

SECOND REGULAR SESSION

# SENATE BILL NO. 641

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3743S.011

## AN ACT

To repeal section 160.405, RSMo, and to enact in lieu thereof one new section relating to charter schools.

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

Section A. Section 160.405, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 160.405, 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  
9 include a mission statement for the charter school, a description of the charter  
10 school's organizational structure and bylaws of the governing body, which will be  
11 responsible for the policy and operational decisions of the charter school, a  
12 financial plan for the first three years of operation of the charter school including  
13 provisions for annual audits, a description of the charter school's policy for  
14 securing personnel services, its personnel policies, personnel qualifications, and  
15 professional development plan, a description of the grades or ages of students  
16 being served, the school's calendar of operation, which shall include at least the  
17 equivalent of a full school term as defined in section 160.011, and an outline of  
18 criteria specified in this section designed to measure the effectiveness of the  
19 school. The charter shall also state:

20 (1) The educational goals and objectives to be achieved by the charter

21 school;

22 (2) A description of the charter school's educational program and  
23 curriculum;

24 (3) The term of the charter, which shall be not less than five years, nor  
25 greater than ten years and shall be renewable;

26 (4) A description of the charter school's pupil performance standards,  
27 which must meet the requirements of subdivision (6) of subsection 5 of this  
28 section. The charter school program must be designed to enable each pupil to  
29 achieve such standards;

30 (5) A description of the governance and operation of the charter school,  
31 including the nature and extent of parental, professional educator, and  
32 community involvement in the governance and operation of the charter school;  
33 and

34 (6) A description of the charter school's policies on student discipline and  
35 student admission, which shall include a statement, where applicable, of the  
36 validity of attendance of students who do not reside in the district but who may  
37 be eligible to attend under the terms of judicial settlements.

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

39 (1) A charter may be approved when the sponsor determines that the  
40 requirements of this section are met and determines that the applicant is  
41 sufficiently qualified to operate a charter school. The sponsor's decision of  
42 approval or denial shall be made within ninety days of the filing of the proposed  
43 charter;

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

47 (3) If a proposed charter is denied by a sponsor, the proposed charter may  
48 be submitted to the state board of education, along with the sponsor's written  
49 reasons for its denial. If the state board determines that the applicant meets the  
50 requirements of this section, that the applicant is sufficiently qualified to operate  
51 the charter school, and that granting a charter to the applicant would be likely  
52 to provide educational benefit to the children of the district, the state board may  
53 grant a charter and act as sponsor of the charter school. The state board shall  
54 review the proposed charter and make a determination of whether to deny or  
55 grant the proposed charter within sixty days of receipt of the proposed charter,  
56 provided that any charter to be considered by the state board of education under

57 this subdivision shall be submitted no later than March first prior to the school  
58 year in which the charter school intends to begin operations. The state board of  
59 education shall notify the applicant in writing as the reasons for its denial, if  
60 applicable; and

61 (4) The sponsor of a charter school shall give priority to charter school  
62 applicants that propose a school oriented to high-risk students and to the reentry  
63 of dropouts into the school system. If a sponsor grants three or more charters,  
64 at least one-third of the charters granted by the sponsor shall be to schools that  
65 actively recruit dropouts or high-risk students as their student body and address  
66 the needs of dropouts or high-risk students through their proposed mission,  
67 curriculum, teaching methods, and services. For purposes of this subsection, a  
68 "high-risk" student is one who is at least one year behind in satisfactory  
69 completion of course work or obtaining credits for graduation, pregnant or a  
70 parent, homeless or has been homeless sometime within the preceding six  
71 months, has limited English proficiency, has been suspended from school three  
72 or more times, is eligible for free or reduced-price school lunch, or has been  
73 referred by the school district for enrollment in an alternative  
74 program. "Dropout" shall be defined through the guidelines of the school core  
75 data report. The provisions of this subsection do not apply to charters sponsored  
76 by the state board of education.

77 3. If a charter is approved by a sponsor, the charter application shall be  
78 submitted to the state board of education, along with a statement of finding that  
79 the application meets the requirements of sections 160.400 to 160.420 and section  
80 167.439, RSMo, and a monitoring plan under which the charter sponsor will  
81 evaluate the academic performance of students enrolled in the charter  
82 school. The state board of education may, within sixty days, disapprove the  
83 granting of the charter. The state board of education may disapprove a charter  
84 on grounds that the application fails to meet the requirements of sections 160.400  
85 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed  
86 to meet the statutory responsibilities of a charter sponsor.

87 4. Any disapproval of a charter pursuant to subsection 3 of this section  
88 shall be subject to judicial review pursuant to chapter 536, RSMo.

89 5. A charter school shall, as provided in its charter:

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

92 (2) Comply with laws and regulations of the state, county, or city:

93           **(a)** Relating to health, safety, and state minimum educational standards,  
94 as specified by the state board of education, including the requirements relating  
95 to student discipline under sections 160.261, 167.161, 167.164, and 167.171,  
96 RSMo, notification of criminal conduct to law enforcement authorities under  
97 sections 167.115 to 167.117, RSMo, academic assessment under section 160.518,  
98 transmittal of school records under section 167.020, RSMo, and the minimum  
99 number of school days and hours required under section 160.041; **and**

100           **(b) That require the reporting of information by schools,**  
101 **governing boards, and school districts to the state board of education**  
102 **or department of elementary and secondary education;**

103           (3) Except as provided in sections 160.400 to 160.420, be exempt from all  
104 laws and rules relating to schools, governing boards and school districts;

105           (4) Be financially accountable, use practices consistent with the Missouri  
106 financial accounting manual, provide for an annual audit by a certified public  
107 accountant, publish audit reports and annual financial reports as provided in  
108 chapter 165, RSMo, provided that the annual financial report may be published  
109 on the department of elementary and secondary education's Internet web site in  
110 addition to other publishing requirements, and provide liability insurance to  
111 indemnify the school, its board, staff and teachers against tort claims. A charter  
112 school that receives local educational agency status under subsection 6 of this  
113 section shall meet the requirements imposed by the Elementary and Secondary  
114 Education Act for audits of such agencies. For purposes of an audit by petition  
115 under section 29.230, RSMo, a charter school shall be treated as a political  
116 subdivision on the same terms and conditions as the school district in which it is  
117 located. For the purposes of securing such insurance, a charter school shall be  
118 eligible for the Missouri public entity risk management fund pursuant to section  
119 537.700, RSMo. A charter school that incurs debt must include a repayment plan  
120 in its financial plan;

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

125           (6) (a) Design a method to measure pupil progress toward the pupil  
126 academic standards adopted by the state board of education pursuant to section  
127 160.514, collect baseline data during at least the first three years for determining  
128 how the charter school is performing and to the extent applicable, participate in

129 the statewide system of assessments, comprised of the essential skills tests and  
130 the nationally standardized norm-referenced achievement tests, as designated by  
131 the state board pursuant to section 160.518, complete and distribute an annual  
132 report card as prescribed in section 160.522, which shall also include a statement  
133 that background checks have been completed on the charter school's board  
134 members, report to its sponsor, the local school district, and the state board of  
135 education as to its teaching methods and any educational innovations and the  
136 results thereof, and provide data required for the study of charter schools  
137 pursuant to subsection 4 of section 160.410. No charter school will be considered  
138 in the Missouri school improvement program review of the district in which it is  
139 located for the resource or process standards of the program.

140 (b) For proposed high risk or alternative charter schools, sponsors shall  
141 approve performance measures based on mission, curriculum, teaching methods,  
142 and services. Sponsors shall also approve comprehensive academic and  
143 behavioral measures to determine whether students are meeting performance  
144 standards on a different time frame as specified in that school's charter. Student  
145 performance shall be assessed comprehensively to determine whether a high risk  
146 or alternative charter school has documented adequate student progress. Student  
147 performance shall be based on sponsor-approved comprehensive measures as well  
148 as standardized public school measures. Annual presentation of charter school  
149 report card data to the department of elementary and secondary education, the  
150 state board, and the public shall include comprehensive measures of student  
151 progress.

152 (c) Nothing in this paragraph shall be construed as permitting a charter  
153 school to be held to lower performance standards than other public schools within  
154 a district; however, the charter of a charter school may permit students to meet  
155 performance standards on a different time frame as specified in its charter;

156 (7) Assure that the needs of special education children are met in  
157 compliance with all applicable federal and state laws and regulations;

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

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

164 (b) A statement outlining the reasons for approval or disapproval by the

165 sponsor, specifically addressing the requirements of sections 160.400 to 160.420  
166 and 167.349, RSMo.

167           6. The charter of a charter school may be amended at the request of the  
168 governing body of the charter school and on the approval of the sponsor. The  
169 sponsor and the governing board and staff of the charter school shall jointly  
170 review the school's performance, management and operations at least once every  
171 two years or at any point where the operation or management of the charter  
172 school is changed or transferred to another entity, either public or private. The  
173 governing board of a charter school may amend the charter, if the sponsor  
174 approves such amendment, or the sponsor and the governing board may reach an  
175 agreement in writing to reflect the charter school's decision to become a local  
176 educational agency for the sole purpose of seeking direct access to federal grants.  
177 In such case the sponsor shall give the department of elementary and secondary  
178 education written notice no later than March first of any year, with the  
179 agreement to become effective July first. The department may waive the March  
180 first notice date in its discretion. The department shall identify and furnish a list  
181 of its regulations that pertain to local educational agencies to such schools within  
182 thirty days of receiving such notice.

183           7. (1) A sponsor shall revoke a charter or take other appropriate remedial  
184 action, which may include placing the charter school on probationary status, at  
185 any time if the charter school commits a serious breach of one or more provisions  
186 of its charter or on any of the following grounds: failure to meet academic  
187 performance standards as set forth in its charter, failure to meet generally  
188 accepted standards of fiscal management, failure to provide information necessary  
189 to confirm compliance with all provisions of the charter and sections 160.400 to  
190 160.420 and 167.349, RSMo, within forty-five days following receipt of written  
191 notice requesting such information, or violation of law.

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

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

201 (4) The sponsor of a charter school shall establish procedures to conduct  
202 administrative hearings upon determination by the sponsor that grounds exist to  
203 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant  
204 to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

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

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

211 8. A sponsor shall take all reasonable steps necessary to confirm that each  
212 charter school sponsored by such sponsor is in material compliance and remains  
213 in material compliance with all material provisions of the charter and sections  
214 160.400 to 160.420 and 167.349, RSMo. Every charter school shall provide all  
215 information necessary to confirm ongoing compliance with all provisions of its  
216 charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner  
217 to its sponsor.

218 9. A school district may enter into a lease with a charter school for  
219 physical facilities.

220 10. A governing board or a school district employee who has control over  
221 personnel actions shall not take unlawful reprisal against another employee at  
222 the school district because the employee is directly or indirectly involved in an  
223 application to establish a charter school. A governing board or a school district  
224 employee shall not take unlawful reprisal against an educational program of the  
225 school or the school district because an application to establish a charter school  
226 proposes the conversion of all or a portion of the educational program to a charter  
227 school. As used in this subsection, "unlawful reprisal" means an action that is  
228 taken by a governing board or a school district employee as a direct result of a  
229 lawful application to establish a charter school and that is adverse to another  
230 employee or an educational program.

231 11. Charter school board members shall be subject to the same liability  
232 for acts while in office as if they were regularly and duly elected members of  
233 school boards in any other public school district in this state. The governing  
234 board of a charter school may participate, to the same extent as a school board,  
235 in the Missouri public entity risk management fund in the manner provided  
236 under sections 537.700 to 537.756, RSMo.

237           12. Any entity, either public or private, operating, administering, or  
238 otherwise managing a charter school shall be considered a quasi-public  
239 governmental body and subject to the provisions of sections 610.010 to 610.035,  
240 RSMo.

241           13. The chief financial officer of a charter school shall maintain:

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

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

✓

Bill

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