

SECOND REGULAR SESSION

SENATE BILL NO. 772

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Pre-filed December 5, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5256S.011

AN ACT

To repeal section 160.415, RSMo, and to enact in lieu thereof one new section relating to early childhood education funds, with an emergency clause.

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

Section A. Section 160.415, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 160.415, to read as follows:

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

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

16 (1) A school district having one or more resident pupils attending a
17 charter school shall pay to the charter school an annual amount equal to the
18 product of the charter school's weighted average daily attendance and the state
19 adequacy target, multiplied by the dollar value modifier for the district, plus local
20 tax revenues per weighted average daily attendance from the incidental and

21 teachers' funds in excess of the performance levy as defined in section 163.011
22 plus all other state aid attributable to such pupils.

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

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

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

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

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

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

55 5. If a school district fails to make timely payments of any amount for
56 which it is the disbursal agent, the state department of elementary and secondary

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

71 6. The charter school and a local school board may agree by contract for
72 services to be provided by the school district to the charter school. The charter
73 school may contract with any other entity for services. Such services may include
74 but are not limited to food service, custodial service, maintenance, management
75 assistance, curriculum assistance, media services and libraries and shall be
76 subject to negotiation between the charter school and the local school board or
77 other entity. Documented actual costs of such services shall be paid for by the
78 charter school.

79 7. In the case of a proposed charter school that intends to contract with
80 an education service provider for substantial educational services or management
81 services, the request for proposals shall additionally require the charter school
82 applicant to:

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

87 (2) Provide a term sheet setting forth the proposed duration of the service
88 contract; roles and responsibilities of the governing board, the school staff, and
89 the service provider; scope of services and resources to be provided by the service
90 provider; performance evaluation measures and time lines; compensation
91 structure, including clear identification of all fees to be paid to the service
92 provider; methods of contract oversight and enforcement; investment disclosure;

93 and conditions for renewal and termination of the contract;

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

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

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

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

104 8. A charter school may enter into contracts with community partnerships
105 and state agencies acting in collaboration with such partnerships that provide
106 services to children and their families linked to the school.

107 9. A charter school shall be eligible for transportation state aid pursuant
108 to section 163.161 and shall be free to contract with the local district, or any
109 other entity, for the provision of transportation to the students of the charter
110 school.

111 10. (1) The proportionate share of state and federal resources generated
112 by students with disabilities or staff serving them shall be paid in full to charter
113 schools enrolling those students by their school district where such enrollment is
114 through a contract for services described in this section. The proportionate share
115 of money generated under other federal or state categorical aid programs shall
116 be directed to charter schools serving such students eligible for that aid.

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

120 11. A charter school may not charge tuition or impose fees that a school
121 district is prohibited from charging or imposing, except that a charter school may
122 receive tuition payments from districts in the same or an adjoining county for
123 nonresident students who transfer to an approved charter school, as defined in
124 section 167.131, from an unaccredited district.

125 12. A charter school is authorized to incur debt in anticipation of receipt
126 of funds. A charter school may also borrow to finance facilities and other capital
127 items. A school district may incur bonded indebtedness or take other measures
128 to provide for physical facilities and other capital items for charter schools that

129 it sponsors or contracts with. Except as otherwise specifically provided in
130 sections 160.400 to 160.425, upon the dissolution of a charter school, any
131 liabilities of the corporation will be satisfied through the procedures of chapter
132 355. A charter school shall satisfy all its financial obligations within twelve
133 months of notice from the sponsor of the charter school's closure under subsection
134 8 of section 160.405. After satisfaction of all its financial obligations, a charter
135 school shall return any remaining state and federal funds to the department of
136 elementary and secondary education for disposition as stated in subdivision (17)
137 of subsection 1 of section 160.405. The department of elementary and secondary
138 education may withhold funding at a level the department determines to be
139 adequate during a school's last year of operation until the department determines
140 that school records, liabilities, and reporting requirements, including a full audit,
141 are satisfied.

142 13. Charter schools shall not have the power to acquire property by
143 eminent domain.

144 14. The governing body of a charter school is authorized to accept grants,
145 gifts or donations of any kind and to expend or use such grants, gifts or
146 donations. A grant, gift or donation may not be accepted by the governing body
147 if it is subject to any condition contrary to law applicable to the charter school or
148 other public schools, or contrary to the terms of the charter.

Section B. Because of the importance of funding early childhood education
2 programs, this act is deemed necessary for the immediate preservation of the
3 public health, welfare, peace, and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and this act shall be in full
5 force and effect on July 1, 2018, or upon its passage and approval, whichever
6 occurs later.