

SENATE BILL NO. 959

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BECK.

3377S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 160.400, 160.405, 160.410, and 160.415, RSMo, and to enact in lieu thereof four new sections relating to charter school management.

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

Section A. Sections 160.400, 160.405, 160.410, and
2 160.415, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 160.400, 160.405, 160.410,
4 and 160.415, to read as follows:

160.400. 1. A charter school is an independent public
2 school.

3 2. Except as further provided in subsection 4 of this
4 section, charter schools may be operated only:

5 (1) In a metropolitan school district;

6 (2) In an urban school district containing most or all
7 of a city with a population greater than three hundred fifty
8 thousand inhabitants;

9 (3) In a school district that has been classified as
10 unaccredited by the state board of education;

11 (4) In a school district that has been classified as
12 provisionally accredited by the state board of education and
13 has received scores on its annual performance report
14 consistent with a classification of provisionally accredited
15 or unaccredited for three consecutive school years beginning
16 with the 2012-13 accreditation year under the following
17 conditions:

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

18 (a) The eligibility for charter schools of any school
19 district whose provisional accreditation is based in whole
20 or in part on financial stress as defined in sections
21 161.520 to 161.529, or on financial hardship as defined by
22 rule of the state board of education, shall be decided by a
23 vote of the state board of education during the third
24 consecutive school year after the designation of provisional
25 accreditation; and

26 (b) The sponsor is limited to the local school board
27 or a sponsor who has met the standards of accountability and
28 performance as determined by the department based on
29 sections 160.400 to 160.425 and section 167.349 and properly
30 promulgated rules of the department; or

31 (5) In a school district that has been accredited
32 without provisions, sponsored only by the local school
33 board; provided that no board with a current year enrollment
34 of one thousand five hundred fifty students or greater shall
35 permit more than thirty-five percent of its student
36 enrollment to enroll in charter schools sponsored by the
37 local board under the authority of this subdivision, except
38 that this restriction shall not apply to any school district
39 that subsequently becomes eligible under subdivision (3) or
40 (4) of this subsection or to any district accredited without
41 provisions that sponsors charter schools prior to having a
42 current year student enrollment of one thousand five hundred
43 fifty students or greater.

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

47 (1) The school board of the district in any district
48 which is sponsoring a charter school as of August 27, 2012,
49 as permitted under subdivision (1) or (2) of subsection 2 of

50 this section, the special administrative board of a
51 metropolitan school district during any time in which powers
52 granted to the district's board of education are vested in a
53 special administrative board, or if the state board of
54 education appoints a special administrative board to retain
55 the authority granted to the board of education of an urban
56 school district containing most or all of a city with a
57 population greater than three hundred fifty thousand
58 inhabitants, the special administrative board of such school
59 district;

60 (2) A public four-year college or university with an
61 approved teacher education program that meets regional or
62 national standards of accreditation;

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

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

69 (5) Any two-year private vocational or technical
70 school designated as a 501(c)(3) nonprofit organization
71 under the Internal Revenue Code of 1986, as amended, and
72 accredited by the Higher Learning Commission, with its
73 primary campus in Missouri;

74 (6) The Missouri charter public school commission
75 created in section 160.425.

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

80 (1) As a district transitions from unaccredited to
81 provisionally accredited, the district shall continue to

82 fall under the requirements for an unaccredited district
83 until it achieves three consecutive full school years of
84 provisional accreditation;

85 (2) As a district transitions from provisionally
86 accredited to full accreditation, the district shall
87 continue to fall under the requirements for a provisionally
88 accredited district until it achieves three consecutive full
89 school years of full accreditation;

90 (3) In any school district classified as unaccredited
91 or provisionally accredited where a charter school is
92 operating and is sponsored by an entity other than the local
93 school board, when the school district becomes classified as
94 accredited without provisions, a charter school may continue
95 to be sponsored by the entity sponsoring it prior to the
96 classification of accredited without provisions and shall
97 not be limited to the local school board as a sponsor.

98 A charter school operating in a school district identified
99 in subdivision (1) or (2) of subsection 2 of this section
100 may be sponsored by any of the entities identified in
101 subsection 3 of this section, irrespective of the
102 accreditation classification of the district in which it is
103 located. A charter school in a district described in this
104 subsection whose charter provides for the addition of grade
105 levels in subsequent years may continue to add levels until
106 the planned expansion is complete to the extent of grade
107 levels in comparable schools of the district in which the
108 charter school is operated.

109 5. The mayor of a city not within a county may request
110 a sponsor under subdivision (2), (3), (4), (5), or (6) of
111 subsection 3 of this section to consider sponsoring a
112 "workplace charter school", which is defined for purposes of

113 sections 160.400 to 160.425 as a charter school with the
114 ability to target prospective students whose parent or
115 parents are employed in a business district, as defined in
116 the charter, which is located in the city.

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

121 7. The charter school shall be organized as a Missouri
122 nonprofit corporation incorporated pursuant to chapter 355.
123 The charter provided for herein shall constitute a contract
124 between the sponsor and the charter school.

125 8. As a nonprofit corporation incorporated pursuant to
126 chapter 355, the charter school shall select the method for
127 election of officers pursuant to section 355.326 based on
128 the class of corporation selected. Meetings of the
129 governing board of the charter school shall be subject to
130 the provisions of sections 610.010 to 610.030.

131 9. A sponsor of a charter school, its agents and
132 employees are not liable for any acts or omissions of a
133 charter school that it sponsors, including acts or omissions
134 relating to the charter submitted by the charter school, the
135 operation of the charter school and the performance of the
136 charter school.

137 10. **Notwithstanding any provision of law to the**
138 **contrary, the governing board of a charter school shall be**
139 **exclusively responsible for the operation of such charter**
140 **school and for compliance with all laws and regulations that**
141 **apply to such charter school. A charter school shall not**
142 **hire or contract with a management company for the provision**
143 **of any services whatsoever.**

144 **11.** A charter school may affiliate with a four-year
145 college or university, including a private college or
146 university, or a community college as otherwise specified in
147 subsection 3 of this section when its charter is granted by
148 a sponsor other than such college, university or community
149 college. Affiliation status recognizes a relationship
150 between the charter school and the college or university for
151 purposes of teacher training and staff development,
152 curriculum and assessment development, use of physical
153 facilities owned by or rented on behalf of the college or
154 university, and other similar purposes. A university,
155 college or community college may not charge or accept a fee
156 for affiliation status.

157 **[11.] 12.** The expenses associated with sponsorship of
158 charter schools shall be defrayed by the department of
159 elementary and secondary education retaining one and five-
160 tenths percent of the amount of state and local funding
161 allocated to the charter school under section 160.415, not
162 to exceed one hundred twenty-five thousand dollars, adjusted
163 for inflation. The department of elementary and secondary
164 education shall remit the retained funds for each charter
165 school to the school's sponsor, provided the sponsor remains
166 in good standing by fulfilling its sponsorship obligations
167 under sections 160.400 to 160.425 and 167.349 with regard to
168 each charter school it sponsors, including appropriate
169 demonstration of the following:

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

174 (2) Maintains a comprehensive application process that
175 follows fair procedures and rigorous criteria and grants

176 charters only to those developers who demonstrate strong
177 capacity for establishing and operating a quality charter
178 school;

179 (3) Negotiates contracts with charter schools that
180 clearly articulate the rights and responsibilities of each
181 party regarding school autonomy, expected outcomes, measures
182 for evaluating success or failure, performance consequences
183 based on the annual performance report, and other material
184 terms;

185 (4) Conducts contract oversight that evaluates
186 performance, monitors compliance, informs intervention and
187 renewal decisions, and ensures autonomy provided under
188 applicable law; and

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

192 [12.] 13. Sponsors receiving funds under subsection
193 [11] 12 of this section shall be required to submit annual
194 reports to the joint committee on education demonstrating
195 they are in compliance with subsection [17] 18 of this
196 section.

197 [13.] 14. No university, college or community college
198 shall grant a charter to a nonprofit corporation if an
199 employee of the university, college or community college is
200 a member of the corporation's board of directors.

201 [14.] 15. No sponsor shall grant a charter under
202 sections 160.400 to 160.425 and 167.349 without ensuring
203 that a criminal background check and family care safety
204 registry check are conducted for all members of the
205 governing board of the charter schools or the incorporators
206 of the charter school if initial directors are not named in
207 the articles of incorporation, nor shall a sponsor renew a

208 charter without ensuring a criminal background check and
209 family care safety registry check are conducted for each
210 member of the governing board of the charter school.

211 [15.] 16. No member of the governing board of a
212 charter school shall hold any office or employment from the
213 board or the charter school while serving as a member, nor
214 shall the member have any substantial interest, as defined
215 in section 105.450, in any entity employed by or contracting
216 with the board. No board member shall be an employee of a
217 company that provides substantial services to the charter
218 school. All members of the governing board of the charter
219 school shall be considered decision-making public servants
220 as defined in section 105.450 for the purposes of the
221 financial disclosure requirements contained in sections
222 105.483, 105.485, 105.487, and 105.489.

223 [16.] 17. A sponsor shall develop the policies and
224 procedures for:

225 (1) The review of a charter school proposal including
226 an application that provides sufficient information for
227 rigorous evaluation of the proposed charter and provides
228 clear documentation that the education program and academic
229 program are aligned with the state standards and grade-level
230 expectations, and provides clear documentation of effective
231 governance and management structures, and a sustainable
232 operational plan;

233 (2) The granting of a charter;

234 (3) The performance contract that the sponsor will use
235 to evaluate the performance of charter schools. Charter
236 schools shall meet current state academic performance
237 standards as well as other standards agreed upon by the
238 sponsor and the charter school in the performance contract;

239 (4) The sponsor's intervention, renewal, and
240 revocation policies, including the conditions under which
241 the charter sponsor may intervene in the operation of the
242 charter school, along with actions and consequences that may
243 ensue, and the conditions for renewal of the charter at the
244 end of the term, consistent with subsections 8 and 9 of
245 section 160.405;

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

248 (6) Procedures to be implemented if a charter school
249 should close, consistent with the provisions of subdivision
250 (15) of subsection 1 of section 160.405.

251 The department shall provide guidance to sponsors in
252 developing such policies and procedures.

253 **[17.] 18.** (1) A sponsor shall provide timely
254 submission to the state board of education of all data
255 necessary to demonstrate that the sponsor is in material
256 compliance with all requirements of sections 160.400 to
257 160.425 and section 167.349. The state board of education
258 shall ensure each sponsor is in compliance with all
259 requirements under sections 160.400 to 160.425 and 167.349
260 for each charter school sponsored by any sponsor. The state
261 board shall notify each sponsor of the standards for
262 sponsorship of charter schools, delineating both what is
263 mandated by statute and what best practices dictate. The
264 state board shall evaluate sponsors to determine compliance
265 with these standards every three years. The evaluation
266 shall include a sponsor's policies and procedures in the
267 areas of charter application approval; required charter
268 agreement terms and content; sponsor performance evaluation
269 and compliance monitoring; and charter renewal,

270 intervention, and revocation decisions. Nothing shall
271 preclude the department from undertaking an evaluation at
272 any time for cause.

273 (2) If the department determines that a sponsor is in
274 material noncompliance with its sponsorship duties, the
275 sponsor shall be notified and given reasonable time for
276 remediation. If remediation does not address the compliance
277 issues identified by the department, the commissioner of
278 education shall conduct a public hearing and thereafter
279 provide notice to the charter sponsor of corrective action
280 that will be recommended to the state board of education.
281 Corrective action by the department may include withholding
282 the sponsor's funding and suspending the sponsor's authority
283 to sponsor a school that it currently sponsors or to sponsor
284 any additional school until the sponsor is reauthorized by
285 the state board of education under section 160.403.

286 (3) The charter sponsor may, within thirty days of
287 receipt of the notice of the commissioner's recommendation,
288 provide a written statement and other documentation to show
289 cause as to why that action should not be taken. Final
290 determination of corrective action shall be determined by
291 the state board of education based upon a review of the
292 documentation submitted to the department and the charter
293 sponsor.

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

298 **[18.] 19.** If a sponsor notifies a charter school of
299 closure under subsection 8 of section 160.405, the
300 department of elementary and secondary education shall
301 exercise its financial withholding authority under

302 subsection 12 of section 160.415 to assure all obligations
303 of the charter school shall be met. The state, charter
304 sponsor, or resident district shall not be liable for any
305 outstanding liability or obligations of the charter school.

160.405. 1. A person, group or organization seeking
2 to establish a charter school shall submit the proposed
3 charter, as provided in this section, to a sponsor. If the
4 sponsor is not a school board, the applicant shall give a
5 copy of its application to the school board of the district
6 in which the charter school is to be located and to the
7 state board of education, within five business days of the
8 date the application is filed with the proposed sponsor.
9 The school board may file objections with the proposed
10 sponsor, and, if a charter is granted, the school board may
11 file objections with the state board of education. The
12 charter shall include a legally binding performance contract
13 that describes the obligations and responsibilities of the
14 school and the sponsor as outlined in sections 160.400 to
15 160.425 and section 167.349 and shall address the following:

16 (1) A mission and vision statement for the charter
17 school;

18 (2) A description of the charter school's
19 organizational structure and bylaws of the governing body,
20 which will be responsible for the policy, financial
21 management, and operational decisions of the charter school,
22 including the nature and extent of parental, professional
23 educator, and community involvement in the governance and
24 operation of the charter school;

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

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

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

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

36 (7) A description of the charter school's pupil
37 performance standards and academic program performance
38 standards, which shall meet the requirements of subdivision
39 (6) of subsection 4 of this section. The charter school
40 program shall be designed to enable each pupil to achieve
41 such standards and shall contain a complete set of
42 indicators, measures, metrics, and targets for academic
43 program performance, including specific goals on graduation
44 rates and standardized test performance and academic growth;

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

47 (9) The term of the charter, which shall be five years
48 and may be renewed;

49 (10) Procedures, consistent with the Missouri
50 financial accounting manual, for monitoring the financial
51 accountability of the charter, which shall meet the
52 requirements of subdivision (4) of subsection 4 of this
53 section;

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

57 (12) A description of the charter school's policies on
58 student discipline and student admission, which shall
59 include a statement, where applicable, of the validity of

60 attendance of students who do not reside in the district but
61 who may be eligible to attend under the terms of judicial
62 settlements and procedures that ensure admission of students
63 with disabilities in a nondiscriminatory manner;

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

66 (14) A description of the agreement and time frame for
67 implementation between the charter school and the sponsor as
68 to when a sponsor shall intervene in a charter school, when
69 a sponsor shall revoke a charter for failure to comply with
70 subsection 8 of this section, and when a sponsor will not
71 renew a charter under subsection 9 of this section;

72 (15) Procedures to be implemented if the charter
73 school should close, as provided in subdivision (6) of
74 subsection 16 of section 160.400 including:

75 (a) Orderly transition of student records to new
76 schools and archival of student records;

77 (b) Archival of business operation and transfer or
78 repository of personnel records;

79 (c) Submission of final financial reports;

80 (d) Resolution of any remaining financial obligations;

81 (e) Disposition of the charter school's assets upon
82 closure; and

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

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

91 (17) For all new or revised charters, procedures to be
92 used upon closure of the charter school requiring that
93 unobligated assets of the charter school be returned to the
94 department of elementary and secondary education for their
95 disposition, which upon receipt of such assets shall return
96 them to the local school district in which the school was
97 located, the state, or any other entity to which they would
98 belong.

99 Charter schools operating on August 27, 2012, shall have
100 until August 28, 2015, to meet the requirements of this
101 subsection.

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

104 (1) A charter shall be submitted to the sponsor, and
105 follow the sponsor's policies and procedures for review and
106 granting of a charter approval, and be approved by the state
107 board of education by January thirty-first prior to the
108 school year of the proposed opening date of the charter
109 school;

110 (2) A charter may be approved when the sponsor
111 determines that the requirements of this section are met,
112 determines that the applicant is sufficiently qualified to
113 operate a charter school, and that the proposed charter is
114 consistent with the sponsor's charter sponsorship goals and
115 capacity. The sponsor's decision of approval or denial
116 shall be made within ninety days of the filing of the
117 proposed charter;

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

122 (4) If a proposed charter is denied by a sponsor, the
123 proposed charter may be submitted to the state board of
124 education, along with the sponsor's written reasons for its
125 denial. If the state board determines that the applicant
126 meets the requirements of this section, that the applicant
127 is sufficiently qualified to operate the charter school, and
128 that granting a charter to the applicant would be likely to
129 provide educational benefit to the children of the district,
130 the state board may grant a charter and act as sponsor of
131 the charter school. The state board shall review the
132 proposed charter and make a determination of whether to deny
133 or grant the proposed charter within sixty days of receipt
134 of the proposed charter, provided that any charter to be
135 considered by the state board of education under this
136 subdivision shall be submitted no later than March first
137 prior to the school year in which the charter school intends
138 to begin operations. The state board of education shall
139 notify the applicant in writing as the reasons for its
140 denial, if applicable; and

141 (5) The sponsor of a charter school shall give
142 priority to charter school applicants that propose a school
143 oriented to high-risk students and to the reentry of
144 dropouts into the school system. If a sponsor grants three
145 or more charters, at least one-third of the charters granted
146 by the sponsor shall be to schools that actively recruit
147 dropouts or high-risk students as their student body and
148 address the needs of dropouts or high-risk students through
149 their proposed mission, curriculum, teaching methods, and
150 services. For purposes of this subsection, a "high-risk"
151 student is one who is at least one year behind in
152 satisfactory completion of course work or obtaining high
153 school credits for graduation, has dropped out of school, is

154 at risk of dropping out of school, needs drug and alcohol
155 treatment, has severe behavioral problems, has been
156 suspended from school three or more times, has a history of
157 severe truancy, is a pregnant or parenting teen, has been
158 referred for enrollment by the judicial system, is exiting
159 incarceration, is a refugee, is homeless or has been
160 homeless sometime within the preceding six months, has been
161 referred by an area school district for enrollment in an
162 alternative program, or qualifies as high risk under
163 department of elementary and secondary education
164 guidelines. Dropout shall be defined through the guidelines
165 of the school core data report. The provisions of this
166 subsection do not apply to charters sponsored by the state
167 board of education.

168 3. If a charter is approved by a sponsor, the charter
169 application shall be submitted to the state board of
170 education, along with a statement of finding by the sponsor
171 that the application meets the requirements of sections
172 160.400 to 160.425 and section 167.349 and a monitoring plan
173 under which the charter sponsor shall evaluate the academic
174 performance, including annual performance reports, of
175 students enrolled in the charter school. The state board of
176 education shall approve or deny a charter application within
177 sixty days of receipt of the application. The state board
178 of education may deny a charter on grounds that the
179 application fails to meet the requirements of sections
180 160.400 to 160.425 and section 167.349 or that a charter
181 sponsor previously failed to meet the statutory
182 responsibilities of a charter sponsor. Any denial of a
183 charter application made by the state board of education
184 shall be in writing and shall identify the specific failures
185 of the application to meet the requirements of sections

186 160.400 to 160.425 and section 167.349, and the written
187 denial shall be provided within ten business days to the
188 sponsor.

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

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

192 (2) Comply with laws and regulations of the state,
193 county, or city relating to health, safety, and state
194 minimum educational standards, as specified by the state
195 board of education, including the requirements relating to
196 student discipline under sections 160.261, 167.161, 167.164,
197 and 167.171, notification of criminal conduct to law
198 enforcement authorities under sections 167.115 to 167.117,
199 academic assessment under section 160.518, transmittal of
200 school records under section 167.020, the minimum amount of
201 school time required under section 171.031, and the employee
202 criminal history background check and the family care safety
203 registry check under section 168.133;

204 (3) Except as provided in sections 160.400 to 160.425
205 and as specifically provided in other sections, be exempt
206 from all laws and rules relating to schools, governing
207 boards and school districts;

208 (4) Be financially accountable, use practices
209 consistent with the Missouri financial accounting manual,
210 provide for an annual audit by a certified public
211 accountant, publish audit reports and annual financial
212 reports as provided in chapter 165, provided that the annual
213 financial report may be published on the department of
214 elementary and secondary education's internet website in
215 addition to other publishing requirements, and provide
216 liability insurance to indemnify the school, its board,
217 staff and teachers against tort claims. A charter school

218 that receives local educational agency status under
219 subsection 6 of this section shall meet the requirements
220 imposed by the Elementary and Secondary Education Act for
221 audits of such agencies and comply with all federal audit
222 requirements for charters with local educational agency
223 status. For purposes of an audit by petition under section
224 29.230, a charter school shall be treated as a political
225 subdivision on the same terms and conditions as the school
226 district in which it is located. For the purposes of
227 securing such insurance, a charter school shall be eligible
228 for the Missouri public entity risk management fund pursuant
229 to section 537.700. A charter school that incurs debt shall
230 include a repayment plan in its financial plan;

231 (5) Provide a comprehensive program of instruction for
232 at least one grade or age group from early childhood through
233 grade twelve, as specified in its charter;

234 (6) (a) Design a method to measure pupil progress
235 toward the pupil academic standards adopted by the state
236 board of education pursuant to section 160.514, establish
237 baseline student performance in accordance with the
238 performance contract during the first year of operation,
239 collect student performance data as defined by the annual
240 performance report throughout the duration of the charter to
241 annually monitor student academic performance, and to the
242 extent applicable based upon grade levels offered by the
243 charter school, participate in the statewide system of
244 assessments, comprised of the essential skills tests and the
245 nationally standardized norm-referenced achievement tests,
246 as designated by the state board pursuant to section
247 160.518, complete and distribute an annual report card as
248 prescribed in section 160.522, which shall also include a
249 statement that background checks have been completed on the

250 charter school's board members, and report to its sponsor,
251 the local school district, and the state board of education
252 as to its teaching methods and any educational innovations
253 and the results thereof. No charter school shall be
254 considered in the Missouri school improvement program review
255 of the district in which it is located for the resource or
256 process standards of the program.

257 (b) For proposed high-risk or alternative charter
258 schools, sponsors shall approve performance measures based
259 on mission, curriculum, teaching methods, and services.
260 Sponsors shall also approve comprehensive academic and
261 behavioral measures to determine whether students are
262 meeting performance standards on a different time frame as
263 specified in that school's charter. Student performance
264 shall be assessed comprehensively to determine whether a
265 high-risk or alternative charter school has documented
266 adequate student progress. Student performance shall be
267 based on sponsor-approved comprehensive measures as well as
268 standardized public school measures. Annual presentation of
269 charter school report card data to the department of
270 elementary and secondary education, the state board, and the
271 public shall include comprehensive measures of student
272 progress.

273 (c) Nothing in this subdivision shall be construed as
274 permitting a charter school to be held to lower performance
275 standards than other public schools within a district;
276 however, the charter of a charter school may permit students
277 to meet performance standards on a different time frame as
278 specified in its charter. The performance standards for
279 alternative and special purpose charter schools that target
280 high-risk students as defined in subdivision (5) of
281 subsection 2 of this section shall be based on measures

282 defined in the school's performance contract with its
283 sponsors;

284 (7) Comply with all applicable federal and state laws
285 and regulations regarding students with disabilities,
286 including sections 162.670 to 162.710, the Individuals with
287 Disabilities Education Act (20 U.S.C. Section 1400) and
288 Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.
289 Section 794) or successor legislation;

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

292 (a) Documentation that the applicant has provided a
293 copy of the application to the school board of the district
294 in which the charter school is to be located, except in
295 those circumstances where the school district is the sponsor
296 of the charter school; and

297 (b) A statement outlining the reasons for approval or
298 denial by the sponsor, specifically addressing the
299 requirements of sections 160.400 to 160.425 and 167.349.

300 5. (1) Proposed or existing high-risk or alternative
301 charter schools may include alternative arrangements for
302 students to obtain credit for satisfying graduation
303 requirements in the school's charter application and
304 charter. Alternative arrangements may include, but not be
305 limited to, credit for off-campus instruction, embedded
306 credit, work experience through an internship arranged
307 through the school, and independent studies. When the state
308 board of education approves the charter, any such
309 alternative arrangements shall be approved at such time.

310 (2) The department of elementary and secondary
311 education shall conduct a study of any charter school
312 granted alternative arrangements for students to obtain
313 credit under this subsection after three years of operation

314 to assess student performance, graduation rates, educational
315 outcomes, and entry into the workforce or higher education.

316 6. The charter of a charter school may be amended at
317 the request of the governing body of the charter school and
318 on the approval of the sponsor. The sponsor and the
319 governing board and staff of the charter school shall
320 jointly review the school's performance, management and
321 operations during the first year of operation and then every
322 other year after the most recent review or at any point
323 where the operation or management of the charter school is
324 changed or transferred to another entity, either public or
325 private. The governing board of a charter school may amend
326 the charter, if the sponsor approves such amendment, or the
327 sponsor and the governing board may reach an agreement in
328 writing to reflect the charter school's decision to become a
329 local educational agency. In such case the sponsor shall
330 give the department of elementary and secondary education
331 written notice no later than March first of any year, with
332 the agreement to become effective July first. The
333 department may waive the March first notice date in its
334 discretion. The department shall identify and furnish a
335 list of its regulations that pertain to local educational
336 agencies to such schools within thirty days of receiving
337 such notice.

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

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

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

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

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

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

353 8. (1) (a) A sponsor's policies shall give schools
354 clear, adequate, evidence-based, and timely notice of
355 contract violations or performance deficiencies and mandate
356 intervention based upon findings of the state board of
357 education of the following:

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

362 b. The charter school's annual performance report
363 results are below the district's annual performance report
364 results based on the performance standards that are
365 applicable to the grade level configuration of both the
366 charter school and the district in which the charter school
367 is located in three of the last four school years; and

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

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

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

376 b. A violation of the law or the public trust that
377 imperils students or public funds.

378 (c) A sponsor shall revoke a charter or take other
379 appropriate remedial action, which may include placing the
380 charter school on probationary status for no more than
381 twenty-four months, provided that no more than one
382 designation of probationary status shall be allowed for the
383 duration of the charter contract, at any time if the charter
384 school commits a serious breach of one or more provisions of
385 its charter or on any of the following grounds: failure to
386 meet the performance contract as set forth in its charter,
387 failure to meet generally accepted standards of fiscal
388 management, failure to provide information necessary to
389 confirm compliance with all provisions of the charter and
390 sections 160.400 to 160.425 and 167.349 within forty-five
391 days following receipt of written notice requesting such
392 information, or violation of law.

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

398 (3) At least sixty days before acting to revoke a
399 charter, the sponsor shall notify the governing board of the
400 charter school of the proposed action in writing. The
401 notice shall state the grounds for the proposed action. The
402 school's governing board may request in writing a hearing
403 before the sponsor within two weeks of receiving the notice.

404 (4) The sponsor of a charter school shall establish
405 procedures to conduct administrative hearings upon
406 determination by the sponsor that grounds exist to revoke a
407 charter. Final decisions of a sponsor from hearings

408 conducted pursuant to this subsection are subject to an
409 appeal to the state board of education, which shall
410 determine whether the charter shall be revoked.

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

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

419 9. (1) A sponsor shall take all reasonable steps
420 necessary to confirm that each charter school sponsored by
421 such sponsor is in material compliance and remains in
422 material compliance with all material provisions of the
423 charter and sections 160.400 to 160.425 and 167.349. Every
424 charter school shall provide all information necessary to
425 confirm ongoing compliance with all provisions of its
426 charter and sections 160.400 to 160.425 and 167.349 in a
427 timely manner to its sponsor.

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

431 (a) The charter school has maintained results on its
432 annual performance report that meet or exceed the district
433 in which the charter school is located based on the
434 performance standards that are applicable to the grade-level
435 configuration of both the charter school and the district in
436 which the charter school is located in three of the last
437 four school years;

438 (b) The charter school is organizationally and
439 fiscally viable determining at a minimum that the school
440 does not have:

441 a. A negative balance in its operating funds;

442 b. A combined balance of less than three percent of
443 the amount expended for such funds during the previous
444 fiscal year; or

445 c. Expenditures that exceed receipts for the most
446 recently completed fiscal year;

447 (c) The charter is in compliance with its legally
448 binding performance contract and sections 160.400 to 160.425
449 and section 167.349; and

450 (d) The charter school has an annual performance
451 report consistent with a classification of accredited for
452 three of the last four years and is fiscally viable as
453 described in paragraph (b) of this subdivision. If such is
454 the case, the charter school may have an expedited renewal
455 process as defined by rule of the department of elementary
456 and secondary education.

457 (3) (a) Beginning August first during the year in
458 which a charter is considered for renewal, a charter school
459 sponsor shall demonstrate to the state board of education
460 that the charter school is in compliance with federal and
461 state law as provided in sections 160.400 to 160.425 and
462 section 167.349 and the school's performance contract
463 including but not limited to those requirements specific to
464 academic performance.

465 (b) Along with data reflecting the academic
466 performance standards indicated in paragraph (a) of this
467 subdivision, the sponsor shall submit a revised charter
468 application to the state board of education for review.

469 (c) Using the data requested and the revised charter
470 application under paragraphs (a) and (b) of this
471 subdivision, the state board of education shall determine if
472 compliance with all standards enumerated in this subdivision
473 has been achieved. The state board of education at its next
474 regularly scheduled meeting shall vote on the revised
475 charter application.

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

479 10. A school district may enter into a lease with a
480 charter school for physical facilities.

481 11. A governing board or a school district employee
482 who has control over personnel actions shall not take
483 unlawful reprisal against another employee at the school
484 district because the employee is directly or indirectly
485 involved in an application to establish a charter school. A
486 governing board or a school district employee shall not take
487 unlawful reprisal against an educational program of the
488 school or the school district because an application to
489 establish a charter school proposes the conversion of all or
490 a portion of the educational program to a charter school.
491 As used in this subsection, "unlawful reprisal" means an
492 action that is taken by a governing board or a school
493 district employee as a direct result of a lawful application
494 to establish a charter school and that is adverse to another
495 employee or an educational program.

496 12. Charter school board members shall be subject to
497 the same liability for acts while in office as if they were
498 regularly and duly elected members of school boards in any
499 other public school district in this state. The governing
500 board of a charter school may participate, to the same

501 extent as a school board, in the Missouri public entity risk
502 management fund in the manner provided under sections
503 537.700 to 537.756.

504 13. Any entity, either public or private, operating,
505 administering, or otherwise managing a charter school shall
506 be considered a quasi-public governmental body and subject
507 to the provisions of sections 610.010 to 610.035. **The**
508 **provisions of this subsection shall not be construed to**
509 **authorize a management company to provide any services to a**
510 **charter school, pursuant to subsection 10 of section 160.400.**

511 14. The chief financial officer of a charter school
512 shall maintain:

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

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

520 15. The department of elementary and secondary
521 education shall calculate an annual performance report for
522 each charter school and shall publish it in the same manner
523 as annual performance reports are calculated and published
524 for districts and attendance centers.

525 16. The joint committee on education shall create a
526 committee to investigate facility access and affordability
527 for charter schools. The committee shall be comprised of
528 equal numbers of the charter school sector and the public
529 school sector and shall report its findings to the general
530 assembly by December 31, 2016.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it
3 operates;

4 (2) Nonresident pupils eligible to attend a district's
5 school under an urban voluntary transfer program;

6 (3) Nonresident pupils who transfer from an
7 unaccredited district under section 167.895, provided that
8 the charter school is an approved charter school, as defined
9 in section 167.895, and subject to all other provisions of
10 section 167.895;

11 (4) In the case of a charter school whose mission
12 includes student drop-out prevention or recovery, any
13 nonresident pupil from the same or an adjacent county who
14 resides in a residential care facility, a transitional
15 living group home, or an independent living program whose
16 last school of enrollment is in the school district where
17 the charter school is established, who submits a timely
18 application; and

19 (5) In the case of a workplace charter school, any
20 student eligible to attend under subdivision (1) or (2) of
21 this subsection whose parent is employed in the business
22 district, who submits a timely application, unless the
23 number of applications exceeds the capacity of a program,
24 class, grade level or building. The configuration of a
25 business district shall be set forth in the charter and
26 shall not be construed to create an undue advantage for a
27 single employer or small number of employers.

28 2. If capacity is insufficient to enroll all pupils
29 who submit a timely application, the charter school shall
30 have an admissions process that assures all applicants of an
31 equal chance of gaining admission and does not discriminate
32 based on parents' ability to pay fees or tuition except that:

33 (1) A charter school may establish a geographical area
34 around the school whose residents will receive a preference
35 for enrolling in the school, provided that such preferences
36 do not result in the establishment of racially or
37 socioeconomically isolated schools and provided such
38 preferences conform to policies and guidelines established
39 by the state board of education;

40 (2) A charter school may also give a preference for
41 admission of children whose siblings attend the school or
42 whose parents are employed at the school or in the case of a
43 workplace charter school, a child whose parent is employed
44 in the business district or at the business site of such
45 school;

46 (3) Charter schools may also give a preference for
47 admission to high-risk students, as defined in subdivision
48 (5) of subsection 2 of section 160.405, when the school
49 targets these students through its proposed mission,
50 curriculum, teaching methods, and services;

51 (4) A charter school may also give a preference for
52 admission to students who will be eligible for the free and
53 reduced price lunch program in the upcoming school year.

54 3. A charter school shall not limit admission based on
55 race, ethnicity, national origin, disability, income level,
56 except as allowed under subdivision (4) of subsection 2 of
57 this section, proficiency in the English language or
58 athletic ability, but may limit admission to pupils within a
59 given age group or grade level. Charter schools may limit
60 admission based on gender only when the school is a single-
61 gender school. Students of a charter school who have been
62 enrolled for a full academic year shall be counted in the
63 performance of the charter school on the statewide
64 assessments in that calendar year, unless otherwise exempted

65 as English language learners. For purposes of this
66 subsection, "full academic year" means the last Wednesday in
67 September through the administration of the Missouri
68 assessment program test without transferring out of the
69 school and re-enrolling.

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

75 (1) The school's charter;

76 (2) The school's most recent annual report card
77 published according to section 160.522; **and**

78 (3) The results of background checks on the charter
79 school's board members[; and

80 (4) If a charter school is operated by a management
81 company, a copy of the written contract between the
82 governing board of the charter school and the educational
83 management organization or the charter management
84 organization for services. The charter school may charge
85 reasonable fees, not to exceed the rate specified in section
86 610.026 for furnishing copies of documents under this
87 subsection].

88 5. When a student attending a charter school who is a
89 resident of the school district in which the charter school
90 is located moves out of the boundaries of such school
91 district, the student may complete the current semester and
92 shall be considered a resident student. The student's
93 parent or legal guardian shall be responsible for the
94 student's transportation to and from the charter school.

95 6. If a change in school district boundary lines
96 occurs under section 162.223, 162.431, 162.441, or 162.451,

97 or by action of the state board of education under section
98 162.081, including attachment of a school district's
99 territory to another district or dissolution, such that a
100 student attending a charter school prior to such change no
101 longer resides in a school district in which the charter
102 school is located, then the student may complete the current
103 academic year at the charter school. The student shall be
104 considered a resident student. The student's parent or
105 legal guardian shall be responsible for the student's
106 transportation to and from the charter school.

107 7. The provisions of sections 167.018 and 167.019
108 concerning foster children's educational rights are
109 applicable to charter schools.

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

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

22 (1) A school district having one or more resident
23 pupils attending a charter school shall pay to the charter
24 school an annual amount equal to the product of the charter
25 school's weighted average daily attendance and the state
26 adequacy target, multiplied by the dollar value modifier for
27 the district, plus local tax revenues per weighted average
28 daily attendance from the incidental and teachers' funds in
29 excess of the performance levy as defined in section 163.011
30 plus all other state aid attributable to such pupils.

31 (2) The district of residence of a pupil attending a
32 charter school shall also pay to the charter school any
33 other federal or state aid that the district receives on
34 account of such pupil.

35 (3) If the department overpays or underpays the amount
36 due to the charter school, such overpayment or underpayment
37 shall be repaid by the charter school or credited to the
38 charter school in twelve equal payments in the next fiscal
39 year.

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

42 (5) A school district shall pay the amounts due
43 pursuant to this subsection as the disbursal agent and no
44 later than twenty days following the receipt of any such
45 funds. The department of elementary and secondary education
46 shall pay the amounts due when it acts as the disbursal
47 agent within five days of the required due date.

48 3. A workplace charter school shall receive payment
49 for each eligible pupil as provided under subsection 2 of
50 this section, except that if the pupil is not a resident of

51 the district and is participating in a voluntary
52 interdistrict transfer program, the payment for such pupils
53 shall be the same as provided under section 162.1060.

54 4. A charter school that has declared itself as a
55 local educational agency shall receive from the department
56 of elementary and secondary education an annual amount equal
57 to the product of the charter school's weighted average
58 daily attendance and the state adequacy target, multiplied
59 by the dollar value modifier for the district, plus local
60 tax revenues per weighted average daily attendance from the
61 incidental and teachers funds in excess of the performance
62 levy as defined in section 163.011 plus all other state aid
63 attributable to such pupils. If a charter school declares
64 itself as a local educational agency, the department of
65 elementary and secondary education shall, upon notice of the
66 declaration, reduce the payment made to the school district
67 by the amount specified in this subsection and pay directly
68 to the charter school the annual amount reduced from the
69 school district's payment.

70 5. If a school district fails to make timely payments
71 of any amount for which it is the disbursal agent, the state
72 department of elementary and secondary education shall
73 authorize payment to the charter school of the amount due
74 pursuant to subsection 2 of this section and shall deduct
75 the same amount from the next state school aid apportionment
76 to the owing school district. If a charter school is paid
77 more or less than the amounts due pursuant to this section,
78 the amount of overpayment or underpayment shall be adjusted
79 equally in the next twelve payments by the school district
80 or the department of elementary and secondary education, as
81 appropriate. Any dispute between the school district and a
82 charter school as to the amount owing to the charter school

83 shall be resolved by the department of elementary and
84 secondary education, and the department's decision shall be
85 the final administrative action for the purposes of review
86 pursuant to chapter 536. During the period of dispute, the
87 department of elementary and secondary education shall make
88 every administrative and statutory effort to allow the
89 continued education of students in their current charter
90 school setting.

91 6. The charter school and a local school board may
92 agree by contract for services to be provided by the school
93 district to the charter school. The charter school may
94 contract with any other entity for services. Such services
95 may include but are not limited to food service, custodial
96 service, maintenance, management assistance, curriculum
97 assistance, media services and libraries and shall be
98 subject to negotiation between the charter school and the
99 local school board or other entity. Documented actual costs
100 of such services shall be paid for by the charter school.

101 7. In the case of a proposed charter school that
102 intends to contract with an education service provider for
103 substantial educational services or management services, the
104 request for proposals shall additionally require the charter
105 school applicant to:

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

111 (2) Provide a term sheet setting forth the proposed
112 duration of the service contract; roles and responsibilities
113 of the governing board, the school staff, and the service
114 provider; scope of services and resources to be provided by

115 the service provider; performance evaluation measures and
116 time lines; compensation structure, including clear
117 identification of all fees to be paid to the service
118 provider; methods of contract oversight and enforcement;
119 investment disclosure; and conditions for renewal and
120 termination of the contract;

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

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

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

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

134 8. A charter school may enter into contracts with
135 community partnerships and state agencies acting in
136 collaboration with such partnerships that provide services
137 to students and their families linked to the school.

138 9. A charter school shall be eligible for
139 transportation state aid pursuant to section 163.161 and
140 shall be free to contract with the local district, or any
141 other entity, for the provision of transportation to the
142 students of the charter school.

143 10. (1) The proportionate share of state and federal
144 resources generated by students with disabilities or staff
145 serving them shall be paid in full to charter schools
146 enrolling those students by their school district where such

147 enrollment is through a contract for services described in
148 this section. The proportionate share of money generated
149 under other federal or state categorical aid programs shall
150 be directed to charter schools serving such students
151 eligible for that aid.

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

156 11. A charter school shall not charge tuition or
157 impose fees that a school district is prohibited from
158 charging or imposing, except that a charter school may
159 receive tuition payments from districts in the same or an
160 adjoining county for nonresident students who transfer to an
161 approved charter school, as defined in section 167.895, from
162 an unaccredited district.

163 12. A charter school is authorized to incur debt in
164 anticipation of receipt of funds. A charter school may also
165 borrow to finance facilities and other capital items. A
166 school district may incur bonded indebtedness or take other
167 measures to provide for physical facilities and other
168 capital items for charter schools that it sponsors or
169 contracts with. Except as otherwise specifically provided
170 in sections 160.400 to 160.425, upon the dissolution of a
171 charter school, any liabilities of the corporation will be
172 satisfied through the procedures of chapter 355. A charter
173 school shall satisfy all its financial obligations within
174 twelve months of notice from the sponsor of the charter
175 school's closure under subsection 8 of section 160.405.
176 After satisfaction of all its financial obligations, a
177 charter school shall return any remaining state and federal
178 funds to the department of elementary and secondary

179 education for disposition as stated in subdivision (17) of
180 subsection 1 of section 160.405. The department of
181 elementary and secondary education may withhold funding at a
182 level the department determines to be adequate during a
183 school's last year of operation until the department
184 determines that school records, liabilities, and reporting
185 requirements, including a full audit, are satisfied.

186 13. Charter schools shall not have the power to
187 acquire property by eminent domain.

188 14. The governing board of a charter school is
189 authorized to accept grants, gifts or donations of any kind
190 and to expend or use such grants, gifts or donations. A
191 grant, gift or donation shall not be accepted by the
192 governing board if it is subject to any condition contrary
193 to law applicable to the charter school or other public
194 schools, or contrary to the terms of the charter.

195 15. In addition to any state aid remitted to charter
196 schools under this section, the department of elementary and
197 secondary education shall remit to any charter school an
198 amount equal to the weighted average daily attendance of the
199 charter school multiplied by the difference of:

200 (1) The amount of state aid and local aid per weighted
201 average daily attendance received by the school district in
202 which the charter school is located, not including any funds
203 remitted to charter schools in the district. For the
204 purposes of this subdivision, the weighted average daily
205 attendance of the school district shall not include the
206 weighted average daily attendance of the charter schools
207 located in the district; and

208 (2) The amount of state aid and local aid per weighted
209 average daily attendance of the charter school received by
210 the charter school.

211 16. Charter schools may adjust weighted average daily
212 attendance pursuant to section 163.036.

213 17. When calculating the amounts in subdivisions (1)
214 and (2) of subsection 15 of this section, the department
215 shall utilize the most current data to which the department
216 has access.

217 18. For the purposes of subsection 15 of this section:

218 (1) The definitions contained in section 163.011,
219 shall apply;

220 (2) The term "local aid" shall mean all local and
221 county revenue received, including, but not limited to, the
222 following:

223 (a) Property taxes and delinquent taxes;

224 (b) Merchants' and manufacturers' tax revenues;

225 (c) Financial institutions' tax revenues;

226 (d) City sales tax revenue, including city sales tax
227 collected in any city not within a county;

228 (e) Payments in lieu of taxes; and

229 (f) Revenues from state-assessed railroad and
230 utilities tax;

231 (3) The term local aid shall not be construed to
232 include:

233 (a) Charitable contributions, gifts, and grants made
234 to school districts;

235 (b) Interest earnings of school districts and student
236 fees paid to school districts;

237 (c) Debt service authorized by a public vote for the
238 purpose of making payments on a bond issuance of a school
239 district;

240 (d) Proposition C revenues received for school
241 purposes from the school district trust fund under section
242 163.087; or

243 (e) Any other funding solely intended for a particular
244 school district or their respective employees, schools,
245 foundations, or organizations;

246 (4) The term "state aid" shall mean any revenues
247 received pursuant to this section and sections 163.043 and
248 163.087.

249 19. Notwithstanding any other provision of law to the
250 contrary, subsections 15 to 18 of this section shall be
251 applicable to charter schools operated only:

252 (1) In a metropolitan school district;

253 (2) In an urban school district containing most or all
254 of a city with more than four hundred thousand inhabitants
255 and located in more than one county;

256 (3) In a school district that has been classified as
257 unaccredited by the state board of education;

258 (4) In a school district that has been classified as
259 provisionally accredited by the state board of education and
260 has received scores on its annual performance report
261 consistent with a classification of provisionally accredited
262 or unaccredited for three consecutive school years beginning
263 with the 2012-13 accreditation year under the conditions
264 described in paragraphs (a) and (b) of subdivision (4) of
265 subsection 2 of section 160.400; or

266 (5) In a school district that has been accredited
267 without provisions, sponsored only by the local school board
268 under the conditions described in subdivision (5) of
269 subsection 2 of section 160.400.

270 20. (1) The members of the governing board of a
271 charter school shall be residents of the state of Missouri.

272 (2) Any current member of a governing board of a
273 charter school who does not meet the requirements in
274 subdivision (1) of this subsection may complete their term.

275 Such individual shall not be renominated as a member of the
276 governing board on which he or she sits.

277 21. [Any charter school management company operating a
278 charter school in the state shall be a nonprofit corporation
279 incorporated pursuant to chapter 355.]

280 [22.] Beginning July 1, 2023, the provisions of section
281 160.995 shall be applicable to charter schools.

282 [23.] 22. Each charter school shall publish its annual
283 performance report on the school's website in a downloadable
284 format.

✓