

SECOND REGULAR SESSION

SENATE BILL NO. 707

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3476S.02I

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, with an emergency clause.

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4 session, is repealed and one new section enacted in lieu thereof, to be known as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) Any private four-year college or university located in a city not within
13 a county with an enrollment of at least one thousand students, and with an
14 approved teacher preparation program.

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

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

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

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

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

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

48 9. The expenses associated with sponsorship of charter schools shall be
49 defrayed by the department of elementary and secondary education retaining one
50 and five-tenths percent of the amount of state and local funding allocated to the

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

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

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

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

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

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

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

94 **15. No more than sixteen charter schools shall be operated in an**
95 **urban school district containing most or all of a home rule city with**
96 **more than four hundred thousand inhabitants and located in more than**
97 **one county.**

98 **16. The state board of education shall revoke the charter of any**
99 **charter school that for two successive years falls below the "proficient"**
100 **level for each grade level tested on the mathematics and**
101 **communication arts sections of the statewide assessment as established**
102 **in section 160.518.**

Section B. Because of the need to provide a quality education for Missouri
2 students, section A of this act is deemed necessary for the immediate preservation
3 of the public health, welfare, peace and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and section A of this act
5 shall be in full force and effect on July 1, 2006, or upon its passage and approval,
6 whichever comes later.

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