

FIRST REGULAR SESSION

SENATE BILL NO. 123

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KEAVENY.

Read 1st time January 18, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0988S.011

AN ACT

To repeal sections 160.053, 160.054, 160.055, 160.410, and 160.415, RSMo, and to enact in lieu thereof five new sections relating to charter schools.

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

Section A. Sections 160.053, 160.054, 160.055, 160.410, and 160.415, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 160.053, 160.054, 160.055, 160.410, and 160.415, to read as follows:

160.053. 1. If a school district maintains a kindergarten program, a child is eligible for admission to kindergarten and to the summer school session immediately preceding kindergarten, if offered, if the child reaches the age of five before the first day of August of the school year beginning in that calendar year or if the child is a military dependent who has successfully completed an accredited prekindergarten program or has attended an accredited kindergarten program in another state. A child is eligible for admission to first grade if the child reaches the age of six before the first day of August of the school year beginning in that calendar year or if the child is a military dependent who has successfully completed an accredited kindergarten program in another state.

2. Any kindergarten or grade one pupil beginning the school term and any pupil beginning summer school prior to a kindergarten school term in a metropolitan school district or an urban school district containing the greater part of the population of a city which has more than three hundred thousand inhabitants pursuant to section 160.054 or 160.055 and subsequently transferring to another school district in this state in which the child's birth date would preclude such child's eligibility for entrance shall be deemed eligible for attendance and shall not be required to meet the minimum age

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 requirements. The receiving school district shall receive state aid for the child,
20 notwithstanding the provisions of section 160.051.

21 3. Any child who completes the kindergarten year shall not be required
22 to meet the age requirements of a district for entrance into grade one.

23 4. The provisions of this section relating to kindergarten instruction and
24 state aid therefor shall not apply during any particular school year to those
25 districts which do not provide kindergarten classes that year.

26 5. **For a charter school, whose mission includes foreign language**
27 **immersion and whose instruction is wholly conducted in a foreign**
28 **language for at least the first two years of a student's enrollment, that**
29 **enrolls four-year-olds as provided in section 160.410, a child shall be**
30 **eligible for admission if the child reaches the age of four before the**
31 **first day of August of the school year beginning in that calendar year.**

160.054. 1. Notwithstanding any provisions of sections 160.051 and
2 160.053, to the contrary, beginning with the 1997-98 school year, all metropolitan
3 school districts, except as provided in subsection 2 of this section, may establish
4 and enforce a regulation which requires that a child shall have attained the age
5 of five for purposes of kindergarten and summer school prior to a kindergarten
6 school term, and the age of six for purposes of grade one, on or before any date
7 between August first and October first of that year. The school district shall
8 receive state aid for any child admitted to kindergarten, summer school prior to
9 kindergarten, or grade one pursuant to this section, notwithstanding the
10 provisions of section 160.051.

11 2. Any kindergarten or grade one pupil beginning the school term and any
12 pupil beginning summer school prior to a kindergarten school term in a
13 metropolitan school district and subsequently transferring to another school
14 district in this state in which the child's birth date would preclude such child's
15 eligibility for entrance shall be deemed eligible for attendance and shall not be
16 required to meet the minimum age requirements. The receiving school district
17 shall receive state aid for the child, notwithstanding the provisions of section
18 160.051.

19 3. Any child who completes the kindergarten year in a metropolitan school
20 district shall not be required to meet the minimum age requirements of another
21 school district in this state for entrance into grade one.

22 4. The provisions of subsections 1 and 2 of this section, relating to
23 kindergarten instruction and state aid therefor, shall not apply during any

24 particular school year to those districts which do not provide kindergarten classes
25 that year.

26 **5. For a charter school, whose mission includes foreign language**
27 **immersion and whose instruction is wholly conducted in a foreign**
28 **language for at least the first two years of a student's enrollment, that**
29 **enrolls four-year-olds as provided in section 160.410, a child shall be**
30 **eligible if the child reaches the age of four before the first day of**
31 **August of the school year beginning in that calendar year, or if the**
32 **district has established a regulation under subsection 1 of this section,**
33 **if the child reaches the age of four before the date established in the**
34 **regulation.**

160.055. 1. Notwithstanding any provisions of sections 160.051 and
2 160.053, to the contrary, beginning with the 1997-98 school year, all urban school
3 districts containing the greater part of the population of a city which has more
4 than three hundred thousand inhabitants, except as provided in subsection 2 of
5 this section, may establish and enforce a regulation which requires that a child
6 shall have attained the age of five for purposes of kindergarten and summer
7 school prior to a kindergarten school term, and the age of six for purposes of
8 grade one, on or before any date between August first and October first of that
9 year. The school district shall receive state aid for any child admitted to
10 kindergarten, summer school prior to kindergarten, or grade one pursuant to this
11 section, notwithstanding the provisions of section 160.051.

12 2. Any kindergarten or grade one pupil beginning the school term and any
13 pupil beginning summer school prior to a kindergarten school term in an urban
14 school district in this state containing the greater part of the population of a city
15 which has more than three hundred thousand inhabitants and subsequently
16 transferring to another school district in this state in which the child's birth date
17 would preclude such child's eligibility for entrance shall be deemed eligible for
18 attendance and shall not be required to meet the minimum age
19 requirements. The receiving school district shall receive state aid for the child,
20 notwithstanding the provisions of section 160.051.

21 3. Any child who completes the kindergarten year in an urban school
22 district containing the greater part of the population of a city which has more
23 than three hundred thousand inhabitants shall not be required to meet the
24 minimum age requirements of another school district in this state for entrance
25 into grade one.

26 4. The provisions of subsections 1 and 2 of this section, relating to
27 kindergarten instruction and state aid therefor, shall not apply during any
28 particular school year to those districts which do not provide kindergarten classes
29 that year.

30 **5. For a charter school, whose mission includes foreign language**
31 **immersion and whose instruction is wholly conducted in a foreign**
32 **language for at least the first two years of a student's enrollment, that**
33 **enrolls four-year-olds as provided in section 160.410, a child shall be**
34 **eligible if the child reaches the age of four before the first day of**
35 **August of the school year beginning in that calendar year, or if the**
36 **district has established a regulation under subsection 1 of this section,**
37 **if the child reaches the age of four before the date established in the**
38 **regulation.**

160.410. 1. A charter school shall enroll:

- 2 (1) All pupils resident in the district in which it operates;
3 (2) Nonresident pupils eligible to attend a district's school under an urban
4 voluntary transfer program; and
5 (3) In the case of a workplace charter school, any student eligible to
6 attend under subdivision (1) or (2) of this subsection whose parent is employed
7 in the business district, who submits a timely application, unless the number of
8 applications exceeds the capacity of a program, class, grade level or building. The
9 configuration of a business district shall be set forth in the charter and shall not
10 be construed to create an undue advantage for a single employer or small number
11 of employers.

12 **2. Notwithstanding any provision of law to the contrary, a**
13 **charter school, whose mission includes foreign language immersion and**
14 **whose instruction is wholly conducted in a foreign language for at least**
15 **the first two years of a student's enrollment, may enroll a child who has**
16 **attained the age of four and satisfies the requirements of subsection 1**
17 **of this section.**

18 **3.** If capacity is insufficient to enroll all pupils who submit a timely
19 application, the charter school shall have an admissions process that assures all
20 applicants of an equal chance of gaining admission except that:

- 21 (1) A charter school may establish a geographical area around the school
22 whose residents will receive a preference for enrolling in the school, provided that
23 such preferences do not result in the establishment of racially or

24 socioeconomically isolated schools and provided such preferences conform to
25 policies and guidelines established by the state board of education; and

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

30 [3.] 4. A charter school shall not limit admission based on race, ethnicity,
31 national origin, disability, gender, income level, proficiency in the English
32 language or athletic ability, but may limit admission to pupils within a given age
33 group or grade level.

34 [4.] 5. The department of elementary and secondary education shall
35 commission a study of the performance of students at each charter school in
36 comparison with an equivalent group of district students representing an
37 equivalent demographic and geographic population and a study of the impact of
38 charter schools upon the constituents they serve in the districts in which they are
39 located, to be conducted by the joint committee on education. The charter school
40 study shall include analysis of the administrative and instructional practices of
41 each charter school and shall include findings on innovative programs that
42 illustrate best practices and lend themselves to replication or incorporation in
43 other schools. The joint committee on education shall coordinate with individuals
44 representing charter [public] schools and the districts in which charter schools
45 are located in conducting the study. The study of a charter school's student
46 performance in relation to a comparable group shall be designed to provide
47 information that would allow parents and educators to make valid comparisons
48 of academic performance between the charter school's students and an equivalent
49 group of district students representing an equivalent demographic and geographic
50 population. The student performance assessment and comparison shall include,
51 but may not be limited to:

52 (1) Missouri assessment program test performance and aggregate growth
53 over several years;

54 (2) Student reenrollment rates;

55 (3) Educator, parent, and student satisfaction data;

56 (4) Graduation rates in secondary programs; and

57 (5) Performance of students enrolled in the same public school for three
58 or more consecutive years. The impact study shall be undertaken every two years
59 to determine the impact of charter schools on the constituents they serve in the

60 districts where charter schools are operated. The impact study shall include, but
61 is not limited to, determining if changes have been made in district policy or
62 procedures attributable to the charter school and to perceived changes in
63 attitudes and expectations on the part of district personnel, school board
64 members, parents, students, the business community and other education
65 stakeholders. The department of elementary and secondary education shall make
66 the results of the studies public and shall deliver copies to the governing boards
67 of the charter schools, the sponsors of the charter schools, the school board and
68 superintendent of the districts in which the charter schools are operated.

69 [5.] 6. A charter school shall make available for public inspection, and
70 provide upon request, to the parent, guardian, or other custodian of any
71 school-age pupil resident in the district in which the school is located the
72 following information:

73 (1) The school's charter;

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

76 (3) The results of background checks on the charter school's board
77 members. The charter school may charge reasonable fees, not to exceed the rate
78 specified in section 610.026 for furnishing copies of documents under this
79 subsection.

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

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

16 (1) A school district having one or more resident pupils attending a

17 charter school shall pay to the charter school an annual amount equal to the
18 product of the charter school's weighted average daily attendance and the state
19 adequacy target, multiplied by the dollar value modifier for the district, plus local
20 tax revenues per weighted average daily attendance from the incidental and
21 teachers' funds in excess of the performance levy as defined in section 163.011
22 plus all other state aid attributable to such pupils.

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

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

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

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

37 3. A workplace charter school shall receive payment for each eligible pupil
38 as provided under subsection 2 of this section, except that if the student is not a
39 resident of the district and is participating in a voluntary interdistrict transfer
40 program, the payment for such pupils shall be the same as provided under section
41 162.1060.

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

53 the school district's payment.

54 5. If a school district fails to make timely payments of any amount for
55 which it is the disbursal agent, the state department of elementary and secondary
56 education shall authorize payment to the charter school of the amount due
57 pursuant to subsection 2 of this section and shall deduct the same amount from
58 the next state school aid apportionment to the owing school district. If a charter
59 school is paid more or less than the amounts due pursuant to this section, the
60 amount of overpayment or underpayment shall be adjusted equally in the next
61 twelve payments by the school district or the department of elementary and
62 secondary education, as appropriate. Any dispute between the school district and
63 a charter school as to the amount owing to the charter school shall be resolved by
64 the department of elementary and secondary education, and the department's
65 decision shall be the final administrative action for the purposes of review
66 pursuant to chapter 536. During the period of dispute, the department of
67 elementary and secondary education shall make every administrative and
68 statutory effort to allow the continued education of children in their current
69 public charter school setting.

70 **6. Notwithstanding the provisions of sections 160.400 to 160.420,**
71 **163.011 and 163.031 to the contrary, a charter school whose mission**
72 **includes foreign language immersion and whose instruction is wholly**
73 **conducted in a foreign language for at least the first two years of a**
74 **student's enrollment, that enrolls a child who has attained the age of**
75 **four under subsection 2 of section 160.410 and satisfies the**
76 **requirements of subsection 1 of section 160.410 may include such child**
77 **in the charter school's average daily attendance and weighted average**
78 **daily attendance for purposes of state aid.**

79 7. The charter school and a local school board may agree by contract for
80 services to be provided by the school district to the charter school. The charter
81 school may contract with any other entity for services. Such services may include
82 but are not limited to food service, custodial service, maintenance, management
83 assistance, curriculum assistance, media services and libraries and shall be
84 subject to negotiation between the charter school and the local school board or
85 other entity. Documented actual costs of such services shall be paid for by the
86 charter school.

87 **[7.] 8. A charter school may enter into contracts with community**
88 **partnerships and state agencies acting in collaboration with such partnerships**

89 that provide services to children and their families linked to the school.

90 [8.] 9. A charter school shall be eligible for transportation state aid
91 pursuant to section 163.161 and shall be free to contract with the local district,
92 or any other entity, for the provision of transportation to the students of the
93 charter school.

94 [9.] 10. (1) The proportionate share of state and federal resources
95 generated by students with disabilities or staff serving them shall be paid in full
96 to charter schools enrolling those students by their school district where such
97 enrollment is through a contract for services described in this section. The
98 proportionate share of money generated under other federal or state categorical
99 aid programs shall be directed to charter schools serving such students eligible
100 for that aid.

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

104 [10.] 11. A charter school may not charge tuition, nor may it impose fees
105 that a school district is prohibited from imposing.

106 [11.] 12. A charter school is authorized to incur debt in anticipation of
107 receipt of funds. A charter school may also borrow to finance facilities and other
108 capital items. A school district may incur bonded indebtedness or take other
109 measures to provide for physical facilities and other capital items for charter
110 schools that it sponsors or contracts with. Upon the dissolution of a charter
111 school, any liabilities of the corporation will be satisfied through the procedures
112 of chapter 355.

113 [12.] 13. Charter schools shall not have the power to acquire property by
114 eminent domain.

115 [13.] 14. The governing body of a charter school is authorized to accept
116 grants, gifts or donations of any kind and to expend or use such grants, gifts or
117 donations. A grant, gift or donation may not be accepted by the governing body
118 if it is subject to any condition contrary to law applicable to the charter school or
119 other public schools, or contrary to the terms of the charter.

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