

SECOND REGULAR SESSION

HOUSE BILL NO. 2200

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RHOADS.

4909H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.400, 160.405, 160.410, 160.415, 160.420, 160.545, 162.1250, 167.231, 168.011, and 168.021, RSMo, and to enact in lieu thereof sixteen new sections relating to elementary and secondary education.

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

Section A. Sections 160.400, 160.405, 160.410, 160.415, 160.420, 160.545, 162.1250, 167.231, 168.011, and 168.021, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 160.400, 160.405, 160.410, 160.415, 160.420, 160.430, 160.432, 160.435, 160.545, 162.1250, 162.1251, 162.1252, 167.231, 168.011, 168.021, and 170.039, to read as follows:

- 160.400. 1. A charter school is an independent public school.
2. Except as further provided in subsection 4 of this section, charter schools may be operated only:
- (1) In a metropolitan school district;
 - (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;
 - (3) In a school district that has been classified as unaccredited by the state board of education;
 - (4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year under the following conditions:

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.

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

18 (b) The sponsor is limited to the local school board or a sponsor who has met the
19 standards of accountability and performance as determined by the department based on sections
20 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department; or

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

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

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

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

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

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

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

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

50 4. Changes in a school district's accreditation status that affect charter schools shall be
51 addressed as follows, except for the districts described in subdivisions (1) and (2) of subsection
52 2 of this section:

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

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

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

64

65 A charter school operating in a school district identified in subdivision (1) or (2) of subsection
66 2 of this section may be sponsored by any of the entities identified in subsection 3 of this section,
67 irrespective of the accreditation classification of the district in which it is located. A charter
68 school in a district described in this subsection whose charter provides for the addition of grade
69 levels in subsequent years may continue to add levels until the planned expansion is complete
70 to the extent of grade levels in comparable schools of the district in which the charter school is
71 operated.

72 5. The mayor of a city not within a county may request a sponsor under subdivision (2),
73 (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a “workplace charter
74 school”, which is defined for purposes of sections 160.400 to 160.425 as a charter school with
75 the ability to target prospective students whose parent or parents are employed in a business
76 district, as defined in the charter, which is located in the city.

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

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

83 8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school
84 shall select the method for election of officers pursuant to section 355.326 based on the class of

85 corporation selected. Meetings of the governing board of the charter school shall be subject to
86 the provisions of sections 610.010 to 610.030.

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

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

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

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

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

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

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

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

121 12. Sponsors receiving funds under subsection 11 of this section shall be required to
122 submit annual reports to the joint committee on education demonstrating they are in compliance
123 with subsection [17] **19** of this section.

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

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

133 15. **(1)** No member of the governing board of a charter school shall hold any office or
134 employment from the board or the charter school while serving as a member, nor shall the
135 member have any substantial interest, as defined in section 105.450, in any entity employed by
136 or contracting with the board. No board member shall be an employee of a company that
137 provides substantial services to the charter school. All members of the governing board of the
138 charter school shall be considered decision-making public servants as defined in section 105.450
139 for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485,
140 105.487, and 105.489.

141 **(2) A member of a governing board of a charter school shall meet the same legal**
142 **requirements to be an elected member of the school board in the school district in which**
143 **the charter school is located before being appointed to the governing board of the charter**
144 **school and during the appointment. Members appointed to the governing board of a**
145 **charter school shall receive sixteen hours of training within one year of appointment by a**
146 **provider approved by the state board of education in accordance with section 162.203.**

147 16. **Charter schools shall be accredited by the state board of education using the**
148 **same standards applicable to school districts. A charter school that is designated as**
149 **provisionally accredited shall receive the same oversight from the state board of education**
150 **that is provided or mandated for school districts that are provisionally accredited. An**
151 **unaccredited charter school shall not have its charter renewed and may have its charter**
152 **revoked by the state board of education.**

153 17. **Notwithstanding any other provision of law, the state board of education shall**
154 **approve new charter schools on or after January 1, 2020, only if they are solely sponsored**
155 **by the elected school board of the school district in which the charter school will be located.**
156 **Notwithstanding any other provision of law, all charter schools that receive renewal of**

157 **their charters by the state board of education after January 1, 2020, shall be sponsored by**
158 **the elected school board of the district in which the charter school is located.**

159 **18.** A sponsor shall develop the policies and procedures for:

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

165 (2) The granting of a charter;

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

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

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

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

176

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

178 ~~[17-]~~ **19.** (1) A sponsor shall provide timely submission to the state board of education
179 of all data necessary to demonstrate that the sponsor is in material compliance with all
180 requirements of sections 160.400 to 160.425 and section 167.349. The state board of education
181 shall ensure each sponsor is in compliance with all requirements under sections 160.400 to
182 160.425 and 167.349 for each charter school sponsored by any sponsor. The state board shall
183 notify each sponsor of the standards for sponsorship of charter schools, delineating both what
184 is mandated by statute and what best practices dictate. The state board shall evaluate sponsors
185 to determine compliance with these standards every three years. The evaluation shall include a
186 sponsor's policies and procedures in the areas of charter application approval; required charter
187 agreement terms and content; sponsor performance evaluation and compliance monitoring; and
188 charter renewal, intervention, and revocation decisions. Nothing shall preclude the department
189 from undertaking an evaluation at any time for cause.

190 (2) If the department determines that a sponsor is in material noncompliance with its
191 sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If
192 remediation does not address the compliance issues identified by the department, the

193 commissioner of education shall conduct a public hearing and thereafter provide notice to the
194 charter sponsor of corrective action that will be recommended to the state board of education.
195 Corrective action by the department may include withholding the sponsor's funding and
196 suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any
197 additional school until the sponsor is reauthorized by the state board of education under section
198 160.403.

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

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

207 ~~[18-]~~ **20.** If a sponsor notifies a charter school of closure under subsection 8 of section
208 160.405, the department of elementary and secondary education shall exercise its financial
209 withholding authority under subsection 12 of section 160.415 to assure all obligations of the
210 charter school shall be met. The state, charter sponsor, or resident district shall not be liable for
211 any outstanding liability or obligations of the charter school.

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five
5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall include a legally binding
8 performance contract that describes the obligations and responsibilities of the school and the
9 sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall address the
10 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 may be renewed;
- 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 and time frame for implementation between the
43 charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a
44 sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when
45 a sponsor will not renew a charter 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 ~~[46]~~ **18** 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;
- 52 (e) Disposition of the charter school's assets upon closure; and

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 January thirty-first prior to the school year of the proposed opening date of the
70 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 through
104 the guidelines of the school core data report. The provisions of this subsection do not apply to
105 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, including annual
110 performance reports, of students enrolled in the charter school. The state board of education
111 shall approve or deny a charter application within sixty days of receipt of the application. The
112 state board of education may deny a charter on grounds that the application fails to meet the
113 requirements of sections 160.400 to 160.425 and section 167.349 or that a charter sponsor
114 previously failed to meet the statutory responsibilities of a charter sponsor. Any denial of a
115 charter application made by the state board of education shall be in writing and shall identify the
116 specific failures of the application to meet the requirements of sections 160.400 to 160.425 and
117 section 167.349, and the written denial shall be provided within ten business days to the sponsor.

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

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

121 (2) Comply with laws and regulations of the state, county, or city relating to health,
122 safety, and state minimum educational standards, as specified by the state board of education,
123 including the requirements relating to student discipline under sections 160.261, 167.161,

124 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under
125 sections 167.115 [tø] **and** 167.117, academic assessment under section 160.518, transmittal of
126 school records under section 167.020, the minimum amount of school time required under
127 section 171.031, and the employee criminal history background check and the family care safety
128 registry check under section 168.133;

129 (3) Except as provided in sections 160.400 to 160.425 and as specifically provided in
130 other sections, be exempt from all laws and rules relating to schools, governing boards and
131 school districts;

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

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

149 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
150 adopted by the state board of education pursuant to section 160.514, establish baseline student
151 performance in accordance with the performance contract during the first year of operation,
152 collect student performance data as defined by the annual performance report throughout the
153 duration of the charter to annually monitor student academic performance, and to the extent
154 applicable based upon grade levels offered by the charter school, participate in the statewide
155 system of assessments, comprised of the essential skills tests and the nationally standardized
156 norm-referenced achievement tests, as designated by the state board pursuant to section 160.518,
157 complete and distribute an annual report card as prescribed in section 160.522, which shall also
158 include a statement that background checks have been completed on the charter school's board
159 members, and report to its sponsor, the local school district, and the state board of education as

160 to its teaching methods and any educational innovations and the results thereof. No charter
161 school shall be considered in the Missouri school improvement program review of the district
162 in which it is located for the resource or process standards of the program.

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

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

180 (7) Comply with all applicable federal and state laws and regulations regarding students
181 with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities
182 Education Act (20 U.S.C. Section 1400, **et seq.**) and Section 504 of the Rehabilitation Act of
183 1973 (29 U.S.C. Section 794) or successor legislation;

184 (8) **Comply with all applicable federal and state laws regarding the education of**
185 **students who are English language learners; and**

186 (9) Provide along with any request for review by the state board of education the
187 following:

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

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

193 5. (1) Proposed or existing high-risk or alternative charter schools may include
194 alternative arrangements for students to obtain credit for satisfying graduation requirements in
195 the school's charter application and charter. Alternative arrangements may include, but not be

196 limited to, credit for off-campus instruction, embedded credit, work experience through an
197 internship arranged through the school, and independent studies. When the state board of
198 education approves the charter, any such alternative arrangements shall be approved at such time.

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

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

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

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

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

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

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

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

227 8. (1) (a) A sponsor's policies shall give schools clear, adequate, evidence-based, and
228 timely notice of contract violations or performance deficiencies and mandate intervention based
229 upon findings of the state board of education of the following:

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

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

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

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

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

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

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

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

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

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

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

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

270 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter
271 school sponsored by such sponsor is in material compliance and remains in material compliance
272 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every
273 charter school shall provide all information necessary to confirm ongoing compliance with all
274 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
275 sponsor.

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

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

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

284 a. A negative balance in its operating funds;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

160.410. 1. A charter school shall enroll:

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

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

5 (3) Nonresident pupils who transfer from an unaccredited district under section 167.131,
6 provided that the charter school is an approved charter school, as defined in section 167.131, and
7 subject to all other provisions of section 167.131;

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

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

19 2. If capacity is insufficient to enroll all pupils who submit a timely application, the
20 charter school shall have an admissions process that assures all applicants of an equal chance of
21 gaining admission and does not discriminate based on parents' ability to pay fees or tuition
22 except that:

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

27 (2) A charter school may also give a preference for admission of children whose siblings
28 attend the school or whose parents are employed at the school or in the case of a workplace
29 charter school, a child whose parent is employed in the business district or at the business site
30 of such school; and

31 (3) Charter alternative and special purpose schools may also give a preference for
32 admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405,

33 when the school targets these students through its proposed mission, curriculum, teaching
34 methods, and services.

35 3. A charter school shall not limit admission based on race, ethnicity, national origin,
36 disability, income level, proficiency in the English language or athletic ability, but may limit
37 admission to pupils within a given age group or grade level. Charter schools may limit
38 admission based on gender only when the school is a single-gender school. Students of a charter
39 school who have been enrolled for a full academic year shall be counted in the performance of
40 the charter school on the statewide assessments in that calendar year, unless otherwise exempted
41 as English language learners. For purposes of this subsection, “full academic year” means the
42 last Wednesday in September through the administration of the Missouri assessment program
43 test without transferring out of the school and re-enrolling.

44 4. A charter school shall make available for public inspection, **post on its website**, and
45 provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident
46 in the district in which the school is located the following information:

47 (1) The school's charter;

48 (2) The school's most recent annual report card published according to section 160.522;

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

50 (4) If a charter school is operated by a management company, a copy of the written
51 contract between the governing board of the charter school and the educational management
52 organization or the charter management organization for services. The charter school may
53 charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies
54 of documents under this subsection.

55 5. When a student attending a charter school who is a resident of the school district in
56 which the charter school is located moves out of the boundaries of such school district, the
57 student may complete the current semester and shall be considered a resident student. The
58 student's parent or legal guardian shall be responsible for the student's transportation to and from
59 the charter school.

60 6. If a change in school district boundary lines occurs under section 162.223, 162.431,
61 162.441, or 162.451, or by action of the state board of education under section 162.081,
62 including attachment of a school district's territory to another district or dissolution, such that a
63 student attending a charter school prior to such change no longer resides in a school district in
64 which the charter school is located, then the student may complete the current academic year at
65 the charter school. The student shall be considered a resident student. The student's parent or
66 legal guardian shall be responsible for the student's transportation to and from the charter school.

67 7. The provisions of sections 167.018 and 167.019 concerning foster children's
68 educational rights are applicable to charter schools.

69 **8. The department of elementary and secondary education shall annually review**
70 **the enrollment in all charter schools in the state in comparison with the enrollment in the**
71 **school districts in which the charter schools are located. If the demographics of the**
72 **students enrolled in any charter school vary significantly from the demographics of the**
73 **students enrolled in the school district in which the charter school is located, the**
74 **department of elementary and secondary education shall notify the state auditor's office.**
75 **Upon notification, the state auditor's office shall audit the charter school's enrollment and**
76 **attendance records to ensure that the charter school is adequately advertising and**
77 **enrolling all eligible students and not discouraging students of particular demographic**
78 **groups from enrolling in the charter school or remaining in the charter school. The review**
79 **of demographics under this subsection shall be a review of the percentage of students from**
80 **each major racial and ethnic group, the percentage of students from each gender, the**
81 **percentage of students who are economically disadvantaged in comparison to those who**
82 **are not so disadvantaged, the percentage of students with disabilities in comparison to**
83 **those without disabilities, the percentage of students who are English language learners in**
84 **comparison to those who are not English language learners, and the percentage of students**
85 **who are migrants in comparison to those who are not migrants.**

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

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

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

20 (2) The district of residence of a pupil attending a charter school shall also pay to the
21 charter school any other federal or state aid that the district receives on account of such child.

22 (3) If the department overpays or underpays the amount due to the charter school, such
23 overpayment or underpayment shall be repaid by the public charter school or credited to the
24 public charter school in twelve equal payments in the next fiscal year.

25 (4) The amounts provided pursuant to this subsection shall be prorated for partial year
26 enrollment for a pupil.

27 (5) A school district shall pay the amounts due pursuant to this subsection as the
28 disbursal agent and no later than twenty days following the receipt of any such funds. The
29 department of elementary and secondary education shall pay the amounts due when it acts as the
30 disbursal agent within five days of the required due date.

31 3. A workplace charter school shall receive payment for each eligible pupil as provided
32 under subsection 2 of this section, except that if the student is not a resident of the district and
33 is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be
34 the same as provided under section 162.1060.

35 4. A charter school that has declared itself as a local educational agency shall receive
36 from the department of elementary and secondary education an annual amount equal to the
37 product of the charter school's weighted average daily attendance and the state adequacy target,
38 multiplied by the dollar value modifier for the district, plus local tax revenues per weighted
39 average daily attendance from the incidental and teachers funds in excess of the performance
40 levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter
41 school declares itself as a local educational agency, the department of elementary and secondary
42 education shall, upon notice of the declaration, reduce the payment made to the school district
43 by the amount specified in this subsection and pay directly to the charter school the annual
44 amount reduced from the school district's payment.

45 5. If a school district fails to make timely payments of any amount for which it is the
46 disbursal agent, the state department of elementary and secondary education shall authorize
47 payment to the charter school of the amount due pursuant to subsection 2 of this section and shall
48 deduct the same amount from the next state school aid apportionment to the owing school
49 district. If a charter school is paid more or less than the amounts due pursuant to this section,
50 the amount of overpayment or underpayment shall be adjusted equally in the next twelve
51 payments by the school district or the department of elementary and secondary education, as
52 appropriate. Any dispute between the school district and a charter school as to the amount owing
53 to the charter school shall be resolved by the department of elementary and secondary education,
54 and the department's decision shall be the final administrative action for the purposes of review
55 pursuant to chapter 536. During the period of dispute, the department of elementary and

56 secondary education shall make every administrative and statutory effort to allow the continued
57 education of children in their current public charter school setting.

58 6. The charter school and a local school board may agree by contract for services to be
59 provided by the school district to the charter school. The charter school may contract with any
60 other entity for services. Such services may include but are not limited to food service, custodial
61 service, maintenance, management assistance, curriculum assistance, media services and libraries
62 and shall be subject to negotiation between the charter school and the local school board or other
63 entity. Documented actual costs of such services shall be paid for by the charter school.
64 **Bidding and selection of service providers shall be done in accordance with state and**
65 **federal laws applicable to school districts.**

66 7. In the case of a proposed charter school that intends to contract with an education
67 service provider for substantial educational services or management services, the request for
68 proposals shall additionally require the charter school applicant to:

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

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

78 (3) Disclose any known conflicts of interest between the school governing board and
79 proposed service provider or any affiliated business entities;

80 (4) Disclose and explain any termination or nonrenewal of contracts for equivalent
81 services for any other charter school in the United States within the past five years;

82 (5) Ensure that the legal counsel for the charter school shall report directly to the charter
83 school's governing board; and

84 (6) Provide a process to ensure that the expenditures that the education service provider
85 intends to bill to the charter school shall receive prior approval of the governing board or its
86 designee.

87 8. A charter school may enter into contracts with community partnerships and state
88 agencies acting in collaboration with such partnerships that provide services to children and their
89 families linked to the school.

90 9. **A charter school shall provide transportation to and from school for all students**
91 **living more than three and one-half miles from school and may provide transportation for**

92 **all students.** A charter school shall be eligible for transportation state aid pursuant to section
93 163.161 and shall be free to contract with the local district, or any other entity, for the provision
94 of transportation to the students of the charter school.

95 10. (1) The proportionate share of state and federal resources generated by students with
96 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
97 by their school district where such enrollment is through a contract for services described in this
98 section. The proportionate share of money generated under other federal or state categorical aid
99 programs shall be directed to charter schools serving such students eligible for that aid.

100 (2) A charter school shall provide the special services provided pursuant to section
101 162.705 and may provide the special services pursuant to a contract with a school district or any
102 provider of such services.

103 11. A charter school may not charge tuition or impose fees that a school district is
104 prohibited from charging or imposing, except that a charter school may receive tuition payments
105 from districts in the same or an adjoining county for nonresident students who transfer to an
106 approved charter school, as defined in section 167.131, from an unaccredited district.

107 12. A charter school is authorized to incur debt in anticipation of receipt of funds. A
108 charter school may also borrow to finance facilities and other capital items. A school district
109 may incur bonded indebtedness or take other measures to provide for physical facilities and other
110 capital items for charter schools that it sponsors or contracts with. Except as otherwise
111 specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school,
112 any liabilities of the corporation will be satisfied through the procedures of chapter 355. A
113 charter school shall satisfy all its financial obligations within twelve months of notice from the
114 sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction
115 of all its financial obligations, a charter school shall return any remaining state and federal funds
116 to the department of elementary and secondary education for disposition as stated in subdivision
117 (17) of subsection 1 of section 160.405. The department of elementary and secondary education
118 may withhold funding at a level the department determines to be adequate during a school's last
119 year of operation until the department determines that school records, liabilities, and reporting
120 requirements, including a full audit, are satisfied.

121 13. Charter schools shall not have the power to acquire property by eminent domain.

122 14. The governing body of a charter school is authorized to accept grants, gifts or
123 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
124 donation may not be accepted by the governing body if it is subject to any condition contrary to
125 law applicable to the charter school or other public schools, or contrary to the terms of the
126 charter.

160.420. 1. Any school district in which charter schools may be established under sections 160.400 to 160.425 shall establish a uniform policy which provides that if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. The district's policy shall provide that any teacher who accepts a position at a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and retains such teacher's seniority rights in the district for three years. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. ~~[A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All noncertificated instructional personnel shall be supervised by certificated instructional personnel. A charter school that has a foreign language immersion experience as its chief educational mission, as stated in its charter, shall not be subject to the twenty-percent requirement of this subsection but shall ensure that any teachers whose duties include instruction given in a foreign language have current valid credentials in the country in which such teacher received his or her training and shall remain subject to the remaining requirements of this subsection.]~~ The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and family care safety registry check are conducted for each employee of the charter school prior to the hiring of the employee under the requirements of section 168.133. The charter school may not employ instructional personnel whose certificate of license to teach has been revoked or is currently suspended by the state board of education. ~~[Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:~~

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

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district. For purposes of participating in the retirement system, the charter school shall be considered to be

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

**160.430. 1. For purposes of this section and sections 160.432 and 160.435, "school
2 of innovation" means a program approved by the school board of a school district with a
3 curriculum, delivery method, or instructional model different from the traditional school
4 model. A program qualifies as a school of innovation even if it does not have a building or
5 facility that is separate from other district grade-level school buildings.**

**6 2. Students may attend a school of innovation and still be considered enrolled in a
7 traditional school building for the purposes of cocurricular activities, extracurricular
8 activities, and general courses available to both students in the school of innovation and
9 students in the traditional public school setting.**

**10 3. The board of education of a school district may, by a majority vote of the entire
11 board, establish a school of innovation. Before the vote, the board members shall prepare
12 and distribute to all members a written description of the educational mission of the school
13 of innovation, the research that supports that mission, the educational goals for the school
14 of innovation, and the process the district intends to use to determine if the school of
15 innovation is meeting those goals.**

**16 4. The school day, school hours, and school term of a school of innovation may be
17 different from other schools in the district. Schools of innovation shall be required to meet
18 the minimum school day or school term requirements in sections 160.011, 160.041, 171.031,
19 and 171.033.**

**20 5. For purposes of calculation and distribution of state school funding, attendance
21 of a student enrolled in a school of innovation shall equal, upon completion of the school
22 year, one hundred five percent of the hours of attendance possible for the same or similar
23 program delivered in the traditional school setting offered in the district. State funding
24 shall be calculated in two increments, fifty percent completion and one hundred percent
25 completion, based on the student's completion of the program, with distribution of state
26 funding to a school district at each increment equal to fifty-two and one-half percent of
27 hours of attendance possible for the same or similar program delivered in the traditional
28 program in the district.**

**29 6. For the first three years a school of innovation exists, the graduation rates,
30 attendance rates, and scores on the statewide assessments established under section 160.518
31 of the students enrolled in the school of innovation shall not be considered when**

32 **determining a district's accreditation status, unless the district chooses for those scores and**
33 **rates to be considered.**

34 **7. The board of a school district that has established a school of innovation shall**
35 **annually review the overall academic performance of the school of innovation and the**
36 **progress the school of innovation has made toward achieving the educational goals set**
37 **when the school was established. The board may, by a majority vote of the entire board,**
38 **alter, amend, extend, or change the goals or educational mission of the school of**
39 **innovation. The board may at any time vote to revoke the school's status as a school of**
40 **innovation.**

41 **8. A superintendent of a school district with a school of innovation, or his or her**
42 **designee, may assign specific teachers and district employees to a school of innovation,**
43 **regardless of existing policies, practices, or collective bargaining agreements.**

44 **9. (1) The board of a school district that has established a school of innovation**
45 **may, at its discretion, pay a teacher assigned to and teaching in the school of innovation**
46 **more than what the teacher would otherwise receive on the teacher salary schedule in**
47 **order to compensate for the additional training, alternative lesson plans, extended hours,**
48 **and additional duties associated with the position.**

49 **(2) Teachers assigned to a school of innovation may earn tenure in the district, but**
50 **the teachers have no right or entitlement to continue to work in a school of innovation.**

51 **(3) Teaching contracts for teachers assigned to a school of innovation shall not**
52 **include a set number of days, months, or working hours. A teacher assigned to a school**
53 **of innovation shall receive a school calendar outlining general attendance expectations.**

54 **(4) If a district reassigns a teacher from a school of innovation and then pays the**
55 **teacher on the teacher salary schedule for the district, the reassignment shall not be**
56 **considered a demotion under sections 168.102 to 168.130, even if the teacher's**
57 **compensation is reduced.**

58 **10. Notwithstanding any provision of chapter 169 or any other provision of law, a**
59 **teacher receiving retirement benefits under chapter 169 may, without losing his or her**
60 **retirement benefits, teach on a full-time or part-time basis in a school of innovation if the**
61 **teacher is certificated and has teaching experience in a subject that is essential to the**
62 **mission of the school of innovation and the district can demonstrate that it has been**
63 **unsuccessful in employing a teacher with the same certification and relevant experience in**
64 **the subject area. A retired teacher who is employed to work at a school of innovation**
65 **under this subsection shall not be eligible to earn tenure.**

66 **11. A school district that establishes a school of innovation may allow students who**
67 **are not residents of the district to attend the school of innovation upon payment of tuition**

68 by the student, parents, or the student's resident school district or charter school. The
69 school district that establishes the school of innovation shall not be responsible for the
70 transportation of nonresident students. A school district may enter into an agreement with
71 the district that has established the school of innovation to share staff, facilities, or other
72 resources in lieu of or in addition to tuition.

73 **12. (1) The board of a school district that has established or that seeks to establish**
74 **a school of innovation may apply to the state board of education for a waiver of a state**
75 **statute or regulation that impedes the establishment of a school of innovation or that is**
76 **otherwise a barrier to the innovative educational mission.**

77 **(2) The state board of education shall hold a public hearing to determine if a waiver**
78 **should be granted. The state board of education may, by a majority vote of the entire state**
79 **board, waive a state statute or regulation for the limited purpose of operating the school**
80 **of innovation. Such waiver shall last three years and may be extended by the state board**
81 **of education for three-year terms upon evidence that the waiver has resulted in the desired**
82 **educational innovation and opportunity.**

83 **13. The department of elementary and secondary education shall review all existing**
84 **laws, regulations, and processes and take action to remove any identified barriers to school**
85 **districts using innovative education models. The department of elementary and secondary**
86 **education shall report to the governor before December 1, 2018, any state or federal**
87 **statutes or regulations that could impede the establishment of schools of innovation.**

88 **14. Subject to appropriation, the governor, or a task force appointed by the**
89 **governor, shall annually award ten competitive grants to school districts for the**
90 **establishment, implementation, or expansion of schools of innovation.**

160.432. A school district may enter into an agreement with one or more other
2 **school districts to provide students access to courses or schools, including schools of**
3 **innovation. School districts may enter into agreements to share staff, facilities, or other**
4 **resources in lieu of or in addition to tuition paid by a district for its students to access the**
5 **courses or schools, including schools of innovation. The school district sponsoring the**
6 **course or school, including the school of innovation, shall retain financial and legal**
7 **responsibility unless determined otherwise in the agreement.**

160.435. 1. A school district may enter into an agreement with one or more other
2 **school districts to cooperatively provide schools to educate resident students of all**
3 **participating districts. Such schools shall be known as "cooperative schools". Cooperative**
4 **school services may be provided in the facilities of any of the cooperating districts or in**
5 **facilities leased by the cooperating districts or through a third-party vendor. The**
6 **agreement shall describe the nature of the services to be provided. Services may include**

7 full-day instruction, individual courses, a specialized program of studies, or the
8 establishment of a shared school of innovation.

9 **2. Districts participating in a cooperative school shall equally share financial and**
10 **legal responsibility for the school, courses, and employees assigned to such schools and**
11 **courses, unless otherwise determined in the agreement. Participating districts shall**
12 **contribute funds, facilities, staff, or other resources to operate the cooperative school as**
13 **determined in the agreement.**

14 **3. A cooperative school shall be governed by a committee, with one appointed**
15 **representative from each participating school district. The committee shall have the legal**
16 **authority to create and oversee a budget, enter into contracts, employ staff, and pay bills**
17 **associated with the cooperative school. The financial resources devoted to the cooperative**
18 **school by the participating districts shall be kept in a separate account, shall be solely**
19 **devoted to the cooperative school, and shall carry over from year to year to the benefit of**
20 **the cooperative school.**

21 **4. If an agreement under this section expires and no new agreement is reached, a**
22 **cooperative school may be dissolved by a unanimous vote of the representatives on the**
23 **committee governing the cooperative school or by a vote of the boards of education of all**
24 **the participating school districts. If dissolved, all resources, debt, or legal liability incurred**
25 **shall be divided in accordance with the agreement.**

26 **5. Eligible students from participating districts shall have an equal opportunity to**
27 **attend the cooperative school, as determined by the agreement. Any student enrolled in**
28 **a participating district shall be reported by the sending participating district for state aid**
29 **purposes. The cooperative school shall share information and student records with the**
30 **school districts in which students are enrolled.**

31 **6. The committee governing the cooperative school shall employ teachers and other**
32 **staff necessary to operate the cooperative school. The teaching or administrative contracts**
33 **shall be with the committee governing the cooperative school rather than with the**
34 **participating school districts. Teachers teaching at a cooperative school may earn tenure**
35 **in the cooperative school in accordance with sections 168.102 to 168.130 but shall not earn**
36 **tenure with any participating district based on employment in the cooperative school.**

37 **7. Teachers who were employed by a participating school district immediately**
38 **before their employment with the cooperative school shall not lose years toward tenure in**
39 **the participating district or lose tenure previously earned in the participating school**
40 **district. However, the teacher shall not continue to earn years toward tenure in the**
41 **participating district during his or her employment with the cooperative school.**

42 **8. If the committee governing the cooperative school determines that the school**
43 **needs to reduce or rearrange staff due to a decrease in student enrollment, reorganization**
44 **of the program, or financial conditions, teaching staff shall be placed on leaves of absence**
45 **from the cooperative school in accordance with section 168.124. If a teacher is placed on**
46 **leave of absence from the cooperative school but has previously earned tenure in a**
47 **participating district immediately before his or her employment in the cooperative school,**
48 **the participating district may reemploy the tenured teacher, and the teacher shall be**
49 **considered tenured upon reemployment. If a teacher is placed on leave of absence from**
50 **the cooperative school but was a probationary teacher in a participating district**
51 **immediately before his or her employment with the cooperative school, and the**
52 **participating district reemploys the teacher, the teacher shall not have lost years toward**
53 **tenure previously earned with the participating district.**

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

- 5 (1) All students be graduated from school;
- 6 (2) All students complete a selection of high school studies that is challenging and for
7 which there are identified learning expectations; and
- 8 (3) All students proceed from high school graduation to a college or postsecondary
9 vocational or technical school or high-wage job with work place skill development opportunities.

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

- 12 (1) Establish measurable districtwide performance standards for the goals of the program
13 outlined in subsection 1 of this section; and
- 14 (2) Specify the knowledge, skills and competencies, in measurable terms, that students
15 must demonstrate to successfully complete any individual course offered by the school, and any
16 course of studies which will qualify a student for graduation from the school; and
- 17 (3) [~~Do not offer a general track of courses that, upon completion, can lead to a high~~
18 ~~school diploma; and~~

19 ~~(4)~~ Require rigorous coursework with standards of competency in basic academic
20 subjects for students pursuing vocational and technical education as prescribed by rule and
21 regulation of the state board of education; and

22 ~~(5)~~ (4) Have a partnership plan developed in cooperation and with the advice of local
23 business persons, labor leaders, parents, and representatives of college and postsecondary
24 vocational and technical school representatives, with the plan then approved by the local board

25 of education. The plan shall specify a mechanism to receive information on an annual basis from
26 those who developed the plan in addition to senior citizens, community leaders, and teachers to
27 update the plan in order to best meet the goals of the program as provided in subsection 1 of this
28 section. Further, the plan shall detail the procedures used in the school to identify students that
29 may drop out of school and the intervention services to be used to meet the needs of such
30 students. The plan shall outline counseling and mentoring services provided to students who will
31 enter the work force upon graduation from high school, address apprenticeship and intern
32 programs, and shall contain procedures for the recruitment of volunteers from the community
33 of the school to serve in schools receiving program grants.

34 3. Any nonpublic school in this state may apply to the state board of education for
35 certification that it meets the requirements of this section subject to the same criteria as public
36 high schools. Every nonpublic school that applies and has met the requirements of this section
37 shall have its students eligible for reimbursement of postsecondary education under subsection
38 8 of this section on an equal basis to students who graduate from public schools that meet the
39 requirements of this section. Any nonpublic school that applies shall not be eligible for any
40 grants under this section. Students of certified nonpublic schools shall be eligible for
41 reimbursement of postsecondary education under subsection 8 of this section so long as they
42 meet the other requirements of such subsection. For purposes of subdivision ~~[(5)] (4)~~ of
43 subsection 2 of this section, the nonpublic school shall be included in the partnership plan
44 developed by the public school district in which the nonpublic school is located. For purposes
45 of subdivision (1) of subsection 2 of this section, the nonpublic school shall establish measurable
46 performance standards for the goals of the program for every school and grade level over which
47 the nonpublic school maintains control.

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

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

58 6. For any school that meets the requirements for the approval of the grants authorized
59 by this section and specified in subsection 2 of this section for three successive school years, by
60 August first following the third such school year, the commissioner of education shall present

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

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

78 8. The department of higher education shall, by rule, establish a procedure for the
79 reimbursement of the cost of tuition, books and fees to any public community college or
80 vocational or technical school or within the limits established in subsection ~~[10]~~ **11** of this
81 section for any two-year private vocational or technical school for any student:

82 (1) Who has attended a high school in the state for at least ~~[three]~~ **two** years
83 ~~[immediately prior to graduation]~~ that meets the requirements of subsection 2 of this section;
84 except that, students who are active duty military dependents, and students who are ~~[dependants]~~
85 **dependents** of retired military who relocate to Missouri within one year of the date of the
86 parent's retirement from active duty, who ~~[, in the school year immediately preceding graduation,]~~
87 meet all other requirements of this subsection and are attending a school that meets the
88 requirements of subsection 2 of this section shall be exempt from the ~~[three-year]~~ **two-year**
89 attendance requirement of this subdivision; and

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

92 (3) Who has earned a minimal grade average while in high school **or through the**
93 **semester immediately before taking the course for which he or she seeks reimbursement**
94 as determined by rule of the department of higher education, and other requirements for the
95 reimbursement authorized by this subsection as determined by rule and regulation of the
96 department; and

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

98 **9. A student who meets the requirements established in subsection 8 of this section**
99 **immediately before taking the course for which he or she seeks reimbursement shall receive**
100 **reimbursement of the cost of tuition, books, and fees for any dual credit or dual enrollment**
101 **course offered in a high school in association with a public community college or vocational**
102 **or technical school, subject to the requirements of subsection 11 of this section. Eligible**
103 **students who qualify for reimbursement under this subsection shall also receive**
104 **reimbursement for the costs associated with an advanced placement course or test.**

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

109 ~~[10.]~~ **11.** For a two-year private vocational or technical school to obtain reimbursements
110 under subsection 8 of this section, the following requirements shall be satisfied:

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

114 (2) Such two-year private vocational or technical school shall be designated as a
115 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

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

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

162.1250. 1. School districts shall receive state school funding under sections 163.031,
2 163.043, and 163.087 for resident students who are enrolled in the school district and who are
3 taking a virtual course or full-time virtual program offered by the school district. The school
4 district may offer instruction in a virtual setting using technology, intranet, and internet methods
5 of communications that could take place outside of the regular school district facility. The
6 school district may develop a virtual program for any grade level, kindergarten through twelfth
7 grade, with the courses available in accordance with district policy to any resident student of the
8 district who is enrolled in the school district. Nothing in this section shall preclude a private,
9 parochial, or home school student residing within a school district offering virtual courses or
10 virtual programs from enrolling in the school district in accordance with the combined

11 enrollment provisions of section 167.031 for the purposes of participating in the virtual courses
12 or virtual programs.

13 2. Charter schools shall receive state school funding under section 160.415 for students
14 enrolled in the charter school who are completing a virtual course or full-time virtual program
15 offered by the charter school. Charter schools may offer instruction in a virtual setting using
16 technology, intranet, and internet methods of communications. The charter school may develop
17 a virtual program for any grade level, kindergarten through twelfth grade, with the courses
18 available in accordance with school policy and the charter school's charter to any student enrolled
19 in the charter school.

20 3. For purposes of calculation and distribution of state school funding, attendance of a
21 student enrolled in a district or charter school virtual class shall equal, upon course completion,
22 ~~[ninety-four]~~ **ninety-five** percent of the hours of attendance possible for such class delivered in
23 the nonvirtual program in the student's resident district or charter school. Course completion
24 shall be calculated in two increments, fifty percent completion and one hundred percent
25 completion, based on the student's completion of defined assignments and assessments, with
26 distribution of state funding to a school district or charter school at each increment equal to
27 forty-seven **and one-half** percent of hours of attendance possible for such course delivered in
28 the nonvirtual program in a student's school district of residence or charter school.

29 4. When courses are purchased from an outside vendor, the district or charter school
30 shall ensure that they are aligned with the ~~[show-me-curriculum]~~ **state learning** standards and
31 comply with state requirements for teacher certification. The state board of education reserves
32 the right to request information and materials sufficient to evaluate the online course. Online
33 classes should be considered like any other class offered by the school district or charter school.

34 5. Any school district or charter school that offers instruction in a virtual setting,
35 develops a virtual course or courses, or develops a virtual program of instruction shall ensure that
36 the following standards are satisfied:

37 (1) The virtual course or virtual program utilizes appropriate content-specific tools and
38 software;

39 (2) Orientation training is available for teachers, instructors, and students as needed;

40 (3) Privacy policies are stated and made available to teachers, instructors, and students;

41 (4) Academic integrity and internet etiquette expectations regarding lesson activities,
42 discussions, electronic communications, and plagiarism are stated to teachers, instructors, and
43 students prior to the beginning of the virtual course or virtual program;

44 (5) Computer system requirements, including hardware, web browser, and software, are
45 specified to participants;

46 (6) The virtual course or virtual program architecture, software, and hardware permit the
47 online teacher or instructor to add content, activities, and assessments to extend learning
48 opportunities;

49 (7) The virtual course or virtual program makes resources available by alternative means,
50 including but not limited to, video and podcasts;

51 (8) Resources and notes are available for teachers and instructors in addition to
52 assessment and assignment answers and explanations;

53 (9) Technical support and course management are available to the virtual course or
54 virtual program teacher and school coordinator;

55 (10) The virtual course or virtual program includes assignments, projects, and
56 assessments that are aligned with students' different visual, auditory, and hands-on learning
57 styles;

58 (11) The virtual course or virtual program demonstrates the ability to effectively use and
59 incorporate subject-specific and developmentally appropriate software in an online learning
60 module; and

61 (12) The virtual course or virtual program arranges media and content to help transfer
62 knowledge most effectively in the online environment.

63 6. Any special school district shall count any student's completion of a virtual course or
64 program in the same manner as the district counts completion of any other course or program for
65 credit.

66 7. A school district or charter school may contract with multiple providers of virtual
67 courses or virtual programs, provided they meet the criteria for virtual courses or virtual
68 programs under this section.

**162.1251. 1. Any individual, organization, company, or charter school that offers
2 a virtual course in Missouri, other than a school district, may request certification of the
3 course by the department of elementary and secondary education. The department shall
4 certify only courses that meet the following requirements as well as other factors
5 determined relevant by the department to verify quality:**

6 **(1) The course is aligned with the state learning standards;**

7 **(2) The course is taught by a teacher who is certificated to teach in the state of
8 Missouri;**

9 **(3) The course and its delivery method meet federal accessibility requirements to
10 accommodate those who are disabled;**

11 **(4) The course complies with state and federal privacy requirements for student
12 records;**

13 **(5) The course meets the same requirements imposed on virtual courses under**
14 **section 162.1250;**

15 **(6) The course provider does not discriminate on the basis of race, color, religion,**
16 **sex, national origin, ancestry, disability, English language learner status, or income level;**
17 **and**

18 **(7) If the department requires that school districts administer a statewide**
19 **assessment or end-of-course assessment in relation to the course, the course provider pays**
20 **for and administers the assessment to students enrolled in the course.**

21 **2. The department of elementary and secondary education may charge a fee to all**
22 **virtual course providers to pay for the costs of certification and recertification of virtual**
23 **courses. The department may at any time request information and materials or interview**
24 **staff or students to evaluate or reevaluate the virtual course or to verify continuing**
25 **compliance with the requirements established by the department. The department shall**
26 **investigate any complaint made against a virtual course provider. The department may**
27 **revoke certification of a course or refuse to recertify a course if the course does not meet**
28 **the requirements of this section or other relevant laws, the course provider does not comply**
29 **with requests for information, or the department has articulable concerns regarding the**
30 **quality of the course or the instruction provided in the course.**

31 **3. Each virtual course provider offering a course certified under this section shall**
32 **annually report to the department of elementary and secondary education and post on the**
33 **provider's website a report card detailing the number of students who have enrolled in the**
34 **course and the number of students who have completed the course with a passing grade.**
35 **If there is a statewide assessment or end-of-course assessment related to the course, the**
36 **report card shall include the aggregate assessment scores of the students who took the**
37 **assessment.**

38 **4. A virtual course provider offering a course certified under this section shall**
39 **immediately transfer records upon the request of the parent, the student, or the school**
40 **district or charter school that has paid for part or all of the virtual course for which the**
41 **records are requested, regardless of whether additional tuition or fees are owed for the**
42 **course. School districts and charter schools are required to accept transferred credit from**
43 **any virtual course certified by the department of elementary and secondary education**
44 **upon receipt of adequate records verifying completion of the course by the student.**

45 **5. The department of elementary and secondary education may promulgate rules**
46 **to 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 August 28, 2018, shall be invalid and void.

162.1252. 1. (1) If a school district or charter school does not offer a particular
2 course a student wishes to take or a course substantially similar to the course a student
3 wishes to take in the school the student attends and the school the student attends gives
4 instruction in a grade or grades not lower than the sixth nor higher than the twelfth grade,
5 the student or his or her parent may submit a written request to the superintendent or his
6 or her designee or the principal of the charter school for the district or charter school to
7 provide the course to the student virtually or otherwise. The written request shall explain
8 why the district or charter school should provide the course to the student. The
9 superintendent or his or her designee or the principal of the charter school shall notify the
10 student or parent of his or her decision with respect to the request within forty-five days
11 of receipt.

12 (2) If the superintendent or his or her designee or the principal of the charter
13 school declines to offer the course virtually or otherwise, the parent or student may submit
14 a written request to the school board or the governing board of the charter school to
15 provide the course to the student. The school board or the governing board of the charter
16 school shall act on the request within forty-five days of receipt. If the request is denied or
17 not acted upon, and there is a certified virtual course offered in accordance with section
18 162.1251, the district or charter school shall pay the tuition for the student to take the
19 course if the student meets the requirements of subsection 2 of this section; except that, the
20 district or charter school is required to pay for only one virtual course each semester for
21 a student.

22 2. To qualify for payment of a virtual course by the district or charter school, the
23 student shall be currently enrolled in the school district or charter school and shall have
24 been enrolled in and regularly attending the school district or charter school for at least
25 one school year. If the student is receiving special educational services, as defined in
26 section 162.675, the student's individualized education program team shall approve the
27 course as appropriate for the student. The district or charter school is not required to pay
28 the tuition for a student to take a virtual course if the student has dropped out of or failed
29 to complete a virtual course within the past three years.

30 3. No school district or charter school shall pay, for any one course for a student,
31 more than fourteen percent of the state adequacy target, as defined in section 163.011. The

32 virtual course provider shall bill the school district or charter school on a monthly basis.
33 If a student discontinues enrollment in the district or charter school, drops out of the
34 course, or fails to adequately participate in the course, the district or charter school may
35 stop making monthly payments to the virtual course provider.

36 **4. If a school district or charter school pays for a virtual course as required in this**
37 **section, the district or charter school may collect state aid for the course. For purposes of**
38 **calculation and distribution of state school funding, attendance of a student enrolled in a**
39 **virtual course shall equal, upon course completion, ninety-five percent of the hours of**
40 **attendance possible for a similar course delivered in the nonvirtual program in the**
41 **student's resident district or charter school. Course completion shall be calculated in two**
42 **increments, fifty percent completion and one hundred percent completion, based on the**
43 **student's completion of defined assignments and assessments, with distribution of state**
44 **funding to a school district or charter school at each increment equal to forty-seven and**
45 **one-half percent of hours of attendance possible for such course delivered in the nonvirtual**
46 **program in the student's school district of residence or charter school.**

47 **5. The virtual course provider shall provide the school district or charter school all**
48 **student records and progress reports regarding the performance and attendance of the**
49 **district or charter school students taking the course.**

50 **6. Nothing in this section shall require any school district, any charter school, or**
51 **the state to provide computers, equipment, or internet access to any student.**

52 **7. For purposes of this section, "charter school" shall mean a charter school that**
53 **has declared itself a local educational agency.**

167.231. 1. Within all school districts except metropolitan districts the board of
2 education shall provide transportation to and from school for all pupils living more than three
3 and one-half miles from school and may provide transportation for all pupils. State aid for
4 transportation shall be paid as provided in section 163.161 only on the basis of the cost of pupil
5 transportation for those pupils living one mile or more from school, including transportation
6 provided to and from publicly operated university laboratory schools. The board of education
7 may provide transportation for pupils living less than one mile from school at the expense of the
8 district and may prescribe reasonable rules and regulations as to eligibility of pupils for
9 transportation, and, notwithstanding any other provision of law, no such district shall be subject
10 to an administrative penalty when the district demonstrates pursuant to rule established by the
11 state board of education that such students are required to cross a state highway or county arterial
12 in the absence of sidewalks, traffic signals, or a crossing guard and that no existing bus stop
13 location has been changed to permit a district to evade such penalty. If no increase in the tax
14 levy of the school district is required to provide transportation for pupils living less than one mile

15 from the school, the board may transport said pupils. If an increase in the tax levy of the school
 16 district is required to provide transportation for pupils living less than one mile from school, the
 17 board shall submit the question at a public election. If a two-thirds majority of the voters voting
 18 on the question at the election are in favor of providing the transportation, the board shall arrange
 19 and provide therefor.

20 2. The proposal and the ballots may be in substantially the following form:

21 Shall the board of education of the _____ school district provide transportation at the
 22 expense of the district for pupils living less than one mile from school and be authorized to levy
 23 an additional tax of _____ cents on the one hundred dollars assessed valuation to provide funds
 24 to pay for such transportation service?

25 YES NO

26 (If you are in favor of the proposition (or question), place an X in the box opposite
 27 "YES". If you are opposed to the proposition (or question), place an X in the box opposite
 28 "NO".)

29 3. The board of education of any school district may provide transportation to and from
 30 school for any public school pupil not otherwise eligible for transportation under the provisions
 31 of state law, and may prescribe reasonable rules and regulations as to eligibility for
 32 transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of
 33 transporting the pupil. The minimum charge would be the actual cost of transporting the pupil
 34 for ninety school days, which actual cost is to be determined by the average per-pupil cost of
 35 transporting children in the school district during the preceding school year. The full actual cost
 36 shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school
 37 aid funds or out of any other revenues of the school district. The cost of transportation may be
 38 paid in installments, and the board of education shall establish the cost of the transportation and
 39 the time or times and method of payment.

40 **4. A school district or charter school may arrange to have students transported**
 41 **using alternative methods such as existing public transportation or vehicles other than a**
 42 **school bus, as long as the district or charter school pays the cost of the transportation or**
 43 **provides for the transportation without cost to the student.**

168.011. 1. No person shall be employed to teach in any position in a public school until
 2 he **or she** has received a valid certificate of license entitling him **or her** to teach in that position.

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

6 **3. A district may collect state aid for a student attending a course virtually, through**
 7 **videoconferencing or electronically, even if the supervising employee in the classroom is**

8 **not a certificated employee as long as the person teaching the course has a valid certificate**
9 **of license entitling him or her to teach in that position or is employed by a postsecondary**
10 **institution and is teaching a dual credit, dual enrollment, or advanced placement course.**

168.021. 1. Certificates of license to teach in the public schools of the state shall be
2 granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it:

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state board with
7 advice from the advisory council established by section 168.015 to any individual who presents
8 to the state board a valid doctoral degree from an accredited institution of higher education
9 accredited by a regional accrediting association such as North Central Association. Such
10 certificate shall be limited to the major area of postgraduate study of the holder, shall be issued
11 only after successful completion of the examination required for graduation pursuant to rules
12 adopted by the state board of education, and shall be restricted to those certificates established
13 pursuant to subdivision (1) of subsection 3 of this section;

14 (3) By the state board, which shall issue the professional certificate classification in both
15 the general and specialized areas most closely aligned with the current areas of certification
16 approved by the state board, commensurate with the years of teaching experience of the
17 applicant, and based upon the following criteria:

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation
19 program;

20 (b) Successful attainment of the Missouri qualifying score on the exit assessment for
21 teachers or administrators designated by the state board of education. Applicants who have not
22 successfully achieved a qualifying score on the designated examinations will be issued a
23 two-year nonrenewable provisional certificate; and

24 (c) Upon completion of a background check as prescribed in section 168.133 and
25 possession of a valid teaching certificate in the state from which the applicant's teacher
26 preparation program was completed;

27 (4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's
28 degree, or higher degree, and a passing score for the designated exit examination, for individuals
29 whose academic degree and professional experience are suitable to provide a basis for instruction
30 solely in the subject matter of banking or financial responsibility, at the discretion of the state
31 board. Such certificate shall be limited to the major area of study of the holder and shall be
32 restricted to those certificates established under subdivision (1) of subsection 3 of this section.
33 Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act

34 under sections 168.102 to 168.130 and each school district shall have the decision-making
35 authority on whether to hire the holders of such certificates; ~~or~~

36 (5) By the state board, under rules and regulations prescribed by it, on the basis of
37 certification by the American Board for Certification of Teacher Excellence (ABCTE) and
38 verification of ability to work with children as demonstrated by sixty contact hours in any one
39 of the following areas as validated by the school principal: sixty contact hours in the classroom,
40 of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at
41 least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private
42 school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE
43 certificate of license to teach, except that such certificate shall not be granted for the areas of
44 early childhood education, or special education. For certification in the area of elementary
45 education, ninety contact hours in the classroom shall be required, of which at least thirty shall
46 be in an elementary classroom. Upon the completion of the requirements listed in paragraphs
47 (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career
48 continuous professional certificate under subdivision (2) of subsection 3 of this section:

49 (a) Completion of thirty contact hours of professional development within four years,
50 which may include hours spent in class in an appropriate college curriculum;

51 (b) Validated completion of two years of the mentoring program of the American Board
52 for Certification of Teacher Excellence or a district mentoring program approved by the state
53 board of education;

54 (c) Attainment of a successful performance-based teacher evaluation; and

55 (d) ~~Participate~~ **Participation** in a beginning teacher assistance program; **or**

56 **(6) By the state board, under rules and regulations prescribed by it, on the basis**
57 **of specialized knowledge and experience in a discrete subject area for which the certificate**
58 **is issued.**

59 2. All valid teaching certificates issued pursuant to law or state board policies and
60 regulations prior to September 1, 1988, shall be exempt from the professional development
61 requirements of this section and shall continue in effect until they expire, are revoked or
62 suspended, as provided by law. When such certificates are required to be renewed, the state
63 board or its designee shall grant to each holder of such a certificate the certificate most nearly
64 equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,
65 or continuous professional certificate shall, upon expiration of his or her current certificate, be
66 issued the appropriate level of certificate based upon the classification system established
67 pursuant to subsection 3 of this section.

68 3. Certificates of license to teach in the public schools of the state shall be based upon
69 minimum requirements prescribed by the state board of education which shall include

70 completion of a background check as prescribed in section 168.133. The state board shall
71 provide for the following levels of professional certification: an initial professional certificate
72 and a career continuous professional certificate.

73 (1) The initial professional certificate shall be issued upon completion of requirements
74 established by the state board of education and shall be valid based upon verification of actual
75 teaching within a specified time period established by the state board of education. The state
76 board shall require holders of the four-year initial professional certificate to:

77 (a) Participate in a mentoring program approved and provided by the district for a
78 minimum of two years;

79 (b) Complete thirty contact hours of professional development, which may include hours
80 spent in class in an appropriate college curriculum, or for holders of a certificate under
81 subdivision (4) of subsection 1 of this section, an amount of professional development in
82 proportion to the certificate holder's hours in the classroom, if the certificate holder is employed
83 less than full time; and

84 (c) Participate in a beginning teacher assistance program.

85 (2) (a) The career continuous professional certificate shall be issued upon verification
86 of completion of four years of teaching under the initial professional certificate and upon
87 verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of
88 subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of
89 subsection 1 of this section.

90 (b) The career continuous professional certificate shall be continuous based upon
91 verification of actual employment in an educational position as provided for in state board
92 guidelines and completion of fifteen contact hours of professional development per year which
93 may include hours spent in class in an appropriate college curriculum. Should the possessor of
94 a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour
95 professional development requirement, the possessor may, within two years, make up the
96 missing hours. In order to make up for missing hours, the possessor shall first complete the
97 fifteen-hour requirement for the current year and then may count hours in excess of the current
98 year requirement as make-up hours. Should the possessor fail to make up the missing hours
99 within two years, the certificate shall become inactive. In order to reactivate the certificate, the
100 possessor shall complete twenty-four contact hours of professional development which may
101 include hours spent in the classroom in an appropriate college curriculum within the six months
102 prior to or after reactivating his or her certificate. The requirements of this paragraph shall be
103 monitored and verified by the local school district which employs the holder of the career
104 continuous professional certificate.

105 (c) A holder of a career continuous professional certificate shall be exempt from the
106 professional development contact hour requirements of paragraph (b) of this subdivision if such
107 teacher has a local professional development plan in place within such teacher's school district
108 and meets two of the three following criteria:

109 a. Has ten years of teaching experience as defined by the state board of education;

110 b. Possesses a master's degree; or

111 c. Obtains a rigorous national certification as approved by the state board of education.

112 4. Policies and procedures shall be established by which a teacher who was not retained
113 due to a reduction in force may retain the current level of certification. There shall also be
114 established policies and procedures allowing a teacher who has not been employed in an
115 educational position for three years or more to reactivate his or her last level of certification by
116 completing twenty-four contact hours of professional development which may include hours
117 spent in the classroom in an appropriate college curriculum within the six months prior to or after
118 reactivating his or her certificate.

119 5. The state board shall, upon completion of a background check as prescribed in section
120 168.133, issue a professional certificate classification in the areas most closely aligned with an
121 applicant's current areas of certification, commensurate with the years of teaching experience of
122 the applicant, to any person who is hired to teach in a public school in this state and who
123 possesses a valid teaching certificate from another state or certification under subdivision (4) of
124 subsection 1 of this section, provided that the certificate holder shall annually complete the state
125 board's requirements for such level of certification, and shall establish policies by which
126 residents of states other than the state of Missouri may be assessed a fee for a certificate of
127 license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to
128 recover any or all costs associated with the issuing of a certificate of license to teach. The board
129 shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall
130 allow the holder to assume classroom duties pending the completion of a criminal background
131 check under section 168.133, for any applicant who:

132 (1) Is the spouse of a member of the Armed Forces stationed in Missouri;

133 (2) Relocated from another state within one year of the date of application;

134 (3) Underwent a criminal background check in order to be issued a teaching certificate
135 of license from another state; and

136 (4) Otherwise qualifies under this section.

137 6. The state board may assess to holders of an initial professional certificate a fee, to be
138 deposited into the excellence in education revolving fund established pursuant to section
139 160.268, for the issuance of the career continuous professional certificate. However, such fee
140 shall not exceed the combined costs of issuance and any criminal background check required as

141 a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any
142 fees associated with the program leading to the issuance of the certificate, but nothing in this
143 section shall prohibit a district from developing a policy that permits fee reimbursement.

144 7. Any member of the public school retirement system of Missouri who entered covered
145 employment with ten or more years of educational experience in another state or states and held
146 a certificate issued by another state and subsequently worked in a school district covered by the
147 public school retirement system of Missouri for ten or more years who later became certificated
148 in Missouri shall have that certificate dated back to his or her original date of employment in a
149 Missouri public school.

**170.039. 1. (1) School districts and charter schools sponsored by local boards of
2 education may award an enrolled student credit for a high school course if the student is
3 able to demonstrate proficiency in the knowledge, skills, and competencies in the subject
4 area to the satisfaction of the district or charter school sponsored by a local board of
5 education, regardless of whether the student has enrolled in the course with the district or
6 charter school sponsored by a local board of education or completed the course.**

**7 (2) Districts and charter schools sponsored by local boards of education that offer
8 proficiency-based credit as described in this section shall notify parents and students in the
9 student handbook or, if a district or charter school sponsored by a local board of education
10 does not provide a student handbook, through other means determined by the district or
11 charter school sponsored by a local board of education.**

**12 (3) A student who chooses to demonstrate competency to earn credit as described
13 in this section shall take any statewide assessments associated with any course for which
14 the student earns proficiency-based credit.**

**15 2. A student who earns proficiency-based credits shall not be required to graduate
16 earlier than his or her age-related cohorts even if the student earns more credits than
17 necessary to graduate. However, if a student graduates from high school earlier than his
18 or her age-related cohorts due to proficiency-based credits earned by the student, the
19 district may continue to collect state aid for the student until the student's age-related
20 cohorts graduate. The state aid earned in this manner shall be used to provide services to
21 students who are at risk of not graduating on time or at all or to increase the number of
22 students attending a career center from the number of students who attended in the 2017-
23 18 school year.**

**24 3. If a student graduates early due to proficiency-based credits earned by the
25 student, the district's collection of state aid for the student as described in subsection 2 of
26 this section shall be determined by counting each course for which the student earned
27 proficiency-based credit as equaling ninety-five percent of the hours of attendance possible**

28 **for such course even though the student never actually attended the course. The district**
29 **shall count only those courses necessary for the district to claim full-time status for the**
30 **student until the student's age-related cohorts graduate.**

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