

SECOND REGULAR SESSION

HOUSE BILL NO. 2246

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

4067H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.400, 160.405, 160.408, 160.410, 160.518, and 167.268, RSMo, and to enact in lieu thereof six 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Section A. Sections 160.400, 160.405, 160.408, 160.410, 160.518, and 167.268, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.400, 160.405, 160.408, 160.410, 160.518, and 167.268, to read as follows: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:

(a) The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as defined in sections 161.520 to 161.529, or on financial hardship as defined by rule of the state board of education, shall be

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

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

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

147 (2) The granting of a charter;

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

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

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

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

158

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

160 17. (1) A sponsor shall provide timely submission to the state board of education of all
161 data necessary to demonstrate that the sponsor is in material compliance with all requirements
162 of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure
163 each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and
164 167.349 for each charter school sponsored by any sponsor. The state board shall notify each
165 sponsor of the standards for sponsorship of charter schools, delineating both what is mandated
166 by statute and what best practices dictate. The state board shall evaluate sponsors to determine
167 compliance with these standards every three years. The evaluation shall include a sponsor's
168 policies and procedures in the areas of charter application approval; required charter agreement
169 terms and content; sponsor performance evaluation and compliance monitoring; and charter
170 renewal, intervention, and revocation decisions. Nothing shall preclude the department from
171 undertaking an evaluation at any time for cause.

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

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

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

189 18. If a sponsor notifies a charter school of closure under subsection 8 of section
190 160.405, the department of elementary and secondary education shall exercise its financial
191 withholding authority under subsection 12 of section 160.415 to assure all obligations of the

192 charter school shall be met. The state, charter sponsor, or resident district shall not be liable for
193 any outstanding liability or obligations of the charter school.

194 **19. If a sponsor was acting as the sponsor of a charter school at the time that the**
195 **charter school failed to receive renewal of its charter after a three-year term as described**
196 **in paragraph (e) of subdivision (3) of subsection 9 of section 160.405, the sponsor shall not**
197 **sponsor any new charter schools after such failure of renewal until the state board of**
198 **education has completed an evaluation and determined that the sponsor was in compliance**
199 **with all requirements under sections 160.400 to 160.425 and section 167.349 for any charter**
200 **school it sponsored at the time the charter school failed to receive renewal of its charter**
201 **after a three-year term as described in paragraph (e) of subdivision (3) of subsection 9 of**
202 **section 160.405.**

203 **20. Any institution of higher education acting as a sponsor of a charter school**
204 **giving instruction in grades nine through twelve shall ensure that the charter school**
205 **includes an option for students to receive a training certificate or an associate degree upon**
206 **high school graduation.**

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, **which**
30 **shall include a description of the charter school's reading curriculum, differentiated**
31 **strategies to be used for students reading at grade level or higher, and a policy consistent**
32 **with section 167.268;**

33 (9) The term of the charter, which shall be five years and may be renewed **for a five-**
34 **year term; except that, if renewal occurs as described under paragraph (e) of subdivision**
35 **(3) of subsection 9 of this section, such renewal shall be for only a three-year term;**

36 (10) Procedures, consistent with the Missouri financial accounting manual, for
37 monitoring the financial accountability of the charter, which shall meet the requirements of
38 subdivision (4) of subsection 4 of this section;

39 (11) Preopening requirements for applications that require that charter schools meet all
40 health, safety, and other legal requirements prior to opening;

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

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

47 (14) A description of the agreement and time frame for implementation between the
48 charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a
49 sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when
50 a sponsor will not renew a charter under subsection 9 of this section;

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

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

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

55 (c) Submission of final financial reports;

56 (d) Resolution of any remaining financial obligations;

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

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

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

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

68

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

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

72 (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and
73 procedures for review and granting of a charter approval, and be approved by the state board of
74 education by January thirty-first prior to the school year of the proposed opening date of the
75 charter school;

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

81 (3) **A charter shall be denied if the charter school applicant does not propose an**
82 **English language arts curriculum that is consistent with effective teaching strategies;**

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

86 [~~4~~] (5) If a proposed charter is denied by a sponsor, the proposed charter may be
87 submitted to the state board of education, along with the sponsor's written reasons for its denial.
88 If the state board determines that the applicant meets the requirements of this section, that the
89 applicant is sufficiently qualified to operate the charter school, and that granting a charter to the
90 applicant would be likely to provide educational benefit to the children of the district, the state
91 board may grant a charter and act as sponsor of the charter school. The state board shall review
92 the proposed charter and make a determination of whether to deny or grant the proposed charter

93 within sixty days of receipt of the proposed charter, provided that any charter to be considered
94 by the state board of education under this subdivision shall be submitted no later than March first
95 prior to the school year in which the charter school intends to begin operations. The state board
96 of education shall notify the applicant in writing as to the reasons for its denial, if applicable; and

97 ~~[(5)]~~ (6) The sponsor of a charter school shall give priority to charter school applicants
98 that propose a school oriented to high-risk students and to the reentry of dropouts into the school
99 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
100 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
101 body and address the needs of dropouts or high-risk students through their proposed mission,
102 curriculum, teaching methods, and services. For purposes of this subsection, a “high-risk”
103 student is one who is at least one year behind in satisfactory completion of course work or
104 obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out
105 of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended
106 from school three or more times, has a history of severe truancy, is a pregnant or parenting teen,
107 has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is
108 homeless or has been homeless sometime within the preceding six months, has been referred by
109 an area school district for enrollment in an alternative program, or qualifies as high risk under
110 department of elementary and secondary education guidelines. Dropout shall be defined through
111 the guidelines of the school core data report. The provisions of this subsection do not apply to
112 charters sponsored by the state board of education.

113 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
114 state board of education, along with a statement of finding by the sponsor that the application
115 meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring
116 plan under which the charter sponsor shall evaluate the academic performance, including annual
117 performance reports, of students enrolled in the charter school. The state board of education
118 shall approve or deny a charter application within sixty days of receipt of the application. The
119 state board of education may deny a charter on grounds that the application fails to meet the
120 requirements of sections 160.400 to 160.425 and section 167.349 or that a charter sponsor
121 previously failed to meet the statutory responsibilities of a charter sponsor. Any denial of a
122 charter application made by the state board of education shall be in writing and shall identify the
123 specific failures of the application to meet the requirements of sections 160.400 to 160.425 and
124 section 167.349, and the written denial shall be provided within ten business days to the sponsor.

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

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

128 (2) Comply with laws and regulations of the state, county, or city relating to health,
129 safety, and state minimum educational standards, as specified by the state board of education,
130 including the requirements relating to student discipline under sections 160.261, 167.161,
131 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under
132 sections 167.115 ~~[to]~~ **and** 167.117, academic assessment under section 160.518, transmittal of
133 school records under section 167.020, the minimum amount of school time required under
134 section 171.031, and the employee criminal history background check and the family care safety
135 registry check under section 168.133;

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

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

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

156 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
157 adopted by the state board of education pursuant to section 160.514, establish baseline student
158 performance in accordance with the performance contract during the first year of operation,
159 collect student performance data as defined by the annual performance report throughout the
160 duration of the charter to annually monitor student academic performance, and to the extent
161 applicable based upon grade levels offered by the charter school, participate in the statewide
162 system of assessments, comprised of the essential skills tests and the nationally standardized
163 norm-referenced achievement tests, as designated by the state board pursuant to section 160.518,

164 complete and distribute an annual report card as prescribed in section 160.522, which shall also
165 include a statement that background checks have been completed on the charter school's board
166 members, and report to its sponsor, the local school district, and the state board of education as
167 to its teaching methods and any educational innovations and the results thereof. No charter
168 school shall be considered in the Missouri school improvement program review of the district
169 in which it is located for the resource or process standards of the program.

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

180 (c) Nothing in this subdivision shall be construed as permitting a charter school to be
181 held to lower performance standards than other public schools within a district; however, the
182 charter of a charter school may permit students to meet performance standards on a different time
183 frame as specified in its charter. The performance standards for alternative and special purpose
184 charter schools that target high-risk students as defined in subdivision ~~[(5)]~~ (6) of subsection 2
185 of this section shall be based on measures defined in the school's performance contract with its
186 sponsors;

187 (7) Comply with all applicable federal and state laws and regulations regarding students
188 with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities
189 Education Act (20 U.S.C. Section 1400, et seq.) and Section 504 of the Rehabilitation Act of
190 1973 (29 U.S.C. Section 794) or successor legislation;

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

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

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

198 **(9) Seek to ensure that the percentage of its students who perform proficient and**
199 **advanced on the annual statewide system of assessments under section 160.518 in English**

200 **language arts and mathematics is equal to or higher than the average percentage of grade-**
201 **level-equivalent students in nonselective attendance centers in the school district in which**
202 **it is located who perform proficient and advanced in English language arts and**
203 **mathematics.**

204 5. (1) Proposed or existing high-risk or alternative charter schools may include
205 alternative arrangements for students to obtain credit for satisfying graduation requirements in
206 the school's charter application and charter. Alternative arrangements may include, but not be
207 limited to, credit for off-campus instruction, embedded credit, work experience through an
208 internship arranged through the school, and independent studies. When the state board of
209 education approves the charter, any such alternative arrangements shall be approved at such time.

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

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

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

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

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

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

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

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

238 8. (1) (a) A sponsor's policies shall give schools clear, adequate, evidence-based, and
239 timely notice of contract violations or performance deficiencies and mandate intervention based
240 upon findings of the state board of education of the following:

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

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

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

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

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

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

254 (c) A sponsor shall revoke a charter or take other appropriate remedial action, which may
255 include placing the charter school on probationary status for no more than twenty-four months,
256 provided that no more than one designation of probationary status shall be allowed for the
257 duration of the charter contract, at any time if the charter school commits a serious breach of one
258 or more provisions of its charter or on any of the following grounds:

259 a. Failure to meet the performance contract as set forth in its charter[~~5~~] ;

260 **b. For a charter school other than a charter school in which fifty percent or more**
261 **of the school's students were previously considered dropouts under subdivision (6) of**
262 **subsection 2 of this section, the receipt of scores for at least two years demonstrating that**
263 **the percentage of the charter school's students who perform proficient and advanced on**
264 **the annual statewide system of assessments under section 160.518 in English language arts**
265 **and mathematics is lower than the average percentage of grade-level-equivalent students**
266 **in nonselective attendance centers in the school district in which the charter school is**
267 **located who perform proficient and advanced in English language arts and mathematics;**

268 c. Failure to meet generally accepted standards of fiscal management[~~5~~] ;

269 **d.** Failure to provide information necessary to confirm compliance with all provisions
270 of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days following
271 receipt of written notice requesting such information[;] ; or

272 **e.** Violation of law.

273 (2) The sponsor may place the charter school on probationary status **for three years** to
274 allow the implementation of a remedial plan, which may require a change of methodology, a
275 change in leadership, or both[; after which, if such plan is unsuccessful, the charter may be
276 ~~revoked~~]. **The Missouri charter public school commission created in section 160.425 shall**
277 **determine the requirements of the remedial plan, which shall be implemented for three**
278 **years. During this three-year period, the Missouri charter public school commission shall**
279 **be responsible for oversight of the charter school. The sponsor shall not have oversight**
280 **authority during the three-year remedial period. If the annual performance report score**
281 **of the charter school is consistent with a classification of unaccredited for two years of the**
282 **three-year remedial period, the Missouri charter public school commission shall revoke the**
283 **charter at the conclusion of the three-year remedial period. If the annual performance**
284 **report score of the charter school is consistent with a classification of provisionally**
285 **accredited for each year of the three-year remedial period, the Missouri charter public**
286 **school commission shall revoke the charter at the conclusion of the three-year remedial**
287 **period. The Missouri charter public school commission shall follow the revocation**
288 **procedures in the same manner it would follow them as the sponsor of the charter school.**
289 **Nothing in this section shall prevent the sponsor from placing the charter school on**
290 **probationary status under this subdivision more than once during the charter contract.**

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

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

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

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

306 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter
307 school sponsored by such sponsor is in material compliance and remains in material compliance
308 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every
309 charter school shall provide all information necessary to confirm ongoing compliance with all
310 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
311 sponsor.

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

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

318 (b) **The percentage of the students who perform proficient and advanced on the**
319 **annual statewide system of assessments under section 160.518 in English language arts and**
320 **mathematics in the charter school, other than a charter school in which fifty percent or**
321 **more of the school's students were previously considered dropouts under subdivision (6)**
322 **of subsection 2 of this section, is equal to or higher than the average percentage of grade-**
323 **level-equivalent students in nonselective attendance centers in the school district in which**
324 **the charter school is located who perform proficient and advanced in English language arts**
325 **and mathematics for two of the three consecutive years immediately before a decision**
326 **whether to renew the school's charter is made;**

327 (c) The charter school is organizationally and fiscally viable determining at a minimum
328 that the school does not have:

329 a. A negative balance in its operating funds;

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

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

333 ~~[(e)]~~ (d) The charter is in compliance with its legally binding performance contract and
334 sections 160.400 to 160.425 and section 167.349; and

335 ~~[(d)]~~ (e) The charter school has an annual performance report consistent with a
336 classification of accredited for three of the last four years and is fiscally viable as described in
337 paragraph ~~[(b)]~~ (c) of this subdivision. If such is the case, the charter school may have an

338 expedited renewal process as defined by rule of the department of elementary and secondary
339 education.

340 (3) (a) Beginning August first during the year in which a charter is considered for
341 renewal, a charter school sponsor shall demonstrate to the state board of education that the
342 charter school is in compliance with federal and state law as provided in sections 160.400 to
343 160.425 and section 167.349 and the school's performance contract including but not limited to
344 those requirements specific to academic performance.

345 (b) Along with data reflecting the academic performance standards indicated in
346 paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the
347 state board of education for review. **Such application shall include a financial audit**
348 **performed by an independent third party in accordance with the procedures outlined in**
349 **chapter 29, which shall be paid for by the charter school.**

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

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

356 (e) **If the percentage of the students who perform proficient and advanced on the**
357 **annual statewide system of assessments under section 160.518 in English language arts and**
358 **mathematics in a charter school, other than a charter school in which fifty percent or more**
359 **of the school's students were previously considered dropouts under subdivision (6) of**
360 **subsection 2 of this section, is lower than the average percentage of grade-level-equivalent**
361 **students in nonselective attendance centers in the school district in which the charter school**
362 **is located who perform proficient and advanced in English language arts and mathematics**
363 **for two of the three consecutive years immediately before a decision whether to renew the**
364 **school's charter is made, any renewal granted shall be for only a three-year term. If the**
365 **charter school again underperforms the nonselective attendance centers as described in**
366 **this paragraph at any time during such three-year term, the school's charter shall not be**
367 **renewed.**

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

369 11. A governing board or a school district employee who has control over personnel
370 actions shall not take unlawful reprisal against another employee at the school district because
371 the employee is directly or indirectly involved in an application to establish a charter school. A
372 governing board or a school district employee shall not take unlawful reprisal against an
373 educational program of the school or the school district because an application to establish a

374 charter school proposes the conversion of all or a portion of the educational program to a charter
375 school. As used in this subsection, “unlawful reprisal” means an action that is taken by a
376 governing board or a school district employee as a direct result of a lawful application to
377 establish a charter school and that is adverse to another employee or an educational program.

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

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

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

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

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

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

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

160.408. 1. For purposes of this section, “high-quality charter school” means a charter
2 school operating in the state of Missouri that meets the following requirements:

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

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

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

10 (4) Is organizationally and fiscally viable as described in paragraph [(b)] (c) of
11 subdivision (2) of subsection 9 of section 160.405.

12 2. Notwithstanding any other provision of law, high-quality charter schools shall be
13 provided expedited opportunities to replicate and expand into unaccredited districts, a
14 metropolitan district, or an urban school district containing most or all of a home rule city with
15 more than four hundred thousand inhabitants and located in more than one county. Such
16 replication and expansion shall be subject to the following:

17 (1) The school seeking to replicate or expand shall submit its proposed charter to a
18 proposed sponsor. The charter shall include a legally binding performance contract that meets
19 the requirements of sections 160.400 to 160.425 and section 167.349;

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

22 (3) If a charter is approved by a sponsor, the charter application shall be filed with the
23 state board of education with a statement of finding from the sponsor that the application meets
24 the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan
25 under which the sponsor shall evaluate the academic performance of students enrolled in the
26 charter school. Such filing shall be made by January thirty-first prior to the school year in which
27 the charter school intends to begin operations.

28 3. The term of the charter for schools operating under this section shall be five years, and
29 the charter may be renewed for terms of up to ten years. Renewal shall be subject to the
30 provisions of paragraphs (a) to ~~[(d)]~~ (e) of subdivision (3) of subsection 9 of section 160.405.

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~~] (6) of subsection 2 of section
33 160.405, when the school targets these students through its proposed mission, curriculum,
34 teaching 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. **The scores of students who**
44 **transferred from the charter school to another public school shall also be counted as**
45 **described in section 160.518.**

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

49 (1) The school's charter;

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

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

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

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

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

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

160.518. 1. Consistent with the provisions contained in section 160.526, the state board
2 of education shall develop, modify, and revise, as necessary, a statewide assessment system that
3 provides maximum flexibility for local school districts to determine the degree to which students
4 in the public schools of the state are proficient in the knowledge, skills, and competencies
5 adopted by such board pursuant to section 160.514. The statewide assessment system shall
6 assess problem solving, analytical ability, evaluation, creativity, and application ability in the
7 different content areas and shall be performance-based to identify what students know, as well
8 as what they are able to do, and shall enable teachers to evaluate actual academic performance.
9 The statewide assessment system shall neither promote nor prohibit rote memorization and shall
10 not include existing versions of tests approved for use pursuant to the provisions of section
11 160.257, nor enhanced versions of such tests. After the state board of education adopts and
12 implements academic performance standards as required under section 161.855, the state board
13 of education shall develop and adopt a standardized assessment instrument under this section
14 based on the academic performance standards adopted under section 161.855. The statewide
15 assessment system shall measure, where appropriate by grade level, a student's knowledge of
16 academic subjects including, but not limited to, reading skills, writing skills, mathematics skills,
17 world and American history, forms of government, geography and science.

18 2. ~~[The statewide assessment system shall only permit the academic performance of~~
19 ~~students in each school in the state to be tracked against prior academic performance in the same~~
20 ~~school]~~ **(1) If a student transfers from a public school to another public school within the**
21 **same district after the last Wednesday in September but before the administration of the**
22 **statewide assessments, the student's score on any statewide assessment taken at the school**
23 **to which he or she transferred shall count toward the performance of the school from**
24 **which he or she transferred for purposes of the annual performance report.**

25 **(2) If a student transfers from a school district or charter school to another school**
26 **district or charter school after the last Wednesday in September but before the**
27 **administration of the statewide assessments, the student's score on any statewide**
28 **assessment taken at the district or charter school to which he or she transferred shall count**
29 **toward the performance of the charter school or district, including the school within the**
30 **district, from which he or she transferred for purposes of the annual performance report.**

31 3. The state board of education shall suggest, but not mandate, criteria for a school to
32 demonstrate that its students learn the knowledge, skills and competencies at exemplary levels
33 worthy of imitation by students in other schools in the state and nation. Exemplary levels shall
34 be measured by the statewide assessment system developed pursuant to subsection 1 of this
35 section, or until said statewide assessment system is available, by indicators approved for such
36 use by the state board of education. The provisions of other law to the contrary notwithstanding,
37 the commissioner of education may, upon request of the school district, present a plan for the
38 waiver of rules and regulations to any such school, to be known as "Outstanding Schools
39 Waivers", consistent with the provisions of subsection 4 of this section.

40 4. For any school that meets the criteria established by the state board of education for
41 three successive school years pursuant to the provisions of subsection 3 of this section, by
42 August first following the third such school year, the commissioner of education shall present
43 a plan to the superintendent of the school district in which such school is located for the waiver
44 of rules and regulations to promote flexibility in the operations of the school and to enhance and
45 encourage efficiency in the delivery of instructional services. The provisions of other law to the
46 contrary notwithstanding, the plan presented to the superintendent shall provide a summary
47 waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the
48 school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail
49 a means for the waiver of requirements otherwise imposed on the school related to the authority
50 of the state board of education to classify school districts pursuant to subdivision (9) of section
51 161.092 and such other rules and regulations as determined by the commissioner of education,
52 excepting such waivers shall be confined to the school and not other schools in the district unless
53 such other schools meet the criteria established by the state board of education consistent with

54 subsection 3 of this section and the waivers shall not include the requirements contained in this
55 section and section 160.514. Any waiver provided to any school as outlined in this subsection
56 shall be void on June thirtieth of any school year in which the school fails to meet the criteria
57 established by the state board of education consistent with subsection 3 of this section.

58 5. The score on any assessment test developed pursuant to this section or this chapter of
59 any student for whom English is a second language shall not be counted until such time as such
60 student has been educated for three full school years in a school in this state, or in any other state,
61 in which English is the primary language.

62 6. The state board of education shall identify or, if necessary, establish one or more
63 developmentally appropriate alternate assessments for students who receive special educational
64 services, as that term is defined pursuant to section 162.675. In the development of such
65 alternate assessments, the state board shall establish an advisory panel consisting of a majority
66 of active special education teachers residing in Missouri and other education professionals as
67 appropriate to research available assessment options. The advisory panel shall attempt to
68 identify preexisting developmentally appropriate alternate assessments but shall, if necessary,
69 develop alternate assessments and recommend one or more alternate assessments for adoption
70 by the state board. The state board shall consider the recommendations of the advisory council
71 in establishing such alternate assessment or assessments. Any student who receives special
72 educational services, as that term is defined pursuant to section 162.675, shall be assessed by an
73 alternate assessment established pursuant to this subsection upon a determination by the student's
74 individualized education program team that such alternate assessment is more appropriate to
75 assess the student's knowledge, skills and competencies than the assessment developed pursuant
76 to subsection 1 of this section. The alternate assessment shall evaluate the student's independent
77 living skills, which include how effectively the student addresses common life demands and how
78 well the student meets standards for personal independence expected for someone in the student's
79 age group, sociocultural background, and community setting.

80 7. The state board of education shall also develop recommendations regarding alternate
81 assessments for any military dependent who relocates to Missouri after the commencement of
82 a school term, in order to accommodate such student while ensuring that he or she is proficient
83 in the knowledge, skills, and competencies adopted under section 160.514.

167.268. 1. Each local school district **and each charter school** shall have on file a
2 policy for reading intervention plans for any pupils of the district **or charter school** in grades
3 kindergarten through three pursuant to the provisions of this section. Such plans shall identify
4 strategies to be followed by the district **or charter school** teachers to raise a pupil identified as
5 reading below grade level by recognized methods to reading at grade level by the end of the third
6 grade. Recognized methods of identification may include but need not be limited to the scores

7 of the pupil obtained through any established standardized testing program currently
8 administered by the district **or charter school**, observations of classroom teachers, and
9 documented classroom performance.

10 2. The state board of education shall develop guidelines to assist districts **and charter**
11 **schools** in formulating policies for reading intervention plans. Such guidelines may include, but
12 are not limited to, timelines for measuring pupil improvement in reading, information on
13 screening for and treatment of auditory dyslexia, and information on the Lindamood Auditory
14 Conceptualization Test and the Auditory Discrimination in Depth Program. Such guidelines may
15 also identify performance levels for pupils identified as handicapped or severely handicapped
16 and conditions under which such pupils are exempt from the provisions of this section.

17 3. Each local school district **and each charter school** enrolling a pupil identified as
18 reading below grade level shall develop an individual plan of reading intervention for such pupil.
19 The individual pupil's plan may include individual or group reading development activities. The
20 plan may be developed after consultation with the pupil's parent or legal guardian.

✓