

SECOND REGULAR SESSION

# HOUSE BILL NO. 2847

## 102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CLEMENS.

5778H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 160.420, and 160.425, RSMo, and to enact in lieu thereof eight new sections relating to charter schools.

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

Section A. Sections 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 160.420, and 160.425, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.420, and 160.425, to read as follows:

- 160.400. 1. A charter school is ~~[an independent]~~ **a semi-autonomous** 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~~

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

15 ~~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~~  
20 ~~sections 160.400 to 160.425 and section 167.349 and properly promulgated rules of the~~  
21 ~~department; or~~

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

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

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

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

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

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

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

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

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

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

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

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

65

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

73 ~~5. The mayor of a city not within a county may request a sponsor under subdivision~~  
74 ~~(2), (3), (4), (5), or (6) of subsection 3 of this section to consider sponsoring a "workplace~~  
75 ~~charter school", which is defined for purposes of sections 160.400 to 160.425 as a charter~~  
76 ~~school with the ability to target prospective students whose parent or parents are employed in~~  
77 ~~a business district, as defined in the charter, which is located in the city] Charter schools~~  
78 **may be operated in any school district sponsored only by the school board of the district**  
79 **or by a special administrative board for the district. This section shall not be construed**  
80 **to affect a charter contract that is in effect on the effective date of this section until the**  
81 **expiration of such contract.**

82 ~~[6.] 3. No sponsor shall receive from an applicant for a charter school any fee of any~~  
83 ~~type for the consideration of a charter, nor may a sponsor condition its consideration of a~~  
84 ~~charter on the promise of future payment of any kind.~~

85 ~~[7.] 4. The charter school shall be organized as a Missouri nonprofit corporation~~  
86 ~~incorporated pursuant to chapter 355. The charter provided for herein shall constitute a~~  
87 ~~contract between the sponsor and the charter school.~~

88 ~~[8. As a nonprofit corporation incorporated pursuant to chapter 355, the charter school~~  
89 ~~shall select]~~ **5.** The method for election of officers ~~[pursuant to section 355.326 based on the~~  
90 ~~class of corporation selected]~~ **of the charter school shall be mutually agreed to by the**  
91 **charter school and sponsoring school board and shall comply with the provisions of**  
92 **chapter 355.** Meetings of the governing board of the charter school shall be subject to the  
93 provisions of sections 610.010 to 610.030.

94 ~~[9.]~~ **6.** A sponsor of a charter school, its agents and employees are not liable for any  
95 acts or omissions of a charter school that it sponsors, including acts or omissions relating to  
96 the charter submitted by the charter school, the operation of the charter school and the  
97 performance of the charter school.

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

106 ~~11. The expenses associated with sponsorship of charter schools shall be defrayed by~~  
107 ~~the department of elementary and secondary education retaining one and five tenths percent~~  
108 ~~of the amount of state and local funding allocated to the charter school under section 160.415,~~  
109 ~~not to exceed one hundred twenty-five thousand dollars, adjusted for inflation.]~~

110 **7.** The department of elementary and secondary education shall ~~[remit the retained~~  
111 ~~funds for each charter school to the school's sponsor, provided the sponsor remains in good~~  
112 ~~standing by fulfilling its sponsorship obligations under sections 160.400 to 160.425 and~~  
113 ~~167.349 with regard to each charter school it sponsors, including appropriate demonstration~~  
114 ~~of the following:~~

115 ~~(1) Expends no less than ninety percent of its charter school sponsorship funds in~~  
116 ~~support of its charter school sponsorship program, or as a direct investment in the sponsored~~  
117 ~~schools;]~~ **monitor each school board's sponsorship and ensure that the school board:**

118 ~~[(2)]~~ **(1)** Maintains a comprehensive application process that follows fair procedures  
119 and rigorous criteria and grants charters only to those developers who demonstrate strong  
120 capacity for establishing and operating a quality charter school;

121 ~~[(3)]~~ **(2)** Negotiates contracts with charter schools that clearly articulate the rights and  
122 responsibilities of each party regarding school autonomy, expected outcomes, measures for  
123 evaluating success or failure, performance consequences ~~[based on the annual performance~~  
124 ~~report]~~, and other material terms;

125           ~~[(4)]~~ **(3)** Conducts contract oversight that evaluates performance, monitors  
126 compliance, informs intervention and renewal decisions, and ensures autonomy provided  
127 under applicable law; and

128           ~~[(5)]~~ **(4)** Designs and implements a transparent and rigorous process that uses  
129 comprehensive data to make merit-based renewal decisions.

130           ~~[12. Sponsors receiving funds under subsection 11 of this section shall be required to~~  
131 ~~submit annual reports to the joint committee on education demonstrating they are in~~  
132 ~~compliance with subsection 17 of this section.~~

133           ~~13. No university, college or community college shall grant a charter to a nonprofit~~  
134 ~~corporation if an employee of the university, college or community college is a member of the~~  
135 ~~corporation's board of directors.~~

136           ~~14.]~~ **8.** No sponsor shall grant a charter under sections 160.400 to 160.425 and  
137 167.349 without ensuring that a criminal background check and family care safety registry  
138 check are conducted for all members of the governing board of the charter schools or the  
139 incorporators of the charter school if initial directors are not named in the articles of  
140 incorporation, nor shall a sponsor renew a charter without ensuring a criminal background  
141 check and family care safety registry check are conducted for each member of the governing  
142 board of the charter school.

143           ~~[15.]~~ **9.** No member of the governing board of a charter school shall hold any office or  
144 employment from the board or the charter school while serving as a member, nor shall the  
145 member have any substantial interest, as defined in section 105.450, in any entity employed  
146 by or contracting with the board. No board member shall be an employee of a company that  
147 provides substantial services to the charter school. All members of the governing board of the  
148 charter school shall be considered decision-making public servants as defined in section  
149 105.450 for the purposes of the financial disclosure requirements contained in sections  
150 105.483, 105.485, 105.487, and 105.489.

151           ~~[16.]~~ **10.** A sponsor shall develop the policies and procedures for:

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

157           (2) The granting of a charter;

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

162 (4) The sponsor's intervention, renewal, and revocation policies, including the  
163 conditions under which the charter sponsor may intervene in the operation of the charter  
164 school, along with actions and consequences that may ensue, and the conditions for renewal  
165 of the charter at the end of the term~~[-consistent with subsections 8 and 9 of section 160.405];~~

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

168 (6) Procedures to be implemented if a charter school should close~~[-consistent with~~  
169 ~~the provisions of subdivision (15) of subsection 1 of section 160.405].~~

170

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

173 ~~[47.]~~ 11. (1) A sponsor shall provide timely submission to the state board of  
174 education of all data necessary to demonstrate that the sponsor is in material compliance with  
175 all requirements of sections 160.400 to 160.425 and section 167.349. The state board of  
176 education shall ensure each sponsor is in compliance with all requirements under sections  
177 160.400 to 160.425 and 167.349 for each charter school sponsored by any sponsor. The state  
178 board shall notify each sponsor of the standards for sponsorship of charter schools,  
179 delineating both what is mandated by statute and what best practices dictate. The state board  
180 shall evaluate sponsors to determine compliance with these standards every three years. The  
181 evaluation shall include a sponsor's policies and procedures in the areas of charter application  
182 approval; required charter agreement terms and content; sponsor performance evaluation and  
183 compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing  
184 shall preclude the department from undertaking an evaluation at any time for cause.

185 (2) If the department determines that a sponsor is in material noncompliance with its  
186 sponsorship duties, the sponsor shall be notified and given reasonable time for remediation.  
187 If remediation does not address the compliance issues identified by the department, the  
188 commissioner of education shall conduct a public hearing and thereafter provide notice to the  
189 charter sponsor of corrective action that will be recommended to the state board of education.  
190 Corrective action by the department may include ~~[withholding the sponsor's funding and]~~  
191 suspending the sponsor's authority to sponsor a **charter** school that it currently sponsors or to  
192 sponsor any additional school until the sponsor is reauthorized by the state board of education  
193 ~~[under section 160.403].~~

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

199 (4) If the state board removes the authority to sponsor a currently operating charter  
200 school under any provision of law, the ~~[Missouri charter public school commission]~~ **state**  
201 **board** shall become the sponsor of the school **for the remainder of the term of the charter**  
202 **contract, and the state board shall not be authorized to renew the contract.**

203 ~~[18.]~~ **12.** If a sponsor notifies a charter school of closure ~~[under subsection 8 of~~  
204 ~~section 160.405]~~, the department of elementary and secondary education shall exercise its  
205 financial withholding authority under subsection ~~[12]~~ **9** of section 160.415 to assure all  
206 obligations of the charter school shall be met. The state ~~[, charter sponsor, or resident]~~ **and**  
207 **the sponsoring** district shall not be liable for any outstanding liability or obligations of the  
208 charter school.

160.403. ~~[1.]~~ The department of elementary and secondary education shall ~~[establish~~  
2 ~~an annual application and approval process for all entities eligible to sponsor charters as set~~  
3 ~~forth in section 160.400 which are not sponsoring a charter school as of August 28, 2012,~~  
4 ~~except that the Missouri charter public school commission shall not be required to undergo~~  
5 ~~the application and approval process. No later than November 1, 2012, the department shall~~  
6 ~~make available information and guidelines for all eligible sponsors concerning the~~  
7 ~~opportunity to apply for sponsoring authority under this section.~~

8 ~~2.~~ ~~The application process for sponsorship shall require each interested eligible~~  
9 ~~sponsor, except for the Missouri charter public school commission, to submit an application~~  
10 ~~by February first that includes the following:~~

11 ~~(1) Written notification of intent to serve as a charter school sponsor in accordance~~  
12 ~~with sections 160.400 to 160.425 and section 167.349;~~

13 ~~(2) Evidence of the applicant sponsor's budget and personnel capacity;~~

14 ~~(3) An outline of the request for proposal that the applicant sponsor would, if~~  
15 ~~approved as a charter sponsor, issue to solicit charter school applicants consistent with~~  
16 ~~sections 160.400 to 160.425 and section 167.349;~~

17 ~~(4) The performance contract that the applicant sponsor would, if approved as a~~  
18 ~~charter sponsor, use to evaluate the charter schools it sponsors; and~~

19 ~~(5) The applicant sponsor's renewal, revocation, and nonrenewal processes consistent~~  
20 ~~with section 160.405.~~

21 ~~3.~~ By April first of each year, the department shall decide whether to grant or deny a  
22 sponsoring authority to a sponsor applicant. This decision shall be made based on the  
23 applicant sponsor's compliance with sections 160.400 to 160.425 and section 167.349 and  
24 properly promulgated rules of the department.

25 ~~4.~~ Within thirty days of the department's decision, the department shall execute a  
26 renewable sponsoring contract with each entity it has approved as a sponsor. The term of  
27 each authorizing contract shall be six years and renewable] **exercise sponsorship oversight**

28 **and monitoring to ensure that local school districts sponsor only charter schools that**  
29 **meet the criteria specified in sections 160.400 to 160.425 and do so by way of a**  
30 **procedure that complies with the process outlined in sections 160.400 to 160.425.**

160.405. 1. (1) A person, group or organization seeking to establish a charter school  
2 shall submit the proposed charter, as provided in this section, to ~~[a sponsor. If the sponsor is~~  
3 ~~not a school board, the applicant shall give a copy of its application to the school board of the~~  
4 ~~district in which the charter school is to be located and to the state board of education, within~~  
5 ~~five business days of the date the application is filed with the proposed sponsor. The school~~  
6 ~~board may file objections with the proposed sponsor, and, if a charter is granted, the school~~  
7 ~~board may file objections with the state board of education]~~ **the local school board or the**  
8 **special administrative board in the case that the state board has established a special**  
9 **administrative board for the district.** The charter shall include a ~~[legally binding~~  
10 ~~performance]~~ contract that describes the obligations and responsibilities of the school ~~[and the~~  
11 ~~sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall address the~~  
12 ~~following]~~ **to provide students with a free, accessible, nonsectarian, quality education**  
13 **that is delivered subject to the same basic safeguards and standards as other district**  
14 **schools, including compliance with:**

15 ~~(1) A mission and vision statement for the charter school;~~

16 ~~(2) A description of the charter school's organizational structure and bylaws of the~~  
17 ~~governing body, which will be responsible for the policy, financial management, and~~  
18 ~~operational decisions of the charter school, including the nature and extent of parental,~~  
19 ~~professional educator, and community involvement in the governance and operation of the~~  
20 ~~charter school;~~

21 ~~(3) A financial plan for the first three years of operation of the charter school~~  
22 ~~including provisions for annual audits;~~

23 ~~(4) A description of the charter school's policy for securing personnel services, its~~  
24 ~~personnel policies, personnel qualifications, and professional development plan;~~

25 ~~(5) A description of the grades or ages of students being served;~~

26 ~~(6) The school's calendar of operation, which shall include at least the equivalent of a~~  
27 ~~full school term as defined in section 160.011;~~

28 ~~(7) A description of the charter school's pupil performance standards and academic~~  
29 ~~program performance standards, which shall meet the requirements of subdivision (6) of~~  
30 ~~subsection 4 of this section. The charter school program shall be designed to enable each~~  
31 ~~pupil to achieve such standards and shall contain a complete set of indicators, measures,~~  
32 ~~metrics, and targets for academic program performance, including specific goals on~~  
33 ~~graduation rates and standardized test performance and academic growth;~~

34 ~~(8) A description of the charter school's educational program and curriculum;~~



- 35           ~~(9) The term of the charter, which shall be five years and may be renewed;~~
- 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~~  
40 ~~all 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~~  
47 ~~guardians;~~
- 48           ~~(14) A description of the agreement and time frame for implementation between the~~  
49 ~~charter school and the sponsor as to when a sponsor shall intervene in a charter school, when~~  
50 ~~a sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and~~  
51 ~~when a sponsor will not renew a charter under subsection 9 of this section;~~
- 52           ~~(15) Procedures to be implemented if the charter school should close, as provided in~~  
53 ~~subdivision (6) of subsection 16 of section 160.400 including:~~
- 54           ~~(a) Orderly transition of student records to new schools and archival of student~~  
55 ~~records;~~
- 56           ~~(b) Archival of business operation and transfer or repository of personnel records;~~
- 57           ~~(c) Submission of final financial reports;~~
- 58           ~~(d) Resolution of any remaining financial obligations;~~
- 59           ~~(e) Disposition of the charter school's assets upon closure; and~~
- 60           ~~(f) A notification plan to inform parents or guardians of students, the local school~~  
61 ~~district, the retirement system in which the charter school's employees participate, and the~~  
62 ~~state board of education within thirty days of the decision to close;~~
- 63           ~~(16) A description of the special education and related services that shall be available~~  
64 ~~to meet the needs of students with disabilities; and~~
- 65           ~~(17) For all new or revised charters, procedures to be used upon closure of the charter~~  
66 ~~school requiring that unobligated assets of the charter school be returned to the department of~~  
67 ~~elementary and secondary education for their disposition, which upon receipt of such assets~~  
68 ~~shall return them to the local school district in which the school was located, the state, or any~~  
69 ~~other entity to which they would belong.~~

71 ~~Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the~~  
72 ~~requirements of this subsection.]~~

73 **(a) Open meetings and public record laws;**

74 **(b) Prohibitions against for-profit operation or profiteering as enforced by**  
75 **conflict of interest, financial disclosure, and auditing requirements;**

76 **(c) The same civil rights including, but not limited to, constitutional rights and**  
77 **federal and state laws relating to employment, health, labor, safety, staff qualification,**  
78 **certification requirements, and protections for students with disabilities as other district**  
79 **schools; and**

80 **(d) The same standards of accreditation, accountability, and academic**  
81 **assessment and performance as other district schools.**

82 **(2) The term of the charter shall not exceed five years.**

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

84 (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and  
85 procedures for review and granting of a charter approval~~], and be approved by the state board~~  
86 ~~of education by January thirty first prior to the school year of the proposed opening date of~~  
87 ~~the charter school];~~

88 (2) A charter may be approved ~~[when the sponsor determines that the requirements of~~  
89 ~~this section are met, determines that the applicant is sufficiently qualified to operate a charter~~  
90 ~~school, and that the proposed charter is consistent with the sponsor's charter sponsorship~~  
91 ~~goals and capacity. The sponsor's decision of approval or denial shall be made within ninety~~  
92 ~~days of the filing of the proposed charter] only if the sponsor determines the charter is~~  
93 **both necessary to meet the needs of students in the district and will meet those needs in a**  
94 **manner that improves the local public school system;**

95 (3) Charter schools may be authorized or expanded only after a district has  
96 assessed the impact of the proposed charter school on local public school resources,  
97 programs, and services including, but not limited to, the district's operating and capital  
98 expenses, appropriate facility availability, the likelihood that the charter will prompt  
99 cutbacks or closures in local public schools, and consideration of whether other  
100 improvements in either educational program or school management, which may include  
101 reduced class sizes and community or magnet schools, would better serve the district's  
102 needs. The district shall also consider the impact of the charter on the racial, ethnic,  
103 and socioeconomic composition of schools and neighborhoods and on equitable access to  
104 quality services for all district students including, but not limited to, students with  
105 special needs and English-language learners. The impact analysis shall be independent,  
106 developed with community input, and be written and publicly available. If the charter is  
107 denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its

108 denial and forward a copy to the state board of education within five business days following  
109 the denial;

110 (4) If a proposed charter is denied by a sponsor, the proposed charter may be  
111 submitted to the state board of education, along with the sponsor's written reasons for its  
112 denial. ~~[If the state board determines that the applicant meets the requirements of this section,  
113 that the applicant is sufficiently qualified to operate the charter school, and that granting a  
114 charter to the applicant would be likely to provide educational benefit to the children of the  
115 district, the state board may grant a charter and act as sponsor of the charter school. The state  
116 board shall review the proposed charter and make a determination of whether to deny or grant  
117 the proposed charter within sixty days of receipt of the proposed charter, provided that any  
118 charter to be considered by the state board of education under this subdivision shall be  
119 submitted no later than March first prior to the school year in which the charter school intends  
120 to begin operations. The state board of education shall notify the applicant in writing as the  
121 reasons for its denial, if applicable; and~~

122 (5) ~~The sponsor of a charter school shall give priority to charter school applicants that  
123 propose a school oriented to high risk students and to the reentry of dropouts into the school  
124 system. If a sponsor grants three or more charters, at least one third of the charters granted by  
125 the sponsor shall be to schools that actively recruit dropouts or high risk students as their  
126 student body and address the needs of dropouts or high risk students through their proposed  
127 mission, curriculum, teaching methods, and services. For purposes of this subsection, a  
128 "high risk" student is one who is at least one year behind in satisfactory completion of course  
129 work or obtaining high school credits for graduation, has dropped out of school, is at risk of  
130 dropping out of school, needs drug and alcohol treatment, has severe behavioral problems,  
131 has been suspended from school three or more times, has a history of severe truancy, is a  
132 pregnant or parenting teen, has been referred for enrollment by the judicial system, is exiting  
133 incarceration, is a refugee, is homeless or has been homeless sometime within the preceding  
134 six months, has been referred by an area school district for enrollment in an alternative  
135 program, or qualifies as high risk under department of elementary and secondary education  
136 guidelines. Dropout shall be defined through the guidelines of the school core data report.  
137 The provisions of this subsection do not apply to charters sponsored by the state board of  
138 education]~~ **The state board of education may consider appeals of approvals or denials of  
139 charters only on the grounds that the sponsor's process for approving a charter was not  
140 properly followed or that the approval or denial of a charter was arbitrary or illegal. If  
141 the state board of education determines, following a hearing on the appeal, that the  
142 sponsor's process for approving the charter was not properly followed or that the  
143 approval or denial of a charter was arbitrary or illegal, the state board may remand the**

144 **application to the sponsor with specific instructions for correction of the sponsor's**  
145 **review under the sponsor's approval process.**

146 3. If a charter is approved by a sponsor, the charter application shall be submitted to  
147 the state board of education, along with a statement of finding by the sponsor that the  
148 application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a  
149 monitoring plan under which the charter sponsor shall **monitor and** evaluate the ~~[academic~~  
150 ~~performance, including annual performance reports, of students enrolled in the charter school.~~  
151 ~~The state board of education shall approve or deny a charter application within sixty days of~~  
152 ~~receipt of the application. The state board of education may deny a charter on grounds that~~  
153 ~~the application fails to meet the requirements of sections 160.400 to 160.425 and section~~  
154 ~~167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a~~  
155 ~~charter sponsor. Any denial of a charter application made by the state board of education~~  
156 ~~shall be in writing and shall identify the specific failures of the application to meet the~~  
157 ~~requirements of sections 160.400 to 160.425 and section 167.349, and the written denial shall~~  
158 ~~be provided within ten business days to the sponsor]~~ **charter school.**

159 4. ~~[A charter school shall, as provided in its charter:~~

160 (1) ~~Be nonsectarian in its programs, admission policies, employment practices, and~~  
161 ~~all other operations;~~

162 (2) ~~Comply with laws and regulations of the state, county, or city relating to health,~~  
163 ~~safety, and state minimum educational standards, as specified by the state board of education,~~  
164 ~~including the requirements relating to student discipline under sections 160.261, 167.161,~~  
165 ~~167.164, and 167.171, notification of criminal conduct to law enforcement authorities under~~  
166 ~~sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of~~  
167 ~~school records under section 167.020, the minimum amount of school time required under~~  
168 ~~section 171.031, and the employee criminal history background check and the family care~~  
169 ~~safety registry check under section 168.133;~~

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

173 (4) ~~Be financially accountable, use practices consistent with the Missouri financial~~  
174 ~~accounting manual, provide for an annual audit by a certified public accountant, publish audit~~  
175 ~~reports and annual financial reports as provided in chapter 165, provided that the annual~~  
176 ~~financial report may be published on the department of elementary and secondary education's~~  
177 ~~internet website in addition to other publishing requirements, and provide liability insurance~~  
178 ~~to indemnify the school, its board, staff and teachers against tort claims. A charter school that~~  
179 ~~receives local educational agency status under subsection 6 of this section shall meet the~~  
180 ~~requirements imposed by the Elementary and Secondary Education Act for audits of such~~

181 agencies and comply with all federal audit requirements for charters with local educational  
182 agency status. For purposes of an audit by petition under section 29.230, a charter school  
183 shall be treated as a political subdivision on the same terms and conditions as the school  
184 district in which it is located. For the purposes of securing such insurance, a charter school  
185 shall be eligible for the Missouri public entity risk management fund pursuant to section  
186 537.700. A charter school that incurs debt shall include a repayment plan in its financial plan;

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

189 (6) (a) ~~Design a method to measure pupil progress toward the pupil academic~~  
190 ~~standards adopted by the state board of education pursuant to section 160.514, establish~~  
191 ~~baseline student performance in accordance with the performance contract during the first~~  
192 ~~year of operation, collect student performance data as defined by the annual performance~~  
193 ~~report throughout the duration of the charter to annually monitor student academic~~  
194 ~~performance, and to the extent applicable based upon grade levels offered by the charter~~  
195 ~~school, participate in the statewide system of assessments, comprised of the essential skills~~  
196 ~~tests and the nationally standardized norm-referenced achievement tests, as designated by the~~  
197 ~~state board pursuant to section 160.518, complete and distribute an annual report card as~~  
198 ~~prescribed in section 160.522, which shall also include a statement that background checks~~  
199 ~~have been completed on the charter school's board members, and report to its sponsor, the~~  
200 ~~local school district, and the state board of education as to its teaching methods and any~~  
201 ~~educational innovations and the results thereof. No] Each charter school shall be considered~~  
202 ~~in the Missouri school improvement program review of the district in which it is located [for~~  
203 ~~the resource or process standards of the program.~~

204 (b) ~~For proposed high risk or alternative charter schools, sponsors shall approve~~  
205 ~~performance measures based on mission, curriculum, teaching methods, and services.~~  
206 ~~Sponsors shall also approve comprehensive academic and behavioral measures to determine~~  
207 ~~whether students are meeting performance standards on a different time frame as specified in~~  
208 ~~that school's charter. Student performance shall be assessed comprehensively to determine~~  
209 ~~whether a high risk or alternative charter school has documented adequate student progress.~~  
210 ~~Student performance shall be based on sponsor-approved comprehensive measures as well as~~  
211 ~~standardized public school measures. Annual presentation of charter school report card data~~  
212 ~~to the department of elementary and secondary education, the state board, and the public shall~~  
213 ~~include comprehensive measures of student progress.~~

214 (c) ~~Nothing in this subdivision shall be construed as permitting a charter school to be~~  
215 ~~held to lower performance standards than other public schools within a district; however, the~~  
216 ~~charter of a charter school may permit students to meet performance standards on a different~~  
217 ~~time frame as specified in its charter. The performance standards for alternative and special~~

218 ~~purpose charter schools that target high-risk students as defined in subdivision (5) of~~  
219 ~~subsection 2 of this section shall be based on measures defined in the school's performance~~  
220 ~~contract with its sponsors;~~

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

225 ~~(8) Provide along with any request for review by the state board of education the~~  
226 ~~following:~~

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

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

232 ~~5. (1) Proposed or existing high-risk or alternative charter schools may include~~  
233 ~~alternative arrangements for students to obtain credit for satisfying graduation requirements in~~  
234 ~~the school's charter application and charter. Alternative arrangements may include, but not be~~  
235 ~~limited to, credit for off-campus instruction, embedded credit, work experience through an~~  
236 ~~internship arranged through the school, and independent studies. When the state board of~~  
237 ~~education approves the charter, any such alternative arrangements shall be approved at such~~  
238 ~~time.~~

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

243 ~~[6.]~~ **5.** The charter of a charter school may be amended ~~[at the request]~~ **by mutual**  
244 **agreement** of the governing body of the charter school and ~~[on the approval of]~~ the sponsor.  
245 The sponsor and the governing board and staff of the charter school shall jointly review the  
246 school's performance, management, and operations ~~[during the first year of operation and~~  
247 ~~then every other year after the most recent review or at any point where the operation or~~  
248 ~~management of the charter school is changed or transferred to another entity, either public or~~  
249 ~~private. The governing board of a charter school may amend the charter, if the sponsor~~  
250 ~~approves such amendment, or the sponsor and the governing board may reach an agreement~~  
251 ~~in writing to reflect the charter school's decision to become a local educational agency. In~~  
252 ~~such case the sponsor shall give the department of elementary and secondary education~~  
253 ~~written notice no later than March first of any year, with the agreement to become effective~~  
254 ~~July first. The department may waive the March first notice date in its discretion. The~~

255 department shall identify and furnish a list of its regulations that pertain to local educational  
256 agencies to such schools within thirty days of receiving such notice] as provided in the  
257 contract.

258 [7.— Sponsors shall annually review the charter school's compliance with statutory  
259 standards including:

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

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

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

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

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

269 8. (1) (a) ~~A sponsor's policies shall give schools clear, adequate, evidence-based, and~~  
270 ~~timely notice of contract violations or performance deficiencies and mandate intervention~~  
271 ~~based upon findings of the state board of education of the following:~~

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

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

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

281 (b) 6. (1) A sponsor shall have a policy to revoke a charter during the charter term if  
282 there is[+:

283 a.] clear evidence of underperformance [as demonstrated in the charter school's  
284 annual performance report in three of the last four school years;] or

285 [b.] a violation of the law or the public trust that imperils students or public funds.

286 [(e)] (2) A sponsor shall revoke a charter or take other appropriate remedial action[;  
287 which may include placing the charter school on probationary status for no more than twenty-  
288 four months, provided that no more than one designation of probationary status shall be  
289 allowed for the duration of the charter contract, at any time if the charter school commits a  
290 serious breach of one or more provisions of its charter or on any of the following grounds:  
291 failure to meet the performance contract as set forth in its charter, failure to meet generally

292 ~~accepted standards of fiscal management, failure to provide information necessary to confirm~~  
293 ~~compliance with all provisions of the charter and sections 160.400 to 160.425 and 167.349~~  
294 ~~within forty five days following receipt of written notice requesting such information, or~~  
295 ~~violation of law.~~

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

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

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

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

311 ~~(6) A charter sponsor shall make available the school accountability report card~~  
312 ~~information as provided under section 160.522 and the results of the academic monitoring~~  
313 ~~required under subsection 3 of this section] as provided in the contract.~~

314 ~~[9.] 7. [(1)] A sponsor shall [take all reasonable steps necessary to] confirm that each~~  
315 ~~charter school sponsored by such sponsor is in material compliance and remains in material~~  
316 ~~compliance with all material provisions of the charter and sections 160.400 to 160.425 and~~  
317 ~~167.349. Every charter school shall provide all information necessary to confirm ongoing~~  
318 ~~compliance with all provisions of its charter and sections 160.400 to 160.425 and 167.349 in a~~  
319 ~~timely manner to its sponsor.~~

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

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

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

328 ~~a. A negative balance in its operating funds;~~



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

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

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

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

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

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

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

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

353 ~~10.] 8. A school district may enter into a lease with a charter school for physical~~  
354 ~~facilities.~~

355 ~~[11.] 9. A governing board or a school district employee who has control over~~  
356 ~~personnel actions shall not take unlawful reprisal against another employee at the school~~  
357 ~~district because the employee is directly or indirectly involved in an application to establish a~~  
358 ~~charter school. A governing board or a school district employee shall not take unlawful~~  
359 ~~reprisal against an educational program of the school or the school district because an~~  
360 ~~application to establish a charter school proposes the conversion of all or a portion of the~~  
361 ~~educational program to a charter school. As used in this subsection, "unlawful reprisal"~~  
362 ~~means an action that is taken by a governing board or a school district employee as a direct~~  
363 ~~result of a lawful application to establish a charter school and that is adverse to another~~  
364 ~~employee or an educational program.~~

365 ~~[12.]~~ **10.** Charter school board members shall be subject to the same liability for acts  
 366 while in office as if they were regularly and duly elected members of school boards in any  
 367 other public school district in this state. The governing board of a charter school may  
 368 participate, to the same extent as a school board, in the Missouri public entity risk  
 369 management fund in the manner provided under sections 537.700 to 537.756.

370 ~~[13.]~~ **11.** Any entity, either public or private, operating, administering, or otherwise  
 371 managing a charter school shall be considered a quasi-public governmental body and subject  
 372 to the provisions of sections 610.010 to 610.035.

373 ~~[14.]~~ **12.** The chief financial officer of a charter school shall maintain:

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

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

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

382 ~~16. The joint committee on education shall create a committee to investigate facility  
 383 access and affordability for charter schools. The committee shall be comprised of equal  
 384 numbers of the charter school sector and the public school sector and shall report its findings  
 385 to the general assembly by December 31, 2016.]~~

160.410. 1. A charter school shall enroll[~~;~~

2 ~~(1)]~~ all pupils ~~[resident]~~ **residing** 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  
 6 167.895, provided that the charter school is an approved charter school, as defined in section  
 7 167.895, and subject to all other provisions of section 167.895;~~

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  
 12 established, 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,  
 15 who 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~~

17 ~~forth in the charter and shall not be construed to create an undue advantage for a single~~  
18 ~~employer or small number of employers]~~ **as provided in the contract and subject to other**  
19 **requirements of law applicable to enrollment of students in the district; provided that, a**  
20 **charter school operating under a contract in effect on the effective date of this section**  
21 **may enroll pupils as provided in the charter and such contract until the expiration of**  
22 **such contract.**

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

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

32             ~~(2) A charter school may also give a preference for admission of children whose~~  
33 ~~siblings attend the school or whose parents are employed at the school or in the case of a~~  
34 ~~workplace charter school, a child whose parent is employed in the business district or at the~~  
35 ~~business site of such school;~~

36             ~~(3) Charter schools may also give a preference for admission to high risk students, as~~  
37 ~~defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these~~  
38 ~~students through its proposed mission, curriculum, teaching methods, and services;~~

39             ~~(4) A charter school may also give a preference for admission to students who will be~~  
40 ~~eligible for the free and reduced price lunch program in the upcoming school year].~~

41         3. A charter school shall not limit admission based on race, ethnicity, national origin,  
42 disability, income level, ~~[except as allowed under subdivision (4) of subsection 2 of this~~  
43 ~~section,]~~ proficiency in the English language, or athletic ability, but may limit admission to  
44 pupils within a given age group or grade level. Charter schools may limit admission based on  
45 gender only when the school is a single-gender school. ~~[Students of a charter school who~~  
46 ~~have been enrolled for a full academic year shall be counted in the performance of the charter~~  
47 ~~school on the statewide assessments in that calendar year, unless otherwise exempted as~~  
48 ~~English language learners. For purposes of this subsection, "full academic year" means the~~  
49 ~~last Wednesday in September through the administration of the Missouri assessment program~~  
50 ~~test without transferring out of the school and re-enrolling.]~~

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

54 (1) The school's charter;

55 (2) The school's most recent annual report card published according to section  
56 160.522; **and**

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

58 ~~(4) If a charter school is operated by a management company, a copy of the written~~  
59 ~~contract between the governing board of the charter school and the educational management~~  
60 ~~organization or the charter management organization for services. The charter school may~~  
61 ~~charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing~~  
62 ~~copies of documents under this subsection].~~

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

68 6. If a change in school district boundary lines occurs under section 162.223,  
69 162.431, 162.441, or 162.451, or by action of the state board of education under section  
70 162.081, including attachment of a school district's territory to another district or dissolution,  
71 such that a student attending a charter school prior to such change no longer resides in a  
72 school district in which the charter school is located, then the student may complete the  
73 current academic year at the charter school. The student shall be considered a resident  
74 student. The student's parent or legal guardian shall be responsible for the student's  
75 transportation to and from the charter school.

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

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  
3 of the school district within which each pupil resides. Each charter school shall report the  
4 eligibility for free and reduced price lunch, special education, or limited English proficiency  
5 status, as well as eligibility for categorical aid, of pupils resident in a school district who are  
6 enrolled in the charter school to the school district in which those pupils reside. The charter  
7 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  
9 department of elementary and secondary education. Each charter school shall promptly  
10 notify the state department of elementary and secondary education and the pupil's school  
11 district when a pupil discontinues enrollment at a charter school.

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

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

22 (3) If the department overpays or underpays the amount due to the charter school,  
23 such overpayment or underpayment shall be repaid by the charter school or credited to the  
24 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  
30 the disbursal agent within five days of the required due date.

31 3. ~~[A workplace charter school shall receive payment for each eligible pupil as~~  
32 ~~provided under subsection 2 of this section, except that if the pupil is not a resident of the~~  
33 ~~district and is participating in a voluntary interdistrict transfer program, the payment for such~~  
34 ~~pupils shall be 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~~  
38 ~~target, multiplied by the dollar value modifier for the district, plus local tax revenues per~~  
39 ~~weighted average daily attendance from the incidental and teachers funds in excess of the~~  
40 ~~performance levy as defined in section 163.011 plus all other state aid attributable to such~~  
41 ~~pupils. If a charter school declares itself as a local educational agency, the department of~~  
42 ~~elementary and secondary education shall, upon notice of the declaration, reduce the payment~~  
43 ~~made to the school district by the amount specified in this subsection and pay directly to the~~  
44 ~~charter school the annual 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~~  
48 ~~shall deduct the same amount from the next state school aid apportionment to the owing~~  
49 ~~school district. If a charter school is paid more or less than the amounts due pursuant to this~~  
50 ~~section, the amount of overpayment or underpayment shall be adjusted equally in the next~~

51 ~~twelve payments by the school district or the department of elementary and secondary~~  
52 ~~education, as appropriate.] Any dispute between the school district and a charter school as to~~  
53 ~~the amount owing to the charter school shall be resolved [by the department of elementary~~  
54 ~~and secondary education, and the department's decision shall be the final administrative~~  
55 ~~action for the purposes of review pursuant to chapter 536. During the period of dispute, the~~  
56 ~~department of elementary and secondary education shall make every administrative and~~  
57 ~~statutory effort to allow the continued education of students in their current charter school~~  
58 ~~setting] as provided in the contract.~~

59 ~~[6.]~~ 4. The charter school and a local school board may agree by contract for services  
60 to be provided by the school district to the charter school. The charter school may contract  
61 with any other entity for services. Such services may include, but are not limited to, food  
62 service, custodial service, maintenance, management assistance, curriculum assistance, media  
63 services, and libraries; **provided that, no charter school shall be operated by a**  
64 **management company or any entity other than the charter school board and its chief**  
65 **administrative officer**, and shall be subject to negotiation between the charter school and the  
66 local school board or other entity. Documented actual costs of such services shall be paid for  
67 by the charter school.

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

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

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

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

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

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

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

89 ~~8.]~~ 5. A charter school may enter into contracts with community partnerships and  
90 state agencies acting in collaboration with such partnerships that provide services to students  
91 and their families linked to the school.

92 ~~[9-]~~ 6. 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  
94 provision of transportation to the students of the charter school.

95 ~~[10-]~~ 7. (1) The proportionate share of state and federal resources generated by  
96 students with disabilities or staff serving them shall be paid in full to charter schools enrolling  
97 those students by their school district where such enrollment is through a contract for services  
98 described in this section. The proportionate share of money generated under other federal or  
99 state categorical aid programs shall be directed to charter schools serving such students  
100 eligible for that aid.

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

104 ~~[11-]~~ 8. A charter school shall not charge tuition or impose fees that a school district is  
105 prohibited from charging or imposing, except that a charter school may receive tuition  
106 payments from districts in the same or an adjoining county for nonresident students who  
107 transfer to an approved charter school, as defined in section 167.895, from an unaccredited  
108 district.

109 ~~[12-]~~ 9. A charter school is authorized to incur debt in anticipation of receipt of funds.  
110 A charter school may also borrow to finance facilities and other capital items. A school  
111 district may incur bonded indebtedness or take other measures to provide for physical  
112 facilities and other capital items for charter schools that it sponsors or contracts with. Except  
113 as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a  
114 charter school, any liabilities of the corporation will be satisfied through the procedures of  
115 chapter 355. A charter school shall satisfy all its financial obligations within twelve months  
116 of notice from the sponsor of the charter school's closure ~~[under subsection 8 of section~~  
117 ~~160.405]~~. After satisfaction of all its financial obligations, a charter school shall return any  
118 remaining state and federal funds to the department of elementary and secondary education  
119 for disposition ~~[as stated in subdivision (17) of subsection 1 of section 160.405]~~. The  
120 department of elementary and secondary education may withhold funding at a level the  
121 department determines to be adequate during a school's last year of operation until the

122 department determines that school records, liabilities, and reporting requirements, including a  
123 full audit, are satisfied.

124 ~~[13.]~~ **10.** Charter schools shall not have the power to acquire property by eminent  
125 domain.

126 ~~[14.]~~ **11.** The governing board of a charter school is authorized to accept grants, gifts  
127 or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or  
128 donation shall not be accepted by the governing board if it is subject to any condition contrary  
129 to law applicable to the charter school or other public schools, or contrary to the terms of the  
130 charter.

131 ~~[15.]~~ **12.** In addition to any state aid remitted to charter schools under this section, the  
132 department of elementary and secondary education shall remit to any charter school an  
133 amount equal to the weighted average daily attendance of the charter school multiplied by the  
134 difference of:

135 (1) The amount of state aid and local aid per weighted average daily attendance  
136 received by the school district in which the charter school is located, not including any funds  
137 remitted to charter schools in the district. For the purposes of this subdivision, the weighted  
138 average daily attendance of the school district shall not include the weighted average daily  
139 attendance of the charter schools located in the district; and

140 (2) The amount of state aid and local aid per weighted average daily attendance of the  
141 charter school received by the charter school.

142 ~~[16.]~~ **13.** Charter schools may adjust weighted average daily attendance pursuant to  
143 section 163.036.

144 ~~[17.]~~ **14.** When calculating the amounts in subdivisions (1) and (2) of subsection ~~[15]~~  
145 **12** of this section, the department shall utilize the most current data to which the department  
146 has access.

147 ~~[18.]~~ **15.** For the purposes of subsection ~~[15]~~ **12** of this section:

148 (1) The definitions contained in section 163.011, shall apply;

149 (2) The term "local aid" shall mean all local and county revenue received, including,  
150 but not limited to, the following:

151 (a) Property taxes and delinquent taxes;

152 (b) Merchants' and manufacturers' tax revenues;

153 (c) Financial institutions' tax revenues;

154 (d) City sales tax revenue, including city sales tax collected in any city not within a  
155 county;

156 (e) Payments in lieu of taxes; and

157 (f) Revenues from state-assessed railroad and utilities tax;

158 (3) The term local aid shall not be construed to include:



- 159 (a) Charitable contributions, gifts, and grants made to school districts;  
160 (b) Interest earnings of school districts and student fees paid to school districts;  
161 (c) Debt service authorized by a public vote for the purpose of making payments on a  
162 bond issuance of a school district;  
163 (d) Proposition C revenues received for school purposes from the school district trust  
164 fund under section 163.087; or  
165 (e) Any other funding solely intended for a particular school district or their  
166 respective employees, schools, foundations, or organizations;
- 167 (4) The term "state aid" shall mean any revenues received pursuant to this section and  
168 sections 163.043 and 163.087.
- 169 ~~[19. Notwithstanding any other provision of law to the contrary, subsections 15 to 18~~  
170 ~~of this section shall be applicable to charter schools operated only:~~
- 171 ~~(1) In a metropolitan school district;~~  
172 ~~(2) In an urban school district containing most or all of a city with more than four~~  
173 ~~hundred thousand inhabitants and located in more than one county;~~  
174 ~~(3) In a school district that has been classified as unaccredited by the state board of~~  
175 ~~education;~~  
176 ~~(4) In a school district that has been classified as provisionally accredited by the state~~  
177 ~~board of education and has received scores on its annual performance report consistent with a~~  
178 ~~classification of provisionally accredited or unaccredited for three consecutive school years~~  
179 ~~beginning with the 2012-13 accreditation year under the conditions described in paragraphs~~  
180 ~~(a) and (b) of subdivision (4) of subsection 2 of section 160.400; or~~  
181 ~~(5) In a school district that has been accredited without provisions, sponsored only by~~  
182 ~~the local school board under the conditions described in subdivision (5) of subsection 2 of~~  
183 ~~section 160.400.~~
- 184 ~~20.]~~ **16.** (1) The members of the governing board of a charter school shall be  
185 residents of the state of Missouri.
- 186 (2) Any current member of a governing board of a charter school who does not meet  
187 the requirements in subdivision (1) of this subsection may complete their term. Such  
188 individual shall not be renominated as a member of the governing board on which he or she  
189 sits.
- 190 ~~[21.]~~ **17.** Any charter school management company operating a charter school in the  
191 state shall be a nonprofit corporation incorporated pursuant to chapter 355.
- 192 ~~[22.]~~ **18.** Beginning July 1, 2023, the provisions of section 160.995 shall be  
193 applicable to charter schools.
- 194 ~~[23.]~~ **19.** Each charter school shall publish its annual performance report on the  
195 school's website in a downloadable format.

160.417. 1. By October 1, 2012, and by each October first thereafter, the sponsor of each charter school shall review the information submitted on the report required by section 162.821 to identify charter schools experiencing financial stress. ~~[The department of elementary and secondary education shall be authorized to obtain such additional information from a charter school as may be necessary to determine the financial condition of the charter school. Annually, a listing of charter schools identified as experiencing financial stress according to the provisions of this section shall be provided to the governor, speaker of the house of representatives, and president pro tempore of the senate by the department of elementary and secondary education.]~~

2. ~~For the purposes of this section, a charter school shall be identified as experiencing financial stress if it:~~

~~(1) At the end of its most recently completed fiscal year:~~

~~(a) Has a negative balance in its operating funds; or~~

~~(b) Has a combined balance of less than three percent of the amount expended from such funds during the previous fiscal year;~~

~~(2) For the most recently completed fiscal year expenditures, exceeded receipts for any of its funds because of recurring costs; or~~

~~(3) Due to insufficient fund balances or reserves, incurred debt after January thirty-first and before July first during the most recently completed fiscal year in order to meet expenditures of the charter school.~~

3.] 2. The sponsor shall **promptly** notify ~~[by November first]~~ the governing board of the charter school identified as experiencing financial stress. Upon receiving the notification, the ~~[governing board shall develop, or cause to have developed, and shall approve a budget and education plan on forms provided by the sponsor. The budget and education plan shall be submitted to the sponsor, signed by the officers of the charter school, within forty-five calendar days of notification that the charter school has been identified as experiencing financial stress. Minimally, the budget and education plan]~~ **charter school and sponsor shall mutually agree to a revised budget and education plan that shall:**

(1) Give **competent** assurances that adequate educational services to students of the charter school shall continue uninterrupted for the remainder of the current school year and that the charter school can provide the minimum amount of school time required by section 171.031;

(2) Outline a procedure to be followed by the charter school to report to charter school patrons about the financial condition of the charter school; and

(3) Detail the expenditure reduction measures, revenue increases, or other actions to be taken by the charter school to address its condition of financial stress.

37 ~~[4. Upon receipt and following review of any budget and education plan, the sponsor~~  
38 ~~may make suggestions to improve the plan. Nothing in sections 160.400 to 160.425 or~~  
39 ~~section 167.349 shall exempt a charter school from submitting a budget and education plan to~~  
40 ~~the sponsor according to the provisions of this section following each such notification that a~~  
41 ~~charter school has been identified as experiencing financial stress, except that the sponsor~~  
42 ~~may permit a charter school's governing board to make amendments to or update a budget and~~  
43 ~~education plan previously submitted to the sponsor.~~

44 ~~5. The department may withhold any payment of financial aid otherwise due to the~~  
45 ~~charter school until such time as the sponsor and the charter school have fully complied with~~  
46 ~~this section.]~~

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

11 2. A charter school ~~[may]~~ **shall** employ ~~[noncertificated]~~ **certificated** instructional  
12 personnel~~]; provided that no more than twenty percent of the full-time equivalent~~  
13 ~~instructional staff positions at the school are filled by noncertificated personnel. All~~  
14 ~~noncertificated instructional personnel shall be supervised by certificated instructional~~  
15 ~~personnel. A charter school that has a foreign language immersion experience as its chief~~  
16 ~~educational mission, as stated in its charter, shall not be subject to the twenty percent~~  
17 ~~requirement of this subsection but shall ensure that any teachers whose duties include~~  
18 ~~instruction given in a foreign language have current valid credentials in the country in which~~  
19 ~~such teacher received his or her training and shall remain subject to the remaining~~  
20 ~~requirements of this subsection. The charter school shall ensure that all instructional~~  
21 ~~employees of the charter school have experience, training and skills appropriate to the~~  
22 ~~instructional duties of the employee, and the charter school shall ensure that a criminal~~  
23 ~~background check and family care safety registry check are conducted for each employee of~~  
24 ~~the charter school prior to the hiring of the employee under the requirements of section~~  
25 ~~168.133. The charter school may not employ instructional personnel whose certificate of~~  
26 ~~license to teach has been revoked or is currently suspended by the state board of education.~~

27 ~~Appropriate experience, training and skills of noncertificated instructional personnel shall be~~  
28 ~~determined considering:~~

29 ~~(1) Teaching certificates issued by another state or states;~~

30 ~~(2) Certification by the National Board for Professional Teaching Standards;~~

31 ~~(3) College degrees in the appropriate field;~~

32 ~~(4) Evidence of technical training and competence when such is appropriate; and~~

33 ~~(5) The level of supervision and coordination with certificated instructional staff]~~

34 **under the same requirements applicable to instructional personnel of the district;**  
35 **provided that, this subsection shall not apply to noncertificated personnel employed by a**  
36 **charter school under a contract in effect on the effective date of this section.**

37 3. Personnel employed by the charter school shall participate in the retirement system  
38 of the school district in which the charter school is located, subject to the same terms,  
39 conditions, requirements and other provisions applicable to personnel employed by the school  
40 district. For purposes of participating in the retirement system, the charter school shall be  
41 considered to be a public school within the school district, and personnel employed by the  
42 charter school shall be public school employees. In the event of a lapse of the school district's  
43 corporate organization as described in subsections 1 and 4 of section 162.081, personnel  
44 employed by the charter school shall continue to participate in the retirement system and shall  
45 do so on the same terms, conditions, requirements and other provisions as they participated  
46 prior to the lapse.

160.425. 1. The "Missouri Charter Public School Commission" is hereby created  
2 with the authority to sponsor high quality charter schools throughout the state of Missouri.

3 2. The commission shall consist of nine members appointed by the governor, by and  
4 with the advice and consent of the senate. No more than five of the members shall be of the  
5 same political party. No more than two members shall be from the same congressional  
6 district. The term of office of each member shall be four years, except those of the members  
7 first appointed, of which three shall be appointed for a term of one year, two for a term of two  
8 years, two for a term of three years, and two for a term of four years. At the expiration of the  
9 term of each member, the governor, by and with the advice and consent of the senate, shall  
10 appoint a successor.

11 3. The appointees to the commission shall be selected as follows:

12 (1) One member selected by the governor from a slate of three recommended by the  
13 commissioner of education;

14 (2) One member selected by the governor from a slate of three recommended by the  
15 commissioner of higher education;

16 (3) One member selected by the governor from a slate of three recommended by the  
17 president pro tempore of the senate;

18 (4) One member selected by the governor from a slate of three recommended by the  
19 speaker of the house of representatives; and

20 (5) Five additional members appointed by the governor, one of whom shall be  
21 selected from a slate of three nominees recommended by the Missouri School Boards  
22 Association.

23 4. Members appointed to the commission shall collectively possess strong experience  
24 and expertise in governance, management and finance, school leadership, assessment,  
25 curriculum and instruction, and education law. All members of the commission shall have  
26 demonstrated understanding of and commitment to charter schooling as a strategy for  
27 strengthening public education.

28 5. The commission shall annually elect a chairperson and vice chairperson, who shall  
29 act as chairperson in his or her absence. The commission shall meet at the call of the  
30 chairperson. The chairperson may call meetings at such times as he or she deems advisable  
31 and shall call a meeting when requested to do so by three or more members of the  
32 commission. Members of the commission are not eligible to receive compensation.

33 6. The commission may approve proposed charters for its sponsorship under sections  
34 160.400 to 160.425 and shall:

35 (1) Comply with all of the requirements applicable to sponsors under sections  
36 160.400 to 160.425;

37 (2) Exercise sponsorship over charters approved by the commission under sections  
38 160.400 to 160.425~~], including receipt of sponsorship funding under subsection 11 of section~~  
39 ~~160.400]~~. Sponsorship funding due to the commission shall be deposited to the credit of the  
40 charter public school commission revolving fund created pursuant to this section.

41 7. Charter schools sponsored by the commission shall comply with all of the  
42 requirements applicable to charter schools under sections 160.400 to 160.425.

43 8. The commission shall conduct its business in accordance with chapter 610.

44 9. The department of elementary and secondary education shall provide start-up  
45 funding for the commission to operate. The commission shall reimburse the department's  
46 costs from any funds it receives as sponsor under section 160.400.

47 10. The commission is authorized to receive and expend gifts, grants, and donations  
48 of any kind from any public or private entity to carry out the purposes of sections 160.400 to  
49 160.425, subject to the terms and conditions under which they are given, provided that all  
50 such terms and conditions are permissible under law.

51 11. There is hereby created in the state treasury the "Charter Public School  
52 Commission Revolving Fund", which shall consist of moneys collected under this section.  
53 The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and  
54 30.180, the state treasurer may approve disbursements. Notwithstanding the provisions of

55 section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium  
 56 shall not revert to the credit of the general revenue fund. The state treasurer shall invest  
 57 moneys in the fund in the same manner as other funds are invested. Subject to appropriation,  
 58 moneys in the fund shall be used solely for the administration of this section.

59 **12. The commission shall not approve any charter for sponsorship on or after**  
 60 **the effective date of this section.**

61 **13. The commission shall not renew any charter contract on or after the effective**  
 62 **date of this section.**

63 **14. The commission shall be abolished as of thirty days following the date of the**  
 64 **expiration of the last existing charter contract effective on the effective date of this**  
 65 **section for charter schools sponsored by the commission on the effective date of this**  
 66 **section.**

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

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

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

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

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

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

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

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

~~(3) If a charter is approved by a sponsor, the charter application shall  
 19 be filed with the state board of education with a statement of finding from the  
 20 sponsor that the application meets the requirements of sections 160.400 to  
 21 160.425 and section 167.349 and a monitoring plan under which the sponsor  
 22 shall evaluate the academic performance of students enrolled in the charter  
 23 school. Such filing shall be made by January thirty-first prior to the school  
 24 year in which the charter school intends to begin operations.~~

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

✓