

FIRST REGULAR SESSION

SENATE BILL NO. 692

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time March 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2566S.011

AN ACT

To repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to sponsorship of a charter school.

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

Section A. Section 160.400, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as 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, **or in any district that**
5 **is not a K-8 district, that has an enrollment of at least two thousand**
6 **students, and that has been provisionally accredited for any period of**
7 **three consecutive years since July 1, 1999**, and may be sponsored by any of
8 the following:

9 (1) The school board of the district;

10 (2) A public four-year college or university with its primary campus in the
11 school district or in a county adjacent to the county in which the district is
12 located, with an approved teacher education program that meets regional or
13 national standards of accreditation;

14 (3) A community college located in the district; or

15 (4) Any private four-year college or university located in a city not within
16 a county **or in an urban school district containing most or all of a city**
17 **with a population greater than three hundred fifty thousand**
18 **inhabitants** with an enrollment of at least one thousand students, and with an
19 approved teacher preparation program; **or**

20 (5) **In the case of a provisionally accredited district as described**

21 **in this subsection, any public four-year college or university.**

22 3. The mayor of a city not within a county may request a sponsor under
23 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a
24 workplace charter school, which is defined for purposes of sections 160.400 to
25 160.420 as a charter school with the ability to target prospective students whose
26 parent or parents are employed in a business district, as defined in the charter,
27 which is located in the city.

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

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

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

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

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

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

57 and five-tenths percent of the amount of state and local funding allocated to the
58 charter school under section 160.415, not to exceed one hundred twenty-five
59 thousand dollars, adjusted for inflation. Such amount shall not be withheld when
60 the sponsor is a school district or the state board of education. The department
61 of elementary and secondary education shall remit the retained funds for each
62 charter school to the school's sponsor, provided the sponsor remains in good
63 standing by fulfilling its sponsorship obligations under sections 160.400 to
64 160.420 and 167.349, RSMo, with regard to each charter school it sponsors.

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

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

75 12. No member of the governing board of a charter school shall hold any
76 office or employment from the board or the charter school while serving as a
77 member, nor shall the member have any substantial interest, as defined in
78 section 105.450, RSMo, in any entity employed by or contracting with the board.
79 No board member shall be an employee of a company that provides substantial
80 services to the charter school. All members of the governing board of the charter
81 school shall be considered decision-making public servants as defined in section
82 105.450, RSMo, for the purposes of the financial disclosure requirements
83 contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

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

88 14. The state board of education shall ensure each sponsor is in
89 compliance with all requirements under sections 160.400 to 160.420 and 167.349,
90 RSMo, for each charter school sponsored by any sponsor. The state board shall
91 notify each sponsor of the standards for sponsorship of charter schools,
92 delineating both what is mandated by statute and what best practices

93 dictate. The state board, after a public hearing, may require remedial action for
94 a sponsor that it finds has not fulfilled its obligations of sponsorship, such
95 remedial actions including withholding the sponsor's funding and suspending for
96 a period of up to one year the sponsor's authority to sponsor a school that it
97 currently sponsors or to sponsor any additional school. If the state board removes
98 the authority to sponsor a currently operating charter school, the state board
99 shall become the interim sponsor of the school for a period of up to three years
100 until the school finds a new sponsor or until the charter contract period lapses.

Unofficial

Bill

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