

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 137, Page 1, Section A, Line 2, by
2 inserting after all of said section and line the following:

3
4 "160.400. 1. A charter school is an independent public school.

5 2. Except as further provided in subsection 4 of this section, charter schools may be
6 operated only:

7 (1) In a metropolitan school district;

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

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

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

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

21 (b) The sponsor is limited to the local school board or a sponsor who has met the standards
22 of accountability and performance as determined by the department based on sections 160.400 to
23 160.425 and section 167.349 and properly promulgated rules of the department; or

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

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

34 (1) The school board of the district in any district which is sponsoring a charter school as of
35 August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section, the special
36 administrative board of a metropolitan school district during any time in which powers granted to

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1 the district's board of education are vested in a special administrative board, or if the state board of
 2 education appoints a special administrative board to retain the authority granted to the board of
 3 education of an urban school district containing most or all of a city with a population greater than
 4 three hundred fifty thousand inhabitants, the special administrative board of such school district;

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

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

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

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

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

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

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

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

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

29
 30 A charter school operating in a school district identified in subdivision (1) or (2) of subsection 2 of
 31 this section may be sponsored by any of the entities identified in subsection 3 of this section,
 32 irrespective of the accreditation classification of the district in which it is located. A charter school
 33 in a district described in this subsection whose charter provides for the addition of grade levels in
 34 subsequent years may continue to add levels until the planned expansion is complete to the extent of
 35 grade levels in comparable schools of the district in which the charter school is operated.

36 5. The mayor of a city not within a county may request a sponsor under subdivision (2), (3),
 37 (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace charter school",
 38 which is defined for purposes of sections 160.400 to 160.425 as a charter school with the ability to
 39 target prospective students whose parent or parents are employed in a business district, as defined in
 40 the charter, which is located in the city.

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

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

47 8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school shall
 48 select the method for election of officers pursuant to section 355.326 based on the class of
 49 corporation selected. Meetings of the governing board of the charter school shall be subject to the

1 provisions of sections 610.010 to 610.030.

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

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

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

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

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

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

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

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

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

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

41 14. No sponsor shall grant a charter under sections 160.400 to 160.425 and 167.349 without
42 ensuring that a criminal background check and family care safety registry check are conducted for
43 all members of the governing board of the charter schools or the incorporators of the charter school
44 if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter
45 without ensuring a criminal background check and family care safety registry check are conducted
46 for each member of the governing board of the charter school. No individual shall be allowed to
47 serve on a governing board of a charter school if the individual has been found guilty of or pled
48 guilty to a felony under the federal laws of the United States of America, or to a felony under the
49 laws of this state or an offense committed in another state that would be considered a felony in this

1 state, or if such individual is prohibited from serving on any school board under section 162.014.

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

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

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

15 (2) The granting of a charter;

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

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

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

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

26
27 The department shall provide guidance to sponsors in developing such policies and procedures.

28 17. (1) A sponsor shall provide timely submission to the state board of education of all data
29 necessary to demonstrate that the sponsor is in material compliance with all requirements of sections
30 160.400 to 160.425 and section 167.349. The state board of education shall ensure each sponsor is
31 in compliance with all requirements under sections 160.400 to 160.425 and 167.349 for each charter
32 school sponsored by any sponsor. The state board shall notify each sponsor of the standards for
33 sponsorship of charter schools, delineating both what is mandated by statute and what best practices
34 dictate. The state board shall evaluate sponsors to determine compliance with these standards every
35 three years. The evaluation shall include a sponsor's policies and procedures in the areas of charter
36 application approval; required charter agreement terms and content; sponsor performance evaluation
37 and compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing
38 shall preclude the department from undertaking an evaluation at any time for cause.

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

47 (3) The charter sponsor may, within thirty days of receipt of the notice of the
48 commissioner's recommendation, provide a written statement and other documentation to show
49 cause as to why that action should not be taken. Final determination of corrective action shall be

1 determined by the state board of education based upon a review of the documentation submitted to
2 the department and the charter sponsor.

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

6 18. If a sponsor notifies a charter school of closure under subsection 8 of section 160.405,
7 the department of elementary and secondary education shall exercise its financial withholding
8 authority under subsection 12 of section 160.415 to assure all obligations of the charter school shall
9 be met. The state, charter sponsor, or resident district shall not be liable for any outstanding liability
10 or obligations of the charter school."; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.