

FIRST REGULAR SESSION

SENATE BILL NO. 483

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time February 28, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1928S.011

AN ACT

To repeal sections 160.405, 160.420 and 160.539, RSMo, and to enact in lieu thereof four new sections relating to alternative educational procedures for public schools.

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

Section A. Sections 160.405, 160.420 and 160.539, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 160.405,
3 160.420, 160.539, and 160.543, to read as follows:

160.405. 1. A person, group or organization seeking to establish a charter
2 school shall submit the proposed charter, as provided in this section, to a sponsor.
3 If the sponsor is not a school board, the applicant shall give a copy of its
4 application to the school board of the district in which the charter school is to be
5 located and to the state board of education, within five business days of the date
6 the application is filed with the proposed sponsor. The school board may file
7 objections with the proposed sponsor, and, if a charter is granted, the school
8 board may file objections with the state board of education. The charter shall be
9 a legally binding performance contract that describes the obligations and
10 responsibilities of the school and the sponsor as outlined in sections 160.400 to
11 160.425 and section 167.349 and shall also include:

- 12 (1) A mission and vision statement for the charter school;
- 13 (2) A description of the charter school's organizational structure and
14 bylaws of the governing body, which will be responsible for the policy, financial
15 management, and operational decisions of the charter school, including the nature
16 and extent of parental, professional educator, and community involvement in the
17 governance and operation of the charter school;

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

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

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

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

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

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

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

35 (9) The term of the charter, which shall be five years and shall be
36 renewable;

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

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

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

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

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

53 (15) Procedures to be implemented if the charter school should close, as

54 provided in subdivision (6) of subsection 16 of section 160.400 including:

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

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

59 (c) Submission of final financial reports;

60 (d) Resolution of any remaining financial obligations; [and]

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

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

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

68 (17) For all new or revised charters, procedures to be used upon closure
69 of the charter school requiring that unobligated assets of the charter school be
70 returned to the department of elementary and secondary education for their
71 disposition, which upon receipt of such assets shall return them to the local
72 school district in which the school was located, the state, or any other entity to
73 which they would belong. Charter schools operating on August 27, 2012, shall
74 have until August 28, 2015, to meet the requirements of this subsection.

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

76 (1) A charter shall be submitted to the sponsor, and follow the sponsor's
77 policies and procedures for review and granting of a charter approval, and be
78 approved by the state board of education by December first of the year prior to
79 the proposed opening date of the charter school;

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

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

89 (4) If a proposed charter is denied by a sponsor, the proposed charter may

90 be submitted to the state board of education, along with the sponsor's written
91 reasons for its denial. If the state board determines that the applicant meets the
92 requirements of this section, that the applicant is sufficiently qualified to operate
93 the charter school, and that granting a charter to the applicant would be likely
94 to provide educational benefit to the children of the district, the state board may
95 grant a charter and act as sponsor of the charter school. The state board shall
96 review the proposed charter and make a determination of whether to deny or
97 grant the proposed charter within sixty days of receipt of the proposed charter,
98 provided that any charter to be considered by the state board of education under
99 this subdivision shall be submitted no later than March first prior to the school
100 year in which the charter school intends to begin operations. The state board of
101 education shall notify the applicant in writing as the reasons for its denial, if
102 applicable; and

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

122 3. If a charter is approved by a sponsor, the charter application shall be
123 submitted to the state board of education, along with a statement of finding that
124 the application meets the requirements of sections 160.400 to 160.425 and section
125 167.349 and a monitoring plan under which the charter sponsor shall evaluate

126 the academic performance of students enrolled in the charter school. The state
127 board of education may, within sixty days, disapprove the granting of the
128 charter. The state board of education may disapprove a charter on grounds that
129 the application fails to meet the requirements of sections 160.400 to 160.425 and
130 section 167.349 or that a charter sponsor previously failed to meet the statutory
131 responsibilities of a charter sponsor.

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

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

135 (2) Comply with laws and regulations of the state, county, or city relating
136 to health, safety, and state minimum educational standards, as specified by the
137 state board of education, including the requirements relating to student discipline
138 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal
139 conduct to law enforcement authorities under sections 167.115 to 167.117,
140 academic assessment under section 160.518, transmittal of school records under
141 section 167.020, the minimum number of school days and hours required under
142 section 160.041, and the employee criminal history background check and the
143 family care safety registry check under section 168.133;

144 (3) Except as provided in sections 160.400 to 160.425, be exempt from all
145 laws and rules relating to schools, governing boards and school districts;

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

162 plan;

163 (5) Provide a comprehensive program of instruction for at least one grade
164 or age group from kindergarten through grade twelve, which may include early
165 childhood education if funding for such programs is established by statute, as
166 specified in its charter;

167 (6) (a) Design a method to measure pupil progress toward the pupil
168 academic standards adopted by the state board of education pursuant to section
169 160.514, establish baseline student performance in accordance with the
170 performance contract during the first year of operation, collect student
171 performance data as defined by the annual performance report throughout the
172 duration of the charter to annually monitor student academic performance, and
173 to the extent applicable based upon grade levels offered by the charter school,
174 participate in the statewide system of assessments, comprised of the essential
175 skills tests and the nationally standardized norm-referenced achievement tests,
176 as designated by the state board pursuant to section 160.518, complete and
177 distribute an annual report card as prescribed in section 160.522, which shall also
178 include a statement that background checks have been completed on the charter
179 school's board members, report to its sponsor, the local school district, and the
180 state board of education as to its teaching methods and any educational
181 innovations and the results thereof, and provide data required for the study of
182 charter schools pursuant to subsection 4 of section 160.410. No charter school
183 shall be considered in the Missouri school improvement program review of the
184 district in which it is located for the resource or process standards of the
185 program.

186 (b) For proposed high risk or alternative charter schools, sponsors shall
187 approve performance measures based on mission, curriculum, teaching methods,
188 and services. Sponsors shall also approve comprehensive academic and
189 behavioral measures to determine whether students are meeting performance
190 standards on a different time frame as specified in that school's charter. Student
191 performance shall be assessed comprehensively to determine whether a high risk
192 or alternative charter school has documented adequate student progress. Student
193 performance shall be based on sponsor-approved comprehensive measures as well
194 as standardized public school measures. Annual presentation of charter school
195 report card data to the department of elementary and secondary education, the
196 state board, and the public shall include comprehensive measures of student
197 progress.

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

206 (7) Comply with all applicable federal and state laws and regulations
207 regarding students with disabilities, including sections 162.670 to 162.710, the
208 Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section
209 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor
210 legislation;

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

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

217 (b) A statement outlining the reasons for approval or disapproval by the
218 sponsor, specifically addressing the requirements of sections 160.400 to 160.425
219 and 167.349.

220 5. (1) Proposed or existing high-risk or alternative charter schools may
221 include alternative arrangements for students to obtain credit for satisfying
222 graduation requirements in the school's charter application and
223 charter. Alternative arrangements may include, but not be limited to, credit for
224 off-campus instruction, **performance-based credit**, embedded credit, work
225 experience through an internship arranged through the school, and independent
226 studies. When the state board of education approves the charter, any such
227 alternative arrangements shall be approved at such time.

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

233 6. The charter of a charter school may be amended at the request of the

234 governing body of the charter school and on the approval of the sponsor. The
235 sponsor and the governing board and staff of the charter school shall jointly
236 review the school's performance, management and operations during the first year
237 of operation and then every other year after the most recent review or at any
238 point where the operation or management of the charter school is changed or
239 transferred to another entity, either public or private. The governing board of a
240 charter school may amend the charter, if the sponsor approves such amendment,
241 or the sponsor and the governing board may reach an agreement in writing to
242 reflect the charter school's decision to become a local educational agency. In such
243 case the sponsor shall give the department of elementary and secondary
244 education written notice no later than March first of any year, with the
245 agreement to become effective July first. The department may waive the March
246 first notice date in its discretion. The department shall identify and furnish a list
247 of its regulations that pertain to local educational agencies to such schools within
248 thirty days of receiving such notice.

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

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

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

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

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

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

260 8. (1) (a) A sponsor's intervention policies shall give schools clear,
261 adequate, evidence-based, and timely notice of contract violations or performance
262 deficiencies and mandate intervention based upon findings of the state board of
263 education of the following:

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

267 b. The charter school's annual performance report results are below the
268 district's annual performance report results based on the performance standards
269 that are applicable to the grade level configuration of both the charter school and

270 the district in which the charter school is located in three of the last four school
271 years; and

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

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

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

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

280 (c) A sponsor shall revoke a charter or take other appropriate remedial
281 action, which may include placing the charter school on probationary status for
282 no more than twelve months, provided that no more than one designation of
283 probationary status shall be allowed for the duration of the charter contract, at
284 any time if the charter school commits a serious breach of one or more provisions
285 of its charter or on any of the following grounds: failure to meet the performance
286 contract as set forth in its charter, failure to meet generally accepted standards
287 of fiscal management, failure to provide information necessary to confirm
288 compliance with all provisions of the charter and sections 160.400 to 160.425 and
289 167.349 within forty-five days following receipt of written notice requesting such
290 information, or violation of law.

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

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

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

305 (5) A termination shall be effective only at the conclusion of the school

306 year, unless the sponsor determines that continued operation of the school
307 presents a clear and immediate threat to the health and safety of the children.

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

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

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

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

326 (b) The charter school is organizationally and fiscally viable determining
327 at a 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
330 for such funds during the previous fiscal year; or

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

333 (c) The charter is in compliance with its legally binding performance
334 contract and sections 160.400 to 160.425 and section 167.349.

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

341 (b) Along with data reflecting the academic performance standards

342 indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised
343 charter application to the state board of education for review.

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

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

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

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

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

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

373 14. 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
375 based on the cash flow of the school; or

376 (2) An insurance policy issued by an insurance company licensed to do
377 business in Missouri on all employees in the amount of five hundred thousand

378 dollars or more that provides coverage in the event of employee theft.

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

12 2. A charter school may employ noncertificated instructional personnel;
13 provided that no more than twenty percent of the full-time equivalent
14 instructional staff positions at the school are filled by noncertificated personnel.
15 All noncertificated instructional personnel shall be supervised by certificated
16 instructional personnel. A charter school that has a foreign language immersion
17 experience as its chief educational mission, as stated in its charter, shall not be
18 subject to the twenty-percent requirement of this subsection but shall ensure that
19 any teachers whose duties include instruction given in a foreign language have
20 current valid credentials in the country in which such teacher received his or her
21 training and shall remain subject to the remaining requirements of this
22 subsection. **Any high risk charter school, alternative charter school,**
23 **special purpose charter school, any charter school whose mission**
24 **includes drop-out prevention or recovery, or any charter school with**
25 **a student population at least half of which is not performing at the**
26 **appropriate grade level may employ teachers who are certified to teach**
27 **the grade level at which the student population is performing**
28 **academically, instead of the grade level in which the student**
29 **population is enrolled. Any such teachers employed shall be considered**
30 **to be certificated instructional personnel for purposes of this**
31 **subsection.** The charter school shall ensure that all instructional employees of
32 the charter school have experience, training and skills appropriate to the
33 instructional duties of the employee, and the charter school shall ensure that a
34 criminal background check and family care safety registry check are conducted
35 for each employee of the charter school prior to the hiring of the employee under

36 the requirements of section 168.133. The charter school may not employ
37 instructional personnel whose certificate of license to teach has been revoked or
38 is currently suspended by the state board of education. Appropriate experience,
39 training and skills of noncertificated instructional personnel shall be determined
40 considering:

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

49 3. Personnel employed by the charter school shall participate in the
50 retirement system of the school district in which the charter school is located,
51 subject to the same terms, conditions, requirements and other provisions
52 applicable to personnel employed by the school district. For purposes of
53 participating in the retirement system, the charter school shall be considered to
54 be a public school within the school district, and personnel employed by the
55 charter school shall be public school employees. In the event of a lapse of the
56 school district's corporate organization as described in subsections 1 and 4 of
57 section 162.081, personnel employed by the charter school shall continue to
58 participate in the retirement system and shall do so on the same terms,
59 conditions, requirements and other provisions as they participated prior to the
60 lapse.

160.539. 1. The "School Flex Program" is established to allow eligible
2 students to pursue a timely graduation from high school. The term "eligible
3 students" includes students [in grades eleven or twelve] **who have attained the**
4 **age of sixteen but not attained the age of twenty-two and** who have been
5 identified by the student's principal and the student's parent or guardian to
6 benefit by participating in the school flex program.

- 7 2. An eligible student who participates in a school flex program shall:
 - 8 (1) Attend school a minimum of two instructional hours per school day **or**
9 **ten hours per week** within the district of residence **or at the student's**
10 **charter school;**
 - 11 (2) Pursue a timely graduation;

12 (3) Provide evidence of college or technical career education enrollment
13 and attendance, or proof of employment and labor that is aligned with the
14 student's career academic plan which has been developed by the school district
15 **or charter school, or engaged in employment or labor that meets the**
16 **student's basic needs, provided the student has developed a business**
17 **plan or strategic plan for such employment or labor in addition to a**
18 **transition plan to employment or labor that is aligned with the**
19 **student's career academic plan as developed by the school district or**
20 **charter school. If an eligible student is unable to obtain employment,**
21 **he or she shall provide evidence, as determined by the department of**
22 **elementary and secondary education, that he or she has been seeking**
23 **employment;**

24 (4) Refrain from being expelled or suspended while participating in a
25 school flex program;

26 (5) Pursue course and credit requirements for a diploma; and

27 (6) Maintain a ninety-five percent attendance rate, **or for a high-risk**
28 **student, as defined in subdivision (5) of subsection 2 of section 160.405,**
29 **maintain an eighty percent rate.**

30 3. Eligible students participating in the school flex program shall be
31 considered full-time students of the school district **or charter school** and shall
32 be counted in the school's average daily attendance for state basic aid purposes.

33 4. School districts **or charter schools** participating in the school flex
34 program shall submit, on forms provided by the department of elementary and
35 secondary education, an annual report to the department which shall include
36 information required by the department, including but not limited to student
37 participation, drop-out, and graduation rates for students participating in the
38 program. The department shall annually report to the joint committee on
39 education under section 160.254 on the effectiveness of the program.

160.543. 1. There is hereby established the "Missouri credit flex
2 **program" to allow flexibility to public school students who have**
3 **attained the age of sixteen but not yet attained the age of twenty-two**
4 **to earn units of high school credit based on the demonstration of**
5 **subject area competency. Any student enrolled in a public school shall**
6 **be eligible to participate in the program who has been identified by the**
7 **student's principal to benefit by participating in the program.**

8 2. Any public school student who participates in the Missouri

9 credit flex program shall be exempt from any seat-time requirements
10 as related to the accrual of course credit and shall be exempt from any
11 school calendar requirements, any minimum school day requirements
12 under section 160.041, and school term requirements under section
13 160.011.

14 3. Students who choose to participate in the program may earn
15 credit by:

16 (1) Completing traditional coursework;

17 (2) Demonstrating mastery of course content, as determined by
18 the student's school of enrollment or school district;

19 (3) Pursuing one or more educational options, as approved by
20 the student's district or charter school, including but not limited to
21 internships, distance learning, independent studies, virtual education,
22 credit for off-campus instruction, dual credit, embedded credit,
23 performance-based credit, competency-based credit, credit recovery,
24 and service learning; or

25 (4) A combination of subdivisions (1), (2), and (3) of this
26 subsection, if approved by the student's district or charter school.

27 4. Issuance of credit to students participating in the program
28 shall be determined at the school level, by teachers or through the use
29 of:

30 (1) A multi-disciplinary team;

31 (2) A professional panel from the community; or

32 (3) A state performance-based assessment.

33 5. Courses and educational options may be counted for full or
34 partial credit or credit in more than one area if partial mastery is
35 demonstrated.

36 6. The department of elementary and secondary education shall
37 identify assessments and competency examinations that may be used
38 by districts and charter schools to determine mastery of course content
39 for students participating in the program. The department shall
40 develop and make available to districts and charter schools model
41 courses of study for students participating in the program. Districts,
42 charter schools, and students may refer to the model courses of study
43 for guidance but shall not be required to follow them.

44 7. For purposes of calculation and distribution of state school
45 funding for students participating in the program, attendance of a

46 student enrolled in such a district or charter school shall equal, upon
47 course completion, ninety-four percent of the hours of attendance
48 possible for such course delivered in the traditional program in the
49 student's resident district or charter school. Course calculation shall
50 be calculated in two increments, fifty percent completion and one
51 hundred percent completion, based on the student's completion of
52 defined assignments and assessments, with distribution of state funding
53 to a district or charter school at each increment equal to forty-seven
54 percent of hours of attendance possible for such course delivered in the
55 traditional program in the student's resident district or charter school.

56 8. School districts or charter schools with students participating
57 in the Missouri credit flex program shall submit, on forms developed
58 and provided by the department of elementary and secondary
59 education, an annual report to the department by July 1. The report
60 shall include, but not be limited to, student participation rates, drop-
61 out rates, educational options by students used to earn credit, and
62 graduation rates for students participating in the program. The
63 department shall annually submit a report to the joint committee on
64 education on the effectiveness of the program by December thirty-first.

65 9. The state board of education shall promulgate rules and
66 regulations to implement the program.

67 10. Any rule or portion of a rule, as that term is defined in
68 section 536.010 that is created under the authority delegated in this
69 section shall become effective only if it complies with and is subject to
70 all of the provisions of chapter 536, and, if applicable, section
71 536.028. This section and chapter 536 are nonseverable and if any of
72 the powers vested with the general assembly pursuant to chapter 536,
73 to review, to delay the effective date, or to disapprove and annul a rule
74 are subsequently held unconstitutional, then the grant of rulemaking
75 authority and any rule proposed or adopted after August 28, 2013, shall
76 be invalid and void.

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