than the eighth grade;

12 [(3)] (4) "Family literacy programs", services of sufficient intensity in terms of hours,
13 and of sufficient duration, to make sustainable changes in families that include:

14 (a) Interactive literacy activities between parents and their children;

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 (b) Training of parents regarding how to be the primary teacher of their children and full
16 partners in the education of their children;

17 (c) Parent literacy training that leads to high school completion and economic self
18 sufficiency; and

19 (d) An age-appropriate education to prepare children of all ages for success in school;

20 [(4)] (5) "Graduation rate", the quotient of the number of graduates in the current year
21 as of June thirtieth divided by the sum of the number of graduates in the current year as of June
22 thirtieth plus the number of twelfth graders who dropped out in the current year plus the number
23 of eleventh graders who dropped out in the preceding year plus the number of tenth graders who
24 dropped out in the second preceding year plus the number of ninth graders who dropped out in
25 the third preceding year;

26 [(5)] (6) "High school", a public school giving instruction in a grade or grades not lower
27 than the ninth nor higher than the twelfth grade;

28 [(6)] (7) "Metropolitan school district", any school district the boundaries of which are
29 coterminous with the limits of any city which is not within a county;

30 [(7)] (8) "Public school" includes all elementary and high schools operated at public
31 expense;

32 [(8)] (9) "School board", the board of education having general control of the property
33 and affairs of any school district;

34 [(9)] (10) "School term", a minimum of one hundred seventy-four school days, as that
35 term is defined in section 160.041, for schools with a five-day school week or a minimum of one
36 hundred forty-two school days, as that term is defined in section 160.041, for schools with a
37 four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled
38 by the board pursuant to section 171.031 during a twelve-month period in which the academic
39 instruction of pupils is actually and regularly carried on for a group of students in the public
40 schools of any school district. A school term may be within a school year or may consist of parts
41 of two consecutive school years, but does not include summer school. A district may choose to
42 operate two or more terms for different groups of children. A school term for students
43 participating in a school flex program as established in section 160.539 may consist of a
44 combination of actual pupil attendance and attendance at college or technical career education
45 or approved employment aligned with the student's career academic plan for a total of one
46 thousand forty-four hours;

47 [(10)] (11) "Secretary", the secretary of the board of a school district;

48 [(11)] (12) "Seven-director district", any school district which has seven directors and
49 includes urban districts regardless of the number of directors an urban district may have unless
50 otherwise provided by law;

51 [(12)] **(13)** "Taxpayer", any individual who has paid taxes to the state or any subdivision
52 thereof within the immediately preceding twelve-month period or the spouse of such individual;

53 [(13)] **(14)** "Town", any town or village, whether or not incorporated, the plat of which
54 has been filed in the office of the recorder of deeds of the county in which it is situated;

55 **(15)** "Transiency rate", the product of one hundred and the quotient of:

56 **(a)** The sum of the number of resident full-time students and full-time equivalent
57 number of part-time students who enroll in the district after the last Wednesday of
58 September and the number of students who were enrolled, withdrew and reenrolled, and
59 the number of students who withdrew from the district during the school year; and

60 **(b)** The sum of the number of students who enrolled in the district on or before the
61 last Wednesday in September and the number of students who enrolled in the district after
62 the last Wednesday of September;

63 **(16)** "Underperforming", a school district or a school building that has an annual
64 performance report score consistent with a classification of provisionally accredited or
65 unaccredited;

66 [(14)] **(17)** "Urban school district", any district which includes more than half of the
67 population or land area of any city which has not less than seventy thousand inhabitants, other
68 than a city which is not within a county.

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:

4 (1) In a metropolitan school district;

5 (2) In an urban school district containing most or all of a city with a population greater
6 than three hundred fifty thousand inhabitants;

7 (3) In a school district that has been declared unaccredited;

8 (4) In a school district that has been classified as provisionally accredited by the state
9 board of education and has received scores on its annual performance report consistent with a
10 classification of provisionally accredited or unaccredited for three consecutive school years
11 beginning with the 2012-13 accreditation year under the following conditions:

12 (a) The eligibility for charter schools of any school district whose provisional
13 accreditation is based in whole or in part on financial stress as defined in sections 161.520 to
14 161.529, or on financial hardship as defined by rule of the state board of education, shall be
15 decided by a vote of the state board of education during the third consecutive school year after
16 the designation of provisional accreditation; and

17 (b) The sponsor is limited to the local school board or a sponsor who has met the
18 standards of accountability and performance as determined by the department based on sections
19 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department; or

20 (5) In a school district that has been accredited without provisions, sponsored only by
21 the local school board; provided that no board with a current year enrollment of one thousand
22 five hundred fifty students or greater shall permit more than thirty-five percent of its student
23 enrollment to enroll in charter schools sponsored by the local board under the authority of this
24 subdivision, except that this restriction shall not apply to any school district that subsequently
25 becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited
26 without provisions that sponsors charter schools prior to having a current year student enrollment
27 of one thousand five hundred fifty students or greater.

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

30 (1) The school board of the district in any district which is sponsoring a charter school
31 as of August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section,
32 the special administrative board of a metropolitan school district during any time in which
33 powers granted to the district's board of education are vested in a special administrative board,
34 or if the state board of education appoints a special administrative board to retain the authority
35 granted to the board of education of an urban school district containing most or all of a city with
36 a population greater than three hundred fifty thousand inhabitants, the special administrative
37 board of such school district;

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

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

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

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

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

50 (7) **The school board of a district that is accredited without provisions by the state**
51 **board of education, in a district classified as unaccredited by the state board of education;**

52 **(8) A combination of school boards of districts that are accredited without**
53 **provisions by the state board of education in collaboration, in a district classified as**
54 **unaccredited by the state board of education; or**

55 **(9) A cooperative association of school districts, in a district classified as**
56 **unaccredited by the state board of education.**

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

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

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

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

71

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

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

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

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

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

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

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

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

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

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

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

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

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

127 12. Sponsors receiving funds under subsection 11 of this section shall be required to
128 submit annual reports to the joint committee on education demonstrating they are in compliance
129 with subsection 17 of this section.

130 13. No university, college or community college shall grant a charter to a nonprofit
131 corporation if an employee of the university, college or community college is a member of the
132 corporation's board of directors.

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

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

147 16. A sponsor shall develop the policies and procedures for:

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

153 (2) The granting of a charter;

154 (3) The performance framework that the sponsor will use to evaluate the performance
155 of charter schools;

156 (4) The sponsor's intervention, renewal, and revocation policies, including the conditions
157 under which the charter sponsor may intervene in the operation of the charter school, along with

158 actions and consequences that may ensue, and the conditions for renewal of the charter at the end
159 of the term, consistent with subsections 8 and 9 of section 160.405;

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

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

163

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

165 17. (1) A sponsor shall provide timely submission to the state board of education of all
166 data necessary to demonstrate that the sponsor is in material compliance with all requirements
167 of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure
168 each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and
169 167.349 for each charter school sponsored by any sponsor. The state board shall notify each
170 sponsor of the standards for sponsorship of charter schools, delineating both what is mandated
171 by statute and what best practices dictate. The state board shall evaluate sponsors to determine
172 compliance with these standards every three years. The evaluation shall include a sponsor's
173 policies and procedures in the areas of charter application approval; required charter agreement
174 terms and content; sponsor performance evaluation and compliance monitoring; and charter
175 renewal, intervention, and revocation decisions. Nothing shall preclude the department from
176 undertaking an evaluation at any time for cause.

177 (2) If the department determines that a sponsor is in material noncompliance with its
178 sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If
179 remediation does not address the compliance issues identified by the department, the
180 commissioner of education shall conduct a public hearing and thereafter provide notice to the
181 charter sponsor of corrective action that will be recommended to the state board of education.
182 Corrective action by the department may include withholding the sponsor's funding and
183 suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any
184 additional school until the sponsor is reauthorized by the state board of education under section
185 160.403.

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

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

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 [be] **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 [also include] **address the following:**

- 11 (1) A mission and vision statement for the charter school;
- 12 (2) A description of the charter school's organizational structure and bylaws of the
13 governing body, which will be responsible for the policy, financial management, and operational
14 decisions of the charter school, including the nature and extent of parental, professional educator,
15 and community involvement in the governance and operation of the charter school;
- 16 (3) A financial plan for the first three years of operation of the charter school including
17 provisions for annual audits;
- 18 (4) A description of the charter school's policy for securing personnel services, its
19 personnel policies, personnel qualifications, and professional development plan;
- 20 (5) A description of the grades or ages of students being served;
- 21 (6) The school's calendar of operation, which shall include at least the equivalent of a
22 full school term as defined in section 160.011;
- 23 (7) A description of the charter school's pupil performance standards and academic
24 program performance standards, which shall meet the requirements of subdivision (6) of
25 subsection 4 of this section. The charter school program shall be designed to enable each pupil
26 to achieve such standards and shall contain a complete set of indicators, measures, metrics, and
27 targets for academic program performance, including specific goals on graduation rates and
28 standardized test performance and academic growth;
- 29 (8) A description of the charter school's educational program and curriculum;
- 30 (9) The term of the charter, which shall be five years and shall be renewable;
- 31 (10) Procedures, consistent with the Missouri financial accounting manual, for
32 monitoring the financial accountability of the charter, which shall meet the requirements of
33 subdivision (4) of subsection 4 of this section;
- 34 (11) Preopening requirements for applications that require that charter schools meet all
35 health, safety, and other legal requirements prior to opening;

36 (12) A description of the charter school's policies on student discipline and student
37 admission, which shall include a statement, where applicable, of the validity of attendance of
38 students who do not reside in the district but who may be eligible to attend under the terms of
39 judicial settlements and procedures that ensure admission of students with disabilities in a
40 nondiscriminatory manner;

41 (13) A description of the charter school's grievance procedure for parents or guardians;

42 (14) A description of the agreement between the charter school and the sponsor as to
43 when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for
44 failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter
45 under subsection 9 of this section;

46 (15) Procedures to be implemented if the charter school should close, as provided in
47 subdivision (6) of subsection 16 of section 160.400 including:

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

49 (b) Archival of business operation and transfer or repository of personnel records;

50 (c) Submission of final financial reports;

51 (d) Resolution of any remaining financial obligations; and

52 (e) Disposition of the charter school's assets upon closure;

53 (f) A notification plan to inform parents or guardians of students, the local school
54 district, the retirement system in which the charter school's employees participate, and the state
55 board of education within thirty days of the decision to close;

56 (16) A description of the special education and related services that shall be available
57 to meet the needs of students with disabilities; and

58 (17) For all new or revised charters, procedures to be used upon closure of the charter
59 school requiring that unobligated assets of the charter school be returned to the department of
60 elementary and secondary education for their disposition, which upon receipt of such assets shall
61 return them to the local school district in which the school was located, the state, or any other
62 entity to which they would belong.

63

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

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

67 (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and
68 procedures for review and granting of a charter approval, and be approved by the state board of
69 education by [December first] **January thirty-first** of the year [prior to] **that is** the proposed
70 opening date of the charter school;

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

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

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

90 (5) The sponsor of a charter school shall give priority to charter school applicants that
91 propose a school oriented to high-risk students and to the reentry of dropouts into the school
92 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
93 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
94 body and address the needs of dropouts or high-risk students through their proposed mission,
95 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
96 student is one who is at least one year behind in satisfactory completion of course work or
97 obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out
98 of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended
99 from school three or more times, has a history of severe truancy, is a pregnant or parenting teen,
100 has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is
101 homeless or has been homeless sometime within the preceding six months, has been referred by
102 an area school district for enrollment in an alternative program, or qualifies as high risk under
103 department of elementary and secondary education guidelines. "Dropout" shall be defined
104 through the guidelines of the school core data report. The provisions of this subsection do not
105 apply to charters sponsored by the state board of education.

106 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
107 state board of education, along with a statement of finding **by the sponsor** that the application
108 meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring
109 plan under which the charter sponsor shall evaluate the academic performance of students
110 enrolled in the charter school. The state board of education [may, within] **has** sixty days[,
111 disapprove the granting of the charter.] **from receipt of the charter application to renew the**
112 **application. Any charter application received by the state board of education on or before**
113 **November fifteenth of the year prior to the proposed opening of the charter school shall**
114 **be considered by the state board of education within the sixty-day period. At the**
115 **conclusion of the sixty-day period, the charter application shall be deemed approved unless**
116 the state board of education [may disapprove a] **disapproves the** charter on grounds that the
117 application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349
118 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter
119 sponsor. **Any disapproval of a charter application made by the state board of education**
120 **shall be in writing and shall identify the specific failures of the application to meet the**
121 **requirements of sections 160.400 to 160.425 and section 167.349, and the written**
122 **disapproval shall be provided within five business days to the sponsor.**

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

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

126 (2) Comply with laws and regulations of the state, county, or city relating to health,
127 safety, and state minimum educational standards, as specified by the state board of education,
128 including the requirements relating to student discipline under sections 160.261, 167.161,
129 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under
130 sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school
131 records under section 167.020, the minimum number of school days and hours required under
132 section 160.041, and the employee criminal history background check and the family care safety
133 registry check under section 168.133;

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

136 (4) Be financially accountable, use practices consistent with the Missouri financial
137 accounting manual, provide for an annual audit by a certified public accountant, publish audit
138 reports and annual financial reports as provided in chapter 165, provided that the annual financial
139 report may be published on the department of elementary and secondary education's internet
140 website in addition to other publishing requirements, and provide liability insurance to indemnify
141 the school, its board, staff and teachers against tort claims. A charter school that receives local

142 educational agency status under subsection 6 of this section shall meet the requirements imposed
143 by the Elementary and Secondary Education Act for audits of such agencies and comply with all
144 federal audit requirements for charters with local education agency status. For purposes of an
145 audit by petition under section 29.230, a charter school shall be treated as a political subdivision
146 on the same terms and conditions as the school district in which it is located. For the purposes
147 of securing such insurance, a charter school shall be eligible for the Missouri public entity risk
148 management fund pursuant to section 537.700. A charter school that incurs debt shall include
149 a repayment plan in its financial plan;

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

153 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
154 adopted by the state board of education pursuant to section 160.514, establish baseline student
155 performance in accordance with the performance contract during the first year of operation,
156 collect student performance data as defined by the annual performance report throughout the
157 duration of the charter to annually monitor student academic performance, and to the extent
158 applicable based upon grade levels offered by the charter school, participate in the statewide
159 system of assessments, comprised of the essential skills tests and the nationally standardized
160 norm-referenced achievement tests, as designated by the state board pursuant to section 160.518,
161 complete and distribute an annual report card as prescribed in section 160.522, which shall also
162 include a statement that background checks have been completed on the charter school's board
163 members, report to its sponsor, the local school district, and the state board of education as to
164 its teaching methods and any educational innovations and the results thereof, and provide data
165 required for the study of charter schools pursuant to subsection 4 of section 160.410. No charter
166 school shall be considered in the Missouri school improvement program review of the district
167 in which it is located for the resource or process standards of the program.

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

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

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

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

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

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

196 5. (1) Proposed or existing high-risk or alternative charter schools may include
197 alternative arrangements for students to obtain credit for satisfying graduation requirements in
198 the school's charter application and charter. Alternative arrangements may include, but not be
199 limited to, credit for off-campus instruction, embedded credit, work experience through an
200 internship arranged through the school, and independent studies. When the state board of
201 education approves the charter, any such alternative arrangements shall be approved at such time.

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

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

214 become a local educational agency. In such case the sponsor shall give the department of
215 elementary and secondary education written notice no later than March first of any year, with the
216 agreement to become effective July first. The department may waive the March first notice date
217 in its discretion. The department shall identify and furnish a list of its regulations that pertain
218 to local educational agencies to such schools within thirty days of receiving such notice.

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

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

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

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

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

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

230 8. (1) (a) A sponsor's intervention policies shall give schools clear, adequate,
231 evidence-based, and timely notice of contract violations or performance deficiencies and
232 mandate intervention based upon findings of the state board of education of the following:

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

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

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

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

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

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

246 (c) A sponsor shall revoke a charter or take other appropriate remedial action, which may
247 include placing the charter school on probationary status for no more than twelve months,
248 provided that no more than one designation of probationary status shall be allowed for the
249 duration of the charter contract, at any time if the charter school commits a serious breach of one

250 or more provisions of its charter or on any of the following grounds: failure to meet the
251 performance contract as set forth in its charter, failure to meet generally accepted standards of
252 fiscal management, failure to provide information necessary to confirm compliance with all
253 provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days
254 following receipt of written notice requesting such information, or violation of law.

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

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

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

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

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

273 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter
274 school sponsored by such sponsor is in material compliance and remains in material compliance
275 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every
276 charter school shall provide all information necessary to confirm ongoing compliance with all
277 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
278 sponsor.

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

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

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

287 a. A negative balance in its operating funds;

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

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

291 (c) The charter is in compliance with its legally binding performance contract and
292 sections 160.400 to 160.425 and section 167.349.

293 (3) (a) Beginning August first during the year in which a charter is considered for
294 renewal, a charter school sponsor shall demonstrate to the state board of education that the
295 charter school is in compliance with federal and state law as provided in sections 160.400 to
296 160.425 and section 167.349 and the school's performance contract including but not limited to
297 those requirements specific to academic performance.

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

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

305 (d) If a charter school sponsor demonstrates the objectives identified in this subdivision,
306 the state board of education shall renew the school's charter. **Any decision of the state board**
307 **of education not to renew a charter school's charter shall be based solely on the charter**
308 **application's failure to comply with this subdivision.**

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

310 11. A governing board or a school district employee who has control over personnel
311 actions shall not take unlawful reprisal against another employee at the school district because
312 the employee is directly or indirectly involved in an application to establish a charter school. A
313 governing board or a school district employee shall not take unlawful reprisal against an
314 educational program of the school or the school district because an application to establish a
315 charter school proposes the conversion of all or a portion of the educational program to a charter
316 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a
317 governing board or a school district employee as a direct result of a lawful application to
318 establish a charter school and that is adverse to another employee or an educational program.

319 12. Charter school board members shall be subject to the same liability for acts while
320 in office as if they were regularly and duly elected members of school boards in any other public

321 school district in this state. The governing board of a charter school may participate, to the same
322 extent as a school board, in the Missouri public entity risk management fund in the manner
323 provided under sections 537.700 to 537.756.

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

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

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

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

**160.408. 1. A high-quality charter school is a charter school operating in the state
2 of Missouri which meets the following requirements:**

3 **(1) Receives seventy-five percent or more of the total points on the annual**
4 **performance report for three out of the last four school years by comparing points earned**
5 **to the points possible on the annual performance report for three of the last four school**
6 **years;**

7 **(2) Maintains a graduation rate of at least eighty percent for three of the last four**
8 **school years, if the charter school provides a high school program;**

9 **(3) Is in material compliance with its legally binding performance contract and**
10 **sections 160.400 to 160.425 and section 167.349; and**

11 **(4) Is organizationally and fiscally viable as described in paragraph (b) of**
12 **subdivision (2) of subsection 9 of section 160.405.**

13 **2. A high-quality charter management organization is a charter management**
14 **organization operating in the state of Missouri or another state which meets one of the**
15 **following requirements:**

16 **(1) Manages a high-quality charter school as defined in subsection 1 of this section;**

17 **(2) Manages at least one charter school with a record of achieved results three of**
18 **the last four school years based on performance on statewide assessments, annual student**
19 **attendance and retention rates, and if applicable high school graduation rates, all of which**
20 **are above the statewide average for all schools; or**

21 **(3) Is a recipient of U.S. Department of Education Charter Schools Program Grant**
22 **for Replication and Expansion of High-Quality Charter Schools.**

23 **3. Notwithstanding any other provision of law, high quality charter schools and**
24 **high-quality charter management organizations shall be provided expedited opportunities**

25 to replicate and expand into unaccredited districts, a metropolitan district, or an urban
26 school district containing most or all of the home rule city with more than four hundred
27 thousand inhabitants and located in more than one county. Such replication and
28 expansion shall be subject to the following:

29 (1) The school or management organization seeking to replicate or expand shall
30 submit its proposed charter to a proposed sponsor. The charter shall include a legally
31 binding performance contract that meets the requirements of sections 160.400 to 160.425
32 and section 167.349;

33 (2) The sponsor's decision to approve or deny shall be made within sixty days of the
34 filing of the proposed charter with the proposed sponsor;

35 (3) If a charter is approved by a sponsor, the charter application shall be filed with
36 the state board of education, along with a statement of finding from the sponsor that the
37 application meets the requirements of sections 160.400 to 160.425 and section 167.349 and
38 a monitoring plan under which the sponsor shall evaluate the academic performance of
39 students enrolled in the charter school. Such filing shall be made by January thirty-first
40 of the year that is the proposed opening date of the charter school;

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

44 (5) If a proposed charter is denied by a sponsor, the proposed charter may be
45 submitted to the state board of education, along with the sponsor's written reasons for its
46 denial. If the state board determines that the applicant meets the requirements of this
47 section, that the applicant is sufficiently qualified to operate the charter school, and that
48 granting a charter to the applicant would likely provide educational benefit to the children
49 of the district, the state board may grant a charter and act as a sponsor of the charter
50 school. The state board shall review the proposed charter and make a determination of
51 whether to deny or grant the proposed charter within sixty days of receipt of the proposed
52 charter, provided that any charter to be considered by the state board of education under
53 this subdivision shall be submitted no later than March first prior to the school year in
54 which the charter school intends to begin operations. The state board of education shall
55 notify the applicant in writing as to the reasons for denial, if applicable.

56 4. The term of the charter for schools operating under this section shall be ten years
57 and shall be renewable. Renewal shall be subject to the provisions of paragraphs (a) to (d)
58 of subdivision (3) of subsection 9 of section 160.405.

161.091. 1. As authorized under its duty to classify the schools of the state under section 161.092, the state board of education shall adopt a system of classification to accredit districts using the classifications identified in this section.

2. Districts shall be classified as accredited with distinction, accredited, provisionally accredited, or unaccredited.

3. As authorized under its duty to classify the schools of the state under section 161.092, the state board of education shall adopt a system of classification that accredits individual school buildings within a district separately from the district as a whole for districts that are underperforming.

4. An annual performance report score for a district or school that is between seventy and one hundred shall be consistent with an accreditation classification of accredited.

5. An annual performance report score for a district or school that is between fifty and sixty-nine shall be consistent with an accreditation classification of provisionally accredited.

6. An annual performance report score for a district or school that is below fifty shall be consistent with an accreditation classification of unaccredited.

7. The state board of education shall develop additional criteria to classify a district as accredited with distinction for any district with an annual performance report score of ninety or higher.

8. The state board of education shall consider three years of a district's and school's accreditation data when making an accreditation classification.

9. The state board of education shall develop and implement a process to provide assistance teams to borderline and provisionally accredited districts upon assignment by the state board of education. The composition and size of the team may vary, based on academic, demographic, and financial circumstances of the district, but in no case will the team have fewer than ten members, two of whom shall be active classroom teachers in the district, two of whom shall be principals, and one of whom shall be a parent. The team shall provide both analysis of, at a minimum, the assessment data, classroom practices, and communication processes within buildings, within the district, and with the larger community, and prescriptions for improvement based on the district's and community's needs. Separate teams may be used to provide analysis and recommendations at the discretion of the state board. Beginning with school year 2014-15, the team shall provide its recommendations no later than June 30, 2015, for provisional and borderline districts. The state board shall prioritize the assignment of teams so that the districts with the lower annual percentage report scores are addressed first. The assistance team's suggestions for

37 improvement are not mandatory for borderline districts. If a provisionally accredited
38 district disagrees with any suggestion of the assistance team, the district shall propose a
39 different method of accomplishing what the assistance team has suggested, and the state
40 board of education shall be the final arbiter of the matter.

41 10. The state board of education shall continue to monitor the performance of
42 schools that remain assigned to an unaccredited district. The proportion of schools that
43 remain accredited shall be a factor in the board's considerations of the unaccredited
44 district's status and governance structure under section 162.081.

45 11. The state board of education shall promulgate rules and regulations to
46 implement the provisions of this section. Any rule or portion of a rule, as that term is
47 defined in section 536.010, that is created under the authority delegated in this section shall
48 become effective only if it complies with and is subject to all of the provisions of chapter
49 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and
50 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
51 to delay the effective date, or to disapprove and annul a rule are subsequently held
52 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
53 after the effective date of this section, shall be invalid and void.

162.1110. 1. Effective January 1, 2015, a school district to be known as the
2 "Statewide Achievement School District" is established. The district may be cited and
3 referred to as the "Achievement District". The achievement district shall be a body
4 corporate and politic and a subdivision of the state.

5 2. The state board of education shall transfer all underperforming schools located
6 in an unaccredited district to the jurisdiction of the achievement district, except that if a
7 school district that exceeds fifteen thousand in enrollments and has a special administrative
8 board is declared to be unaccredited, the state board of education may, at its discretion,
9 waive the assignment of any underperforming school to the achievement district if the
10 special administrative board submits a recovery plan and timetable that is acceptable to
11 the state board. The achievement district shall oversee and administer such schools as
12 provided in this section.

13 3. The governing authority of the achievement district shall be vested in a
14 three-member governing board, with each member appointed by the governor as provided
15 in this subsection. The speaker of the house of representatives and the president pro tem
16 of the senate shall by August 31, 2014, each present a slate of three nominees, and the
17 governor shall select one nominee from each list by October 31, 2014. The governor shall
18 present the names of the nominees to the senate for its advise and consent no later than
19 December 31, 2014. The length of term for governing board members shall be six years.

20 **4. Unless otherwise provided, the achievement district shall be subject to all general**
21 **laws pertaining to the operation of seven-director districts as defined in section 160.011.**

22 **5. The governing board shall select a president from the members by January 10,**
23 **2015. The governing board shall select a chief executive officer by February 28, 2015, who**
24 **shall be a person of recognized administrative ability and shall have all other powers and**
25 **duties of a superintendent of schools, including appointment of staff.**

26 **6. The powers and duties of the achievement district shall include but need not be**
27 **limited to:**

28 **(1) Managing schools assigned to it by the state board of education so as to provide**
29 **the best educational opportunity to all students who attend, including but not limited to**
30 **the authority to determine and act on which schools should be operated, closed, or**
31 **relocated, and what range of grades should be operated in each school under its direct**
32 **management;**

33 **(2) Oversight of facility planning, construction, improvement, repair, maintenance,**
34 **rehabilitation, repurposing, and disposal;**

35 **(3) Employment of such staff members as it deems necessary, including the**
36 **authority to require all staff under contract at the time a school was transferred to the**
37 **achievement district to reapply for employment;**

38 **(4) Continuation of contracts in place at the time the school was transferred under**
39 **the jurisdiction of the achievement district that are not related to personnel, unless the**
40 **president of the governing board or the other party to the contract gives notice within**
41 **ninety days of the school transfer that the contract shall be subject to renegotiation;**

42 **(5) Development of a community outreach plan to engage parents and community**
43 **leaders in the successful operation and academic improvement of all schools under its**
44 **jurisdiction and to solicit advice on proposed changes and other matters of community**
45 **significance.**

46 **7. When the state board of education transfers a school to the jurisdiction of the**
47 **achievement district, neither the achievement district nor the state board of education shall**
48 **be considered a successor entity for the purpose of employment contracts, unemployment**
49 **compensation payment under section 288.110, or any other purpose.**

50 **8. When the state board of education transfers a school to the jurisdiction of the**
51 **achievement district, the district in which the school is physically located shall remain**
52 **intact for the purposes of assessing, collecting, and distributing property taxes, which shall**
53 **be distributed equitably on a weighted average daily attendance basis to the district and**
54 **the achievement district. For any district that has a school transferred to the jurisdiction**
55 **of the achievement district, the department of elementary and secondary education shall**

56 **divide the district's state aid equitably on a weighted average daily attendance basis and**
57 **distribute to the achievement district the portion of the district's state and federal aid**
58 **associated with the school transferred to the achievement district. The district shall**
59 **provide local revenue on behalf of the transferred school in proportion to the weighted**
60 **average daily attendance. Distribution of funds shall also be determined in conjunction**
61 **with the department's suggested worksheet for determination of basic tuition charge by**
62 **grade-level grouping.**

63 **9. High quality charter school sponsors, operators, and educational management**
64 **organizations may be given preference for short-term contracts for the immediate**
65 **provision of specified services to schools transferred to the jurisdiction of the achievement**
66 **district. The provision of contracted services under this subsection does not constitute a**
67 **charter as provided under sections 160.400 to 160.425. A short-term contract is twelve**
68 **months or less in length.**

69 **10. No school shall remain assigned to the achievement district for longer than five**
70 **school years, unless the state board of education determines that the school has made**
71 **steady and sufficient progress towards provisional accreditation during that period. A**
72 **school that achieves a level equivalent to accredited status and maintains that level for five**
73 **school years shall be reassigned to its original district. The achievement district shall make**
74 **a determination about the future status of a school assigned to it that has not made steady**
75 **and sufficient progress after five years, exercising the powers given to it under subdivision**
76 **(1) of subsection 6 of this section.**

163.021. 1. A school district shall receive state aid for its education program only if it:

2 (1) Provides for a minimum of one hundred seventy-four days and one thousand
3 forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section
4 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one
5 hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a
6 term for kindergarten pupils. If any school is dismissed because of inclement weather after
7 school has been in session for three hours, that day shall count as a school day including
8 afternoon session kindergarten students. When the aggregate hours lost in a term due to
9 inclement weather decreases the total hours of the school term below the required minimum
10 number of hours by more than twelve hours for all-day students or six hours for one-half-day
11 kindergarten students, all such hours below the minimum must be made up in one-half day or
12 full day additions to the term, except as provided in section 171.033;

13 (2) Maintains adequate and accurate records of attendance, personnel and finances, as
14 required by the state board of education, which shall include the preparation of a financial

15 statement which shall be submitted to the state board of education the same as required by the
16 provisions of section 165.111 for districts;

17 (3) Levies an operating levy for school purposes of not less than one dollar and
18 twenty-five cents after all adjustments and reductions on each one hundred dollars assessed
19 valuation of the district;

20 (4) Computes average daily attendance as defined in subdivision (2) of section 163.011
21 as modified by section 171.031. Whenever there has existed within the district an infectious
22 disease, contagion, epidemic, plague or similar condition whereby the school attendance is
23 substantially reduced for an extended period in any school year, the apportionment of school
24 funds and all other distribution of school moneys shall be made on the basis of the school year
25 next preceding the year in which such condition existed;

26 (5) **At any time that it is classified as unaccredited by the state board of education,**
27 **uses funds derived from the operating levy for school purposes to pay tuition remission for**
28 **students who attend a nonsectarian private school under section 167.828.**

29 2. For the 2006-07 school year and thereafter, no school district shall receive more state
30 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,
31 exclusive of categorical add-ons, than it received per weighted average daily attendance for the
32 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional
33 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for
34 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
35 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant
36 to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the
37 minimum tax rate otherwise required under this subsection shall not be construed to be in
38 violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of
39 Article X of the state constitution, a school district may levy the operating levy for school
40 purposes required by this subsection less all adjustments required pursuant to Article X, Section
41 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect
42 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school
43 district is guaranteed to receive an amount not less than the amount the school district received
44 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply
45 to any school district located in a county of the second classification which has a nuclear power
46 plant located in such district or to any school district located in a county of the third classification
47 which has an electric power generation unit with a rated generating capacity of more than one
48 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative
49 except that such school districts may levy for current school purposes and capital projects an

50 operating levy not to exceed two dollars and seventy-five cents less all adjustments required
51 pursuant to Article X, Section 22 of the Missouri Constitution.

52 3. No school district shall receive more state aid, as calculated in section 163.031, for
53 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the
54 school year 1993-1994, if the state board of education determines that the district was not in
55 compliance in the preceding school year with the requirements of section 163.172, until such
56 time as the board determines that the district is again in compliance with the requirements of
57 section 163.172.

58 4. No school district shall receive state aid, pursuant to section 163.031, if such district
59 was not in compliance, during the preceding school year, with the requirement, established
60 pursuant to section 160.530 to allocate revenue to the professional development committee of
61 the district.

62 5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of
63 section 163.031, for its education program, exclusive of categorical add-ons, than it received per
64 weighted average daily attendance for the school year 2005-06 from the foundation formula, line
65 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment
66 amounts, if the district did not comply in the preceding school year with the requirements of
67 subsection 6 of section 163.031.

68 6. Any school district that levies an operating levy for school purposes that is less than
69 the performance levy, as such term is defined in section 163.011, shall provide written notice to
70 the department of elementary and secondary education asserting that the district is providing an
71 adequate education to the students of such district. If a school district asserts that it is not
72 providing an adequate education to its students, such inadequacy shall be deemed to be a result
73 of insufficient local effort. The provisions of this subsection shall not apply to any special
74 district established under sections 162.815 to 162.940.

167.131. 1. The board of education of each district in this state that does not maintain
2 [an accredited] **a high school** [pursuant to the authority of the state board of education to classify
3 schools as established in section 161.092] **offering work through the twelfth grade** shall pay
4 [the] tuition [of] **as calculated by the receiving district under subsection 2 of this section** and
5 provide transportation consistent with the provisions of section 167.241 for each pupil resident
6 therein **who has completed the work of the highest grade offered in the schools of the**
7 **district and** who attends [an accredited] **a public high school** in another district of the same or
8 an adjoining county.

9 2. The rate of tuition to be charged by the district attended and paid by the sending
10 district is the per pupil cost of maintaining the district's grade level grouping which includes the
11 school attended. The cost of maintaining a grade level grouping shall be determined by the board

12 of education of the district but in no case shall it exceed all amounts spent for teachers' wages,
13 incidental purposes, debt service, maintenance and replacements. The term "debt service", as
14 used in this section, means expenditures for the retirement of bonded indebtedness and
15 expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping
16 shall be determined by dividing the cost of maintaining the grade level grouping by the average
17 daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts
18 shall be submitted to the state board of education, and its decision in the matter shall be final.
19 Subject to the limitations of this section, each pupil shall be free to attend the public school of
20 his or her choice.

**167.132. 1. The board of education of each district in this state that has been
2 declared unaccredited pursuant to the authority of the state board of education to classify
3 schools as established in section 161.092 shall pay tuition and provide transportation
4 consistent with the provisions of section 167.241 for each student resident therein who
5 meets the criteria of this section.**

**6 2. The rate of tuition to be charged by the district attended and paid by the sending
7 district, effective with the 2013-14 school year is seventy-five percent of the per-pupil cost
8 of maintaining the district's grade-level grouping which includes the school attended.
9 Seventy percent shall be transmitted as tuition to the receiving district and five percent
10 shall be transferred to the transportation assistance fund, as created in section 167.243.
11 The cost of maintaining a grade-level grouping shall be determined by the board of
12 education of the district but in no case shall it exceed all amounts spent for teachers' wages,
13 incidental purposes, debt service, maintenance and replacements. The term "debt
14 service", as used in this section, means expenditures for the retirement of bonded
15 indebtedness and expenditures for interest on bonded indebtedness. Per-pupil cost of the
16 grade-level grouping shall be determined by dividing the cost of maintaining the grade-
17 level grouping by the average daily pupil attendance. If there is disagreement as to the
18 amount of tuition to be paid, the facts shall be submitted to the state board of education,
19 and its decision in the matter shall be final. Subject to the limitations of this section, each
20 student shall be free to attend the public school of his or her choice.**

**21 3. A student who resides in an unaccredited district may transfer to a public school
22 in another district of the same or an adjoining county if the receiving district is accredited
23 without provisions by the state board of education and the student follows the procedures
24 required by this section. Before a student who attends an unaccredited or provisionally
25 accredited public school in an unaccredited district may transfer to an accredited district
26 in the same or an adjoining county, the unaccredited district shall determine if there is
27 sufficient capacity in a district school offering the student's grade level of enrollment that**

28 is classified as accredited by the state board of education at the individual building level.
29 If such capacity exists, the student shall remain enrolled in the unaccredited district and
30 attend the accredited school, provided that the student meets any admissions requirements
31 criteria if the school is a magnet school, academically selective school, or school with a
32 competitive entrance process. If a district that exceeds fifteen thousand in enrollment is
33 declared to be unaccredited, in the school year next following the declaration only students
34 assigned to an unaccredited school in the district may apply for transfer, while students
35 who are assigned to a provisionally accredited school may apply in the second year
36 following the declaration of unaccredited status for the district.

37 4. The parent or guardian of a student who seeks to transfer to an accredited
38 district in the same or an adjoining county shall provide proof that the student has resided
39 in the unaccredited district for at least twelve months prior to seeking to transfer out of the
40 district. Any student who has transferred to an accredited district shall maintain residency
41 in his or her unaccredited district of residence to continue eligibility for enrollment in the
42 accredited district. If a student does not maintain such residency, the student shall no
43 longer be eligible to attend the accredited district. If a transfer student withdraws from
44 the accredited district in which he or she has enrolled, the student shall be ineligible to
45 transfer to another district under this section.

46 5. By August 1, 2014, each local school board shall establish specific criteria
47 through board policy for the admission of nonresident pupils from districts that have been
48 classified as unaccredited by the state board of education who seek admission into a school
49 district under this section. Each school board shall adopt and publish a policy for
50 reasonable student and teacher ratios and reasonable class sizes. The criteria for the 2015-
51 16 school year and subsequent years shall be posted by January fifteenth each year. When
52 adopting its policy, each school board shall consider previous years' student enrollment,
53 student and teacher ratios, and class size. Each school board shall take into account the
54 district's resident student population growth or decrease, based on demographic
55 projections provided by the office of socioeconomic data analysis, such that the receiving
56 district shall not be required to employ additional teachers or construct new classrooms
57 to accommodate such transfer pupils. No resident pupil shall be displaced from a school
58 to which he or she would otherwise be assigned to accommodate the admission of a
59 nonresident pupil. The assignment of a student to a particular building shall be the
60 decision of the receiving district.

61 6. A student who has followed the procedures of subsections 3, 4, and 5 of this
62 section and has not been successful in obtaining a seat in an accredited school may apply
63 for tuition reimbursement to a nonsectarian private school under section 167.828. No

64 student applying for a transfer under this section shall be required to apply for a seat in
65 a receiving district that results in an average bus ride length of more than seventy-five
66 minutes one way in order to qualify for tuition reimbursement under section 167.828.

67 7. If an unaccredited district becomes classified as provisionally accredited or
68 accredited without provisions by the state board of education, resident students of the
69 unaccredited district who are enrolled in an accredited district in the same or an adjoining
70 county under this section shall be permitted to continue their educational program in the
71 accredited district through the highest grade level of enrollment offered in the district or
72 graduation.

73 8. For the purposes of this section, the following terms shall mean:

74 (1) "Accredited district", a school district that is accredited by the state board of
75 education pursuant to the authority of the state board of education to classify schools as
76 established in section 161.092;

77 (2) "Provisionally accredited district", a school district that is classified as
78 provisionally accredited by the state board of education pursuant to the authority of the
79 state board of education to classify schools as established in section 161.092;

80 (3) "Unaccredited district", a school district classified as unaccredited by the state
81 board of education pursuant to the authority of the state board of education to classify
82 schools as established in section 161.092.

167.241. 1. Transportation for pupils whose tuition the district of residence is required
2 to pay by section 167.131 or 167.132 or who are assigned as provided in section 167.121 shall
3 be provided by the district of residence; however, in the case of pupils covered by section
4 167.131 or 167.132, the district of residence shall be required to provide transportation only to
5 school districts accredited by the state board of education pursuant to the authority of the state
6 board of education to classify schools as established in section 161.092 [and those school
7 districts] that are designated by the board of education of the district of residence.

8 2. No district under section 167.132 shall be required to provide transportation that
9 results in an average bus ride length of more than seventy-five minutes one way.

167.243. 1. There is hereby created in the state treasury the "Transportation
2 Assistance Fund". Any moneys in the fund shall be used to assist districts in transporting
3 students who choose to attend a school outside their district of residence under section
4 167.132.

5 2. The state treasurer shall be custodian of the fund. In accordance with sections
6 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a
7 dedicated fund and, upon appropriation, money in the fund shall be used solely for the
8 administration of this section.

9 **3. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
10 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
11 **general revenue fund.**

12 **4. The state treasurer shall invest moneys in the fund in the same manner as other**
13 **funds are invested. Any interest and moneys earned on such investments shall be credited**
14 **to the fund.**

15 **5. The achievement district may utilize moneys in the fund to assist with**
16 **transportation arrangements for districts participating in the transfer of students under**
17 **section 167.132, seeking proposals for the most cost-effective and safe means of**
18 **transportation in a region affected by transfers. Individual districts that experience**
19 **unusually high transportation needs may also apply for grant funds from the achievement**
20 **district by submitting proposals that detail the need and the proposed solution with an**
21 **estimated cost.**

167.828. 1. The school board of any unaccredited district that operates an
2 **unaccredited school shall pay tuition for any student who resides within the unaccredited**
3 **school's attendance boundaries to attend a nonsectarian private school located in his or her**
4 **district of residence or in any school district that is eligible to receive transfer students**
5 **under section 167.132 and is unable to transfer to an accredited school in his or her district**
6 **of residence or in a receiving district as prescribed in section 167.132.**

7 **2. The amount of tuition to be paid shall not exceed the lesser of:**

8 **(1) The nonsectarian private school's tuition rate; or**

9 **(2) Seventy percent of the nonresident tuition rate under section 167.132 set by the**
10 **school board of the district in which the nonsectarian private school is located.**

11 **3. The student's district of residence may provide transportation for him or her to**
12 **attend a nonsectarian private school located within the district but shall not be required**
13 **to do so.**

14 **4. A nonsectarian private school shall qualify to receive tuition payments under this**
15 **section only if it:**

16 **(1) Is accredited by the north central association commission on accreditation and**
17 **school improvement or demonstrates similar academic quality credentials to the**
18 **satisfaction of the department;**

19 **(2) Has been in continuous operation for three school years prior to accepting**
20 **transfer students under this section; and**

21 **(3) Administers or allows for the administration of the state assessments in**
22 **language arts and mathematics or equivalent assessments for the transfer students.**

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance. In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.

2. Each local school district may set its opening date each year, which date shall be no earlier than ten calendar days prior to the first Monday in September. No public school district shall select an earlier start date unless the district follows the procedure set forth in subsection 3 of this section.

3. A district may set an opening date that is more than ten calendar days prior to the first Monday in September only if the local school board first gives public notice of a public meeting to discuss the proposal of opening school on a date more than ten days prior to the first Monday in September, and the local school board holds said meeting and, at the same public meeting, a majority of the board votes to allow an earlier opening date. If all of the previous conditions are met, the district may set its opening date more than ten calendar days prior to the first Monday in September. The condition provided in this subsection must be satisfied by the local school board each year that the board proposes an opening date more than ten days before the first Monday in September.

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

5. The provisions of subsections 2 to 4 of this section shall not apply to school districts in which school is in session for twelve months of each calendar year.

6. The state board of education may grant an exemption from this section to a school district that demonstrates highly unusual and extenuating circumstances justifying exemption from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state board of education shall be valid for one academic year only.

7. No school day for schools with a five-day school week shall be longer than seven hours except for:

(1) Vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county[, and];

(2) Any school that adopts a four-day school week in accordance with section 171.029;
and

37 **(3) Any school district that is classified as unaccredited by the state board of**
38 **education that follows the procedure in subsection 8 of this section.**

39 **8. The school board of any district classified as unaccredited by the state board of**
40 **education, upon adoption of a resolution by a majority vote to authorize such action, may**
41 **do any or all of the following measures:**

42 **(1) Increase the length of the school day;**

43 **(2) Increase the annual hours of instruction above the required number of hours**
44 **in subsection 1 of this section;**

45 **(3) Increase the length of the school term.**

46 **9. In a school district that has been designated as unaccredited by the state board,**
47 **the school calendar for underperforming schools for the school year following the**
48 **announcement of such designation shall have no more than six consecutive weeks when**
49 **student attendance is not required between school years, no more than three consecutive**
50 **weeks when student attendance is not required between grading periods, and no more than**
51 **five consecutive days when student attendance is not required during any grading period.**
52 **The minimum number of days and hours of student attendance as required under**
53 **subsection 1 of this section shall continue to apply to such districts. The provisions of this**
54 **subsection shall not be applicable to any such district in the school year following the**
55 **school year in which the district receives a designation of accredited with no provisions.**
56 **The achievement district may waive this requirement when, in its analysis of the**
57 **underperforming school, extended learning time for reading and mathematics may be**
58 **accomplished by another method.**

 Section B. Because of the importance of improving and sustaining Missouri's elementary
2 and secondary education system, this act is deemed necessary for the immediate preservation of
3 the public health, welfare, peace and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and this act shall be in full force and effect upon its passage and
5 approval.

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