

FIRST REGULAR SESSION

SENATE BILL NO. 311

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time February 13, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1275S.04I

AN ACT

To repeal sections 160.400 and 160.425, RSMo, and to enact in lieu thereof eight new sections relating to school turnaround models to transform public schools designated in the lowest performing twenty percent of schools in the state.

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

Section A. Sections 160.400 and 160.425, RSMo, are repealed and eight
2 new sections enacted in lieu thereof, to be known as sections 160.400, 160.425,
3 160.2200, 160.2205, 160.2210, 160.2215, 160.2217, and 160.2220, to read as
4 follows:

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

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

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

17 education during the third consecutive school year after the designation of
18 provisional accreditation; and

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

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

33 **(6) At a school site located in any school district that parents and**
34 **legal guardians have successfully petitioned to convert to a charter**
35 **school under sections 160.2200 to 160.2220 or at a school site that is**
36 **converted to a charter school after the school has failed to show**
37 **significant student academic growth from the use of a school**
38 **turnaround option under sections 160.2200 to 160.2220, as demonstrated**
39 **by failing to be in the top eighty percent of schools identified through**
40 **the Missouri school improvement program.**

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

43 (1) The school board of the district in any district which is sponsoring a
44 charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of
45 subsection 2 of this section, the special administrative board of a metropolitan
46 school district during any time in which powers granted to the district's board of
47 education are vested in a special administrative board, or if the state board of
48 education appoints a special administrative board to retain the authority granted
49 to the board of education of an urban school district containing most or all of a
50 city with a population greater than three hundred fifty thousand inhabitants, the
51 special administrative board of such school district;

52 (2) A public four-year college or university with an approved teacher

53 education program that meets regional or national standards of accreditation;

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

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

59 (5) Any two-year private vocational or technical school designated as a
60 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as
61 amended, which is a member of the North Central Association and accredited by
62 the Higher Learning Commission, with its primary campus in Missouri; or

63 (6) The Missouri charter public school commission created in section
64 160.425.

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

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

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

76 (3) In any school district classified as unaccredited or provisionally
77 accredited where a charter school is operating and is sponsored by an entity other
78 than the local school board, when the school district becomes classified as
79 accredited without provisions, a charter school may continue to be sponsored by
80 the entity sponsoring it prior to the classification of accredited without provisions
81 and shall not be limited to the local school board as a sponsor. A charter school
82 operating in a school district identified in subdivision (1) or (2) of subsection 2 of
83 this section may be sponsored by any of the entities identified in subsection 3 of
84 this section, irrespective of the accreditation classification of the district in which
85 it is located. A charter school in a district described in this subsection whose
86 charter provides for the addition of grade levels in subsequent years may continue
87 to add levels until the planned expansion is complete to the extent of grade levels
88 in comparable schools of the district in which the charter school is operated.

89 5. The mayor of a city not within a county may request a sponsor under
90 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider
91 sponsoring a "workplace charter school", which is defined for purposes of sections
92 160.400 to 160.425 as a charter school with the ability to target prospective
93 students whose parent or parents are employed in a business district, as defined
94 in the charter, which is located in the city.

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

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

101 8. As a nonprofit corporation incorporated pursuant to chapter 355, the
102 charter school shall select the method for election of officers pursuant to section
103 355.326 based on the class of corporation selected. Meetings of the governing
104 board of the charter school shall be subject to the provisions of sections 610.010
105 to 610.030.

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

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

119 11. The expenses associated with sponsorship of charter schools shall be
120 defrayed by the department of elementary and secondary education retaining one
121 and five-tenths percent of the amount of state and local funding allocated to the
122 charter school under section 160.415, not to exceed one hundred twenty-five
123 thousand dollars, adjusted for inflation. The department of elementary and
124 secondary education shall remit the retained funds for each charter school to the

125 school's sponsor, provided the sponsor remains in good standing by fulfilling its
126 sponsorship obligations under sections 160.400 to 160.425 and 167.349 with
127 regard to each charter school it sponsors, including appropriate demonstration of
128 the following:

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

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

136 (3) Negotiates contracts with charter schools that clearly articulate the
137 rights and responsibilities of each party regarding school autonomy, expected
138 outcomes, measures for evaluating success or failure, performance consequences,
139 and other material terms;

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

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

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

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

151 14. No sponsor shall grant a charter under sections 160.400 to 160.425
152 and 167.349 without ensuring that a criminal background check and family care
153 safety registry check are conducted for all members of the governing board of the
154 charter schools or the incorporators of the charter school if initial directors are
155 not named in the articles of incorporation, nor shall a sponsor renew a charter
156 without ensuring a criminal background check and family care registry check are
157 conducted for each member of the governing board of the charter school.

158 15. No member of the governing board of a charter school shall hold any
159 office or employment from the board or the charter school while serving as a
160 member, nor shall the member have any substantial interest, as defined in

161 section 105.450, in any entity employed by or contracting with the board. No
162 board member shall be an employee of a company that provides substantial
163 services to the charter school. All members of the governing board of the charter
164 school shall be considered decision-making public servants as defined in section
165 105.450 for the purposes of the financial disclosure requirements contained in
166 sections 105.483, 105.485, 105.487, and 105.489.

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

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

174 (2) The granting of a charter;

175 (3) The performance framework that the sponsor will use to evaluate the
176 performance of charter schools;

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

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

184 (6) Procedures to be implemented if a charter school should close,
185 consistent with the provisions of subdivision (15) of subsection 1 of section
186 160.405. The department shall provide guidance to sponsors in developing such
187 policies and procedures.

188 17. (1) A sponsor shall provide timely submission to the state board of
189 education of all data necessary to demonstrate that the sponsor is in material
190 compliance with all requirements of sections 160.400 to 160.425 and section
191 167.349. The state board of education shall ensure each sponsor is in compliance
192 with all requirements under sections 160.400 to 160.425 and 167.349 for each
193 charter school sponsored by any sponsor. The state board shall notify each
194 sponsor of the standards for sponsorship of charter schools, delineating both what
195 is mandated by statute and what best practices dictate. The state board shall
196 evaluate sponsors to determine compliance with these standards every three

197 years. The evaluation shall include a sponsor's policies and procedures in the
198 areas of charter application approval; required charter agreement terms and
199 content; sponsor performance evaluation and compliance monitoring; and charter
200 renewal, intervention, and revocation decisions. Nothing shall preclude the
201 department from undertaking an evaluation at any time for cause.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (2) Exercise sponsorship over charters approved by the commission under
41 sections 160.400 to 160.425, including receipt of sponsorship funding under
42 subsection 11 of section 160.400.

43 7. **The commission shall serve as the interim sponsor, for a**
44 **period not to exceed three years, of any charter school that:**

45 **(1) The parents successfully petitioned to convert to a charter**
46 **school under sections 160.2200 to 160.2220; or**

47 **(2) Was converted to a charter school after the school failed to**
48 **show significant student academic growth from the use of a school**

49 **turnaround option under sections 160.2200 to 160.2220, as demonstrated**
50 **by failing to be in the top eighty percent of schools identified through**
51 **the Missouri school improvement program.**

52 **During the three year period of interim sponsorship, the commission**
53 **shall seek a sponsor to assume sponsorship for the school or may**
54 **choose to be the permanent sponsor of the school.**

55 8. Charter schools sponsored by the commission shall comply with all of
56 the requirements applicable to charter schools under sections 160.400 to 160.425.

57 [8.] 9. The commission shall conduct its business in accordance with
58 chapter 610.

59 [9.] 10. The department of elementary and secondary education shall
60 provide start-up funding for the commission to operate. The commission shall
61 reimburse the department's costs from any funds it receives as sponsor under
62 section 160.400.

63 [10.] 11. The commission is authorized to receive and expend gifts,
64 grants, and donations of any kind from any public or private entity to carry out
65 the purposes of sections 160.400 to 160.425, subject to the terms and conditions
66 under which they are given, provided that all such terms and conditions are
67 permissible under law.

160.2200. 1. Sections 160.2200 to 160.2220 shall be known and
2 **may be cited as the Parental Involvement Act.**

3 2. As used in sections 160.2200 to 160.2220, unless the context
4 clearly requires otherwise, the following terms shall mean:

5 (1) "Charter school management organization", a nonprofit
6 organization that operates or manages charter schools by centralizing
7 or sharing certain functions and resources among schools;

8 (2) "Department", the department of elementary and secondary
9 education;

10 (3) "Education management organization", a for-profit or
11 nonprofit organization that provides whole-school operation services
12 to a district;

13 (4) "Restart model", a model in which a district converts a school
14 or closes and reopens a school using a charter school operator, a
15 charter school management organization, or an education management
16 organization that has been selected through a rigorous review
17 process. Any school in which a restart model is used shall enroll,

18 within the grades it serves, any former student who wishes to attend
19 the school;

20 (5) "School closure model", a model in which a district closes a
21 school and enrolls the students who attended that school in other
22 schools in the district that are higher achieving and that should be
23 located within a reasonable proximity to the closed school. Students
24 may enroll in schools that include, but are not limited to, charter
25 schools or new schools for which achievement data are not yet
26 available;

27 (6) "School turnaround option", when used alone, shall refer to
28 a restart model, a school closure model, a transformation model, and a
29 turnaround model;

30 (7) "Student academic growth", the change in achievement for an
31 individual student between two or more points in time based on
32 standards-based measures that are valid, rigorous, and comparable
33 across classrooms of similar content and levels;

34 (8) "Transformation model", a model in which a district shall
35 implement each of the following actions:

36 (a) The district develops and increases teacher and school leader
37 effectiveness through required activities. To accomplish this action,
38 the district shall:

39 a. Replace the principal who led the school prior to
40 commencement of the transformation model;

41 b. Use rigorous, transparent, and equitable evaluation systems
42 for teachers and principals that take into account data on student
43 academic growth, as defined in this section, as a significant factor as
44 well as other factors such as multiple observation-based assessments of
45 performance and ongoing collections of professional practice reflective
46 of student achievement and increased high school graduation rates and
47 that are designed and developed with teacher and principal
48 involvement;

49 c. Identify and reward school leaders, teachers, and other staff
50 who, in implementing this model, have increased student achievement
51 and high school graduation rates and identify and remove those who,
52 after ample opportunities have been provided for them to improve their
53 professional practice, have not done so; and

54 d. Provide staff with ongoing, high-quality, job-embedded

55 professional development, including but not limited to specific subject
56 pedagogy, instruction that reflects a deeper understanding of the
57 community served by the school or differentiated instruction that is
58 aligned with the school's comprehensive instructional program and
59 designed with school staff to ensure they are equipped to facilitate
60 effective teaching and learning and have the capacity to successfully
61 implement school reform strategies;

62 (b) The district implements strategies, which may include but
63 not be limited to financial incentives, increased opportunities for
64 promotion and career growth, and flexible work conditions that are
65 designed to recruit, place, and retain staff with the skills necessary to
66 meet the needs of the students in a transformation school;

67 (c) The district implements comprehensive instructional reform
68 strategies, which shall include:

69 a. The use of data to identify and implement an instructional
70 program that is research-based and vertically aligned from one grade
71 to the next as well as aligned with state academic standards; and

72 b. The promotion of the continuous use of student data to inform
73 and differentiate instruction in order to meet the academic needs of
74 individual students. Student data may be obtained from the use of
75 formative, interim, and summative assessments;

76 (d) Increases learning time and creates community-oriented
77 schools by:

78 a. Establishing schedules and implementing strategies that
79 provide increased and extended learning time and opportunities; and

80 b. Provides ongoing mechanisms for family and community
81 engagement; and

82 (e) Provides operational flexibility and sustained support by:

83 a. Giving the school sufficient operational flexibility to fully
84 implement a comprehensive approach to substantially improve student
85 achievement outcomes and increase high school graduation
86 rates. Operational flexibility shall include, but not be limited to,
87 staffing decisions at the school, changes in school calendars and
88 attendance time, and budgeting; and

89 b. Ensuring that the school receives ongoing, intensive technical
90 assistance and related support from the district, the department, or a
91 designated external lead partner organization, such as a school

92 turnaround organization or an education management organization;

93 (8) "Turnaround model", a model in which a district performs the
94 following actions:

95 (a) Replaces the principal and grants a new principal sufficient
96 operational flexibility to implement a comprehensive approach in order
97 to substantially improve student achievement outcomes and increase
98 high school graduation rates. Operational flexibility shall include, but
99 not be limited to, staffing decisions at the school, changes in school
100 calendars and attendance time, and budgeting;

101 (b) Uses locally adopted competencies to measure the
102 effectiveness of staff who can work within the turnaround environment
103 to meet the needs of students, screen all existing staff and rehire no
104 more than fifty percent of existing staff, and select new staff;

105 (c) Implements such strategies as financial incentives, increased
106 opportunities for promotion and career growth, and more flexible work
107 conditions that are designed to recruit, place, and retain staff with the
108 skills necessary to meet the needs of the students in the turnaround
109 school;

110 (d) Provides staff with ongoing, high quality, job-embedded
111 professional development that is aligned with the school's
112 comprehensive instructional program and designed with school staff to
113 ensure that they are equipped to facilitate effective teaching and
114 learning and have the capacity to successfully implement school reform
115 strategies;

116 (e) Adopts a new governance structure, which may include, but
117 not be limited to, requiring the school to report to a new turnaround
118 office that may be established in the district or in the department, hire
119 a turnaround leader who reports directly to the district
120 superintendent, or enter into a multi-year contract with the district or
121 the department to obtain added flexibility in exchange for greater
122 accountability;

123 (f) Uses data to identify and implement an instructional program
124 that is research-based and vertically aligned from one grade to the next
125 as well as aligned with state academic standards;

126 (g) Promotes the continuous use of student data, such as
127 formative assessments, interim assessments, and summative
128 assessments to inform and differentiate instruction in order to meet the

129 academic needs of individual students;

130 (h) Establishes schedules and implements strategies that provide
131 increased learning time; and

132 (i) Provides appropriate social-emotional and community-
133 oriented services and supports for students.

160.2205. 1. For any school in the bottom twenty percent of
2 schools identified through the Missouri school improvement program,
3 the parent of any student who is enrolled in the school or the parent of
4 any student whose age does not exceed twenty-two who resides in the
5 attendance area of the school may petition to convert the school to a
6 charter school or convert the school using a school turnaround option
7 as provided in sections 160.2200 to 160.2220.

8 2. Each parent may sign the petition once regardless of the
9 number of children he or she has. Parents who do not reside in the
10 attendance area of the school but who have a child who does reside in
11 the attendance area of the school may sign the petition.

12 3. Petitioning parents shall not submit signed petitions for any
13 school to the district board of education until they have obtained a
14 number of signatures equal to fifty-one percent of the pupils attending
15 the school. The district shall be responsible for verifying the petition
16 signatures and making a decision on its disposition pursuant to
17 sections 160.2200 to 160.2220. Once the district board of education
18 receives the petition, it shall have no more than forty-five calendar
19 days to review and verify the signatures as legitimate. A district's
20 board of education shall initially attempt to verify all signatures by
21 comparing the petitions to their existing files for parents, and may only
22 contact parents about their signatures in the case of a perceived
23 discrepancy. If enough discrepancies exist to put the total support
24 level below fifty-one percent, parents shall have an additional thirty
25 calendar days to reconcile such discrepancies and add the signatures
26 of additional supportive parents.

27 4. Once the signatures have been verified, the district shall have
28 no more than thirty calendar days to reach a decision on the final
29 disposition of the petition. Any parent who has signed a petition may
30 appeal the district's rejection of the petition to the circuit court in
31 which the school is located within thirty days of the district's rejection.
32 If no appeal is taken within that time, the district's decision shall be

33 **final. The circuit court's decision shall be final.**

34 **5. Unless the parent petitioners explicitly request otherwise, the**
35 **district shall plan the conversion and shall implement the plan no later**
36 **than the first day of school of the school year beginning in the next**
37 **calendar year.**

38 **6. No school district employee or school board member shall**
39 **harass, threaten, or intimidate any parent or legal guardian for any**
40 **action related to the circulation or signature of a petition, or**
41 **discourage the signing of a petition. No school district employee or**
42 **school board member shall revoke or remove signatures from a**
43 **petition.**

44 **7. School and district resources shall not be used to support or**
45 **oppose any efforts by petitioning parents.**

160.2210. 1. If parents representing at least fifty-one percent of
2 **the pupils attending a school in the bottom twenty percent of schools**
3 **identified through the Missouri school improvement program or who**
4 **reside in the school's attendance area sign a petition requesting a**
5 **restart model, a school closure model, a transformation model, or a**
6 **turnaround model, the district shall implement the school turnaround**
7 **option requested by the parents, except as provided in sections 160.2200**
8 **to 160.2220.**

9 **2. The district shall adopt and implement the specific school**
10 **turnaround option selected by parents in their petition unless the**
11 **district makes a finding in writing, presented at a public meeting, that**
12 **it is logistically impossible to implement that option. In such a**
13 **situation, the district shall also state which of the other school**
14 **turnaround options identified in sections 160.2200 to 160.2220 is**
15 **logistically possible for it to implement. If the district finds that the**
16 **school turnaround option selected by parents is logistically impossible,**
17 **it shall submit both the school turnaround option selected by the**
18 **parents and the school turnaround option selected by the district to the**
19 **department. If, after review, the department determines that the school**
20 **turnaround option selected by parents is logistically possible for the**
21 **district to implement, the department shall require the district to**
22 **implement the school turnaround option selected by the**
23 **parents. Alternatively, if the department determines that it is**
24 **logistically impossible for the district to implement the school**

25 turnaround option selected by the parents, the department shall
26 authorize the district to implement the turnaround option that it has
27 selected for the school. If either the parents or the district disagrees
28 with the department's decision, either party may appeal to the circuit
29 court in which the school is located within thirty days of the
30 department's decision. If no appeal is taken within that time, the
31 department decision shall be final. The circuit court's decision shall be
32 final.

33 3. If the department authorizes the district to implement the
34 school turnaround option selected by the district, the district shall plan
35 and implement the selected option for that school turnaround option
36 no later than the first day of school of the school year beginning in the
37 next calendar year.

38 4. After a designated school has been reorganized, another
39 petition for the reorganization of the school under sections 160.2200 to
40 160.2220 shall not be submitted to the board of education of the district
41 for at least three years after the school year in which the
42 reorganization occurs.

43 5. If, after two years of implementation of the school turnaround
44 option, the school has not shown significant student academic growth,
45 as demonstrated by failing to be in the top eighty percent of schools
46 identified through the Missouri school improvement program, the
47 district shall convert the school to a charter school. If the district
48 selects a charter management organization to operate the school after
49 it has been converted, the district shall only select a charter
50 management organization that has performed as well as or better than
51 the top fifty percent of schools in student academic growth, for three
52 or more consecutive years, on the state's student assessment.

53 6. A school district that only operates one school for the entire
54 district or one school for a particular grade level or levels shall not
55 implement a school closure model for any such school.

56 7. This section shall not apply to any existing public elementary
57 or secondary school the district has scheduled for closure.

160.2215. 1. Any district that implements a turnaround model
2 may utilize other strategies, including but not limited to any of the
3 activities that may be utilized under the transformation model, or a
4 new school model, including but not limited to implementing a thematic

5 learning school or a dual language program.

6 2. Any district that implements a transformation model may also
7 implement other strategies to develop teachers' and school leaders'
8 effectiveness, including but not limited to:

9 (1) Providing additional compensation to attract and retain staff
10 with the skills necessary to meet the needs of the students in a school
11 using a transformation model;

12 (2) Instituting a system for measuring changes in instructional
13 practices resulting from professional development; or

14 (3) Ensuring that the school is not required to accept a teacher
15 without the mutual consent of the teacher and principal, regardless of
16 the teacher's seniority.

17 3. Any district that implements a transformation model may also
18 implement additional comprehensive instructional reform strategies,
19 such as:

20 (1) Conducting periodic reviews to ensure that the curriculum
21 is being implemented in a timely manner, is having the intended impact
22 on student achievement, and is modified if ineffective;

23 (2) Implementing a school wide response-to-intervention model;

24 (3) Providing additional supports and professional development
25 to teachers and principals in order to implement effective strategies to
26 support students with disabilities in the least restrictive environment
27 and to ensure that students with limited English proficiency acquire
28 language skills to master academic content;

29 (4) Using and integrating technology-based supports and
30 interventions as part of the instructional program; and

31 (5) In secondary schools:

32 (a) Increasing rigor by offering opportunities for students to
33 enroll in advanced coursework, early-college high schools, dual
34 enrollment programs, or thematic learning academies that prepare
35 students for college and careers, including by providing appropriate
36 supports designed to ensure that low achieving students can take
37 advantage of these programs and coursework. For purposes of this
38 paragraph, advanced coursework shall include but not be limited to
39 Advanced Placement or International Baccalaureate courses; science,
40 technology, engineering, and mathematics courses, including those that
41 incorporate rigorous and relevant project-based, inquiry-based, or

42 design-based contextual learning opportunities;

43 (b) Improving student transition from elementary school to
44 secondary school through summer transition programs or freshman
45 academies;

46 (c) Increasing graduation rates through credit recovery
47 programs, re-engagement strategies, smaller learning communities,
48 competency-based instruction and performance-based assessments, and
49 acceleration of basic reading and mathematics skills; or

50 (d) Establishing early warning systems to identify students who
51 may be at risk of failing to achieve to high standards or graduate.

52 4. A district using a transformation model may also implement
53 additional strategies that extend learning time and create community-
54 oriented schools, such as:

55 (1) Partnering with parents and parent organizations, faith-and
56 community-based organizations, health clinics, other state or local
57 agencies, and others to create safe school environments that meet
58 students' social, emotional, and health needs;

59 (2) Extending or restructuring the school day so as to add time
60 for such strategies as advisory periods that build relationships between
61 students, faculty, and other school staff;

62 (3) Implementing approaches to improve school climate and
63 discipline, such as implementing a system of positive behavioral
64 supports or taking steps to eliminate bullying and student harassment;

65 (4) Expanding the school program to offer full-day kindergarten
66 or prekindergarten;

67 (5) Providing operational flexibility and sustained support.

68 5. A district using a transformation model may also implement
69 other strategies for providing operational flexibility and intensive
70 support, such as:

71 (1) Allowing the school to be run under a new governance
72 arrangement, such as a turnaround division within the district or
73 department; or

74 (2) Implementing a per-pupil school site based budget formula
75 to be used at the district level that is weighted based on student needs.

160.2217. 1. If a number of parents equal to at least fifty-one
2 percent of the pupils attending a school in the bottom twenty percent
3 of schools identified under state law or who reside in the school's

4 attendance area sign a petition requesting that the school be converted
5 to a charter school, the district shall implement the plan no later than
6 the first day of school of the school year beginning in the next calendar
7 year.

8 2. If the district approves a parent petition to convert the school
9 into a charter school, any parents who do not want their child to attend
10 the charter school shall have the right to enroll their child in a
11 different public school within the district.

12 3. A charter school that is established using the methods of
13 sections 160.2200 to 160.2220 shall be subject to the same accountability
14 measures and other standards established for charter schools in
15 sections 160.400 to 160.425 and section 167.349. Notwithstanding the
16 provisions of subsection 1 of section 160.410 to the contrary, any school
17 that is converted to a charter school under sections 160.2200 to 160.2220
18 shall enroll only students who reside in the attendance area of the
19 school that it has replaced. If sufficient space exists to enroll
20 additional students, the school may enroll students from the district in
21 which it is located and may use a lottery system for such enrollment if
22 needed.

23 4. If the school is converted to a charter school, any charter
24 school management organization or education management
25 organization selected to operate the school shall not have managed any
26 schools in the previous five years that are in the bottom-performing
27 fifty percent of schools in the state, as identified through the Missouri
28 school improvement program.

29 5. If a school is converted to a charter school, the Missouri
30 charter public school commission shall serve as the school's interim
31 sponsor for up to three years, unless the commission chooses to be the
32 school's permanent sponsor.

33 6. This section shall not apply to any existing public elementary
34 or secondary school that the district has scheduled for closure.

160.2220. 1. Within one hundred twenty days from the effective
2 date of sections 160.2200 to 160.2220, the department shall promulgate
3 rules and regulations to implement the provisions of sections 160.2200
4 to 160.2220, which shall include but not be limited to:

5 (1) The petition format and submission process;

6 (2) The appeals procedure and time line should the district

7 choose to implement a school turnaround option other than that
8 requested by the petitioning parents;

9 (3) The selection and authorization of the charter operator in
10 circumstances where a charter school is established pursuant to
11 sections 160.2200 to 160.2220;

12 (4) The procedures, if any, for the rescission of parent
13 signatures.

14 2. The department shall maintain records regarding the contents
15 of and outcomes from parental petitions in order to ensure appropriate
16 implementation of sections 160.2200 to 160.2220 and address concerns
17 identified through the rulemaking process.

18 3. The commissioner of education shall preside over appeals filed
19 by petitioning parents under this section and issue his or her
20 determination in writing.

21 4. Any rule or portion of a rule, as that term is defined in section
22 536.010 that is created under the authority delegated in this section
23 shall become effective only if it complies with and is subject to all of
24 the provisions of chapter 536, and, if applicable, section 536.028. This
25 section and chapter 536 are nonseverable and if any of the powers
26 vested with the general assembly pursuant to chapter 536, to review, to
27 delay the effective date, or to disapprove and annul a rule are
28 subsequently held unconstitutional, then the grant of rulemaking
29 authority and any rule proposed or adopted after August 28, 2013, shall
30 be invalid and void.

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