

SECOND REGULAR SESSION

SENATE BILL NO. 1190

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5432S.011

AN ACT

To repeal section 160.400, as enacted by conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 287, ninety-third general assembly, first regular session, 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 160.400, as enacted by conference committee substitute
2 for house committee substitute for senate substitute for senate committee
3 substitute for senate bill no. 287, ninety-third general assembly, first regular
4 session, is repealed and one new section enacted in lieu thereof, to be known as
5 section 160.400, to read as follows:

- 160.400. 1. A charter school is an independent public school.
- 2 2. Charter schools may be operated only in a metropolitan school district
3 or in an urban school district containing most or all of a city with a population
4 greater than three hundred fifty thousand inhabitants and may be sponsored by
5 any of the following:
- 6 (1) The school board of the district;
 - 7 (2) A public four-year college or university with its primary campus in the
8 school district or in a county adjacent to the county in which the district is
9 located, with an approved teacher education program that meets regional or
10 national standards of accreditation;
 - 11 (3) A community college located in the district; or
 - 12 (4) **Except in an urban school district**, any private four-year college
13 or university [located in a city not within a county] **with its primary campus**
14 **located in Missouri and in a standard metropolitan statistical area**

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

15 **which contains a metropolitan school district**, with an enrollment of at least
16 one thousand students, and with an approved teacher preparation program.

17 3. The mayor of a city not within a county may request a sponsor under
18 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a
19 workplace charter school, which is defined for purposes of sections 160.400 to
20 160.420 as a charter school with the ability to target prospective students whose
21 parent or parents are employed in a business district, as defined in the charter,
22 which is located in the city.

23 4. No sponsor shall receive from an applicant for a charter school any fee
24 of any type for the consideration of a charter, nor may a sponsor condition its
25 consideration of a charter on the promise of future payment of any kind.

26 5. The charter school shall be a Missouri nonprofit corporation
27 incorporated pursuant to chapter 355, RSMo. The charter provided for herein
28 shall constitute a contract between the sponsor and the charter school.

29 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo,
30 the charter school shall select the method for election of officers pursuant to
31 section 355.326, RSMo, based on the class of corporation selected. Meetings of the
32 governing board of the charter school shall be subject to the provisions of sections
33 610.010 to 610.030, RSMo, the open meetings law.

34 7. A sponsor of a charter school, its agents and employees are not liable
35 for any acts or omissions of a charter school that it sponsors, including acts or
36 omissions relating to the charter submitted by the charter school, the operation
37 of the charter school and the performance of the charter school.

38 8. A charter school may affiliate with a four-year college or university,
39 including a private college or university, or a community college as otherwise
40 specified in subsection 2 of this section when its charter is granted by a sponsor
41 other than such college, university or community college. Affiliation status
42 recognizes a relationship between the charter school and the college or university
43 for purposes of teacher training and staff development, curriculum and
44 assessment development, use of physical facilities owned by or rented on behalf
45 of the college or university, and other similar purposes. The primary campus of
46 the college or university must be located within the county in which the school
47 district lies wherein the charter school is located or in a county adjacent to the
48 county in which the district is located. A university, college or community college
49 may not charge or accept a fee for affiliation status.

50 9. The expenses associated with sponsorship of charter schools shall be
51 defrayed by the department of elementary and secondary education retaining one

52 and five-tenths percent of the amount of state and local funding allocated to the
53 charter school under section 160.415, not to exceed one hundred twenty-five
54 thousand dollars, adjusted for inflation. Such amount shall not be withheld when
55 the sponsor is a school district or the state board of education. The department
56 of elementary and secondary education shall remit the retained funds for each
57 charter school to the school's sponsor, provided the sponsor remains in good
58 standing by fulfilling its sponsorship obligations under sections 160.400 to
59 160.420 and 167.349, RSMo, with regard to each charter school it sponsors.

60 10. No university, college or community college shall grant a charter to
61 a nonprofit corporation if an employee of the university, college or community
62 college is a member of the corporation's board of directors.

63 11. No sponsor shall grant a charter under sections 160.400 to 160.420
64 and 167.349, RSMo, without ensuring that a criminal background check and child
65 abuse registry check are conducted for all members of the governing board of the
66 charter schools or the incorporators of the charter school if initial directors are
67 not named in the articles of incorporation, nor shall a sponsor renew a charter
68 without ensuring a criminal background check and child abuse registry check are
69 conducted for each member of the governing board of the charter school.

70 12. No member of the governing board of a charter school shall hold any
71 office or employment from the board or the charter school while serving as a
72 member, nor shall the member have any substantial interest, as defined in section
73 105.450, RSMo, in any entity employed by or contracting with the board. No board
74 member shall be an employee of a company that provides substantial services to
75 the charter school. All members of the governing board of the charter school shall
76 be considered decision-making public servants as defined in section 105.450,
77 RSMo, for the purposes of the financial disclosure requirements contained in
78 sections 105.483, 105.485, 105.487, and 105.489, RSMo.

79 13. A sponsor shall provide timely submission to the state board of
80 education of all data necessary to demonstrate that the sponsor is in material
81 compliance with all requirements of sections 160.400 to 160.420 and 167.349,
82 RSMo.

83 14. The state board of education shall ensure each sponsor is in
84 compliance with all requirements under sections 160.400 to 160.420 and 167.349,
85 RSMo, for each charter school sponsored by any sponsor. The state board shall
86 notify each sponsor of the standards for sponsorship of charter schools,
87 delineating both what is mandated by statute and what best practices
88 dictate. The state board, after a public hearing, may require remedial action for

89 a sponsor that it finds has not fulfilled its obligations of sponsorship, such
90 remedial actions including withholding the sponsor's funding and suspending for
91 a period of up to one year the sponsor's authority to sponsor a school that it
92 currently sponsors or to sponsor any additional school. If the state board removes
93 the authority to sponsor a currently operating charter school, the state board
94 shall become the interim sponsor of the school for a period of up to three years
95 until the school finds a new sponsor or until the charter contract period lapses.

✓
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Bill

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