

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/House Bill No. 2287, Page 3, Section 135.713, Line 63,

2 by inserting after all of said line the following:

3 "160.400. 1. A charter school is an independent  
4 public school.

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

7 (1) In a metropolitan school district;

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

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

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

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

26 consecutive school year after the designation of provisional  
27 accreditation; and

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

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

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

49 (1) The school board of the district in any district  
50 which is sponsoring a charter school as of August 27, 2012,  
51 as permitted under subdivision (1) or (2) of subsection 2 of  
52 this section, the special administrative board of a  
53 metropolitan school district during any time in which powers  
54 granted to the district's board of education are vested in a  
55 special administrative board, or if the state board of  
56 education appoints a special administrative board to retain  
57 the authority granted to the board of education of an urban  
58 school district containing most or all of a city with a

59 population greater than three hundred fifty thousand  
60 inhabitants, the special administrative board of such school  
61 district;

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

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

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

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

76 (6) The Missouri charter public school commission  
77 created in section 160.425.

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

82 (1) As a district transitions from unaccredited to  
83 provisionally accredited, the district shall continue to  
84 fall under the requirements for an unaccredited district  
85 until it achieves three consecutive full school years of  
86 provisional accreditation;

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

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

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

111           5. The mayor of a city not within a county may request  
112 a sponsor under subdivision (2), (3), (4), (5), or (6) of  
113 subsection 3 of this section to consider sponsoring a  
114 "workplace charter school", which is defined for purposes of  
115 sections 160.400 to 160.425 as a charter school with the  
116 ability to target prospective students whose parent or  
117 parents are employed in a business district, as defined in  
118 the charter, which is located in the city.

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

123           7. The charter school shall be organized as a Missouri  
124 nonprofit corporation incorporated pursuant to chapter 355.

125 The charter provided for herein shall constitute a contract  
126 between the sponsor and the charter school.

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

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

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

152 11. The expenses associated with sponsorship of  
153 charter schools shall be defrayed by the department of  
154 elementary and secondary education retaining one and five-  
155 tenths percent of the amount of state and local funding  
156 allocated to the charter school under section 160.415, not  
157 to exceed one hundred twenty-five thousand dollars, adjusted

158 for inflation. The department of elementary and secondary  
159 education shall remit the retained funds for each charter  
160 school to the school's sponsor, provided the sponsor remains  
161 in good standing by fulfilling its sponsorship obligations  
162 under sections 160.400 to 160.425 and 167.349 with regard to  
163 each charter school it sponsors, including appropriate  
164 demonstration of the following:

165 (1) Expends no less than ninety percent of its charter  
166 school sponsorship funds in support of its charter school  
167 sponsorship program, or as a direct investment in the  
168 sponsored schools;

169 (2) Maintains a comprehensive application process that  
170 follows fair procedures and rigorous criteria and grants  
171 charters only to those developers who demonstrate strong  
172 capacity for establishing and operating a quality charter  
173 school;

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

180 (4) Conducts contract oversight that evaluates  
181 performance, monitors compliance, informs intervention and  
182 renewal decisions, and ensures autonomy provided under  
183 applicable law; and

184 (5) Designs and implements a transparent and rigorous  
185 process that uses comprehensive data to make merit-based  
186 renewal decisions.

187 12. Sponsors receiving funds under subsection 11 of  
188 this section shall be required to submit annual reports to  
189 the joint committee on education demonstrating they are in  
190 compliance with subsection 17 of this section.

191           13. No university, college or community college shall  
192 grant a charter to a nonprofit corporation if an employee of  
193 the university, college or community college is a member of  
194 the corporation's board of directors.

195           14. No sponsor shall grant a charter under sections  
196 160.400 to 160.425 and 167.349 without ensuring that a  
197 criminal background check and family care safety registry  
198 check are conducted for all members of the governing board  
199 of the charter schools or the incorporators of the charter  
200 school if initial directors are not named in the articles of  
201 incorporation, nor shall a sponsor renew a charter without  
202 ensuring a criminal background check and family care safety  
203 registry check are conducted for each member of the  
204 governing board of the charter school.

205           15. No member of the governing board of a charter  
206 school shall hold any office or employment from the board or  
207 the charter school while serving as a member, nor shall the  
208 member have any substantial interest, as defined in section  
209 105.450, in any entity employed by or contracting with the  
210 board. No board member shall be an employee of a company  
211 that provides substantial services to the charter school.  
212 All members of the governing board of the charter school  
213 shall be considered decision-making public servants as  
214 defined in section 105.450 for the purposes of the financial  
215 disclosure requirements contained in sections 105.483,  
216 105.485, 105.487, and 105.489.

217           16. A sponsor shall develop the policies and  
218 procedures for:

219           (1) The review of a charter school proposal including  
220 an application that provides sufficient information for  
221 rigorous evaluation of the proposed charter and provides  
222 clear documentation that the education program and academic  
223 program are aligned with the state standards and grade-level

224 expectations, and provides clear documentation of effective  
225 governance and management structures, and a sustainable  
226 operational plan;

227 (2) The granting of a charter;

228 (3) The performance contract that the sponsor will use  
229 to evaluate the performance of charter schools. Charter  
230 schools shall meet current state academic performance  
231 standards as well as other standards agreed upon by the  
232 sponsor and the charter school in the performance contract;

233 (4) The sponsor's intervention, renewal, and  
234 revocation policies, including the conditions under which  
235 the charter sponsor may intervene in the operation of the  
236 charter school, along with actions and consequences that may  
237 ensue, and the conditions for renewal of the charter at the  
238 end of the term, consistent with subsections 8 and 9 of  
239 section 160.405;

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

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

245 The department shall provide guidance to sponsors in  
246 developing such policies and procedures.

247 17. (1) A sponsor shall provide timely submission to  
248 the state board of education of all data necessary to  
249 demonstrate that the sponsor is in material compliance with  
250 all requirements of sections 160.400 to 160.425 and section  
251 167.349. The state board of education shall ensure each  
252 sponsor is in compliance with all requirements under  
253 sections 160.400 to 160.425 and 167.349 for each charter  
254 school sponsored by any sponsor. The state board shall  
255 notify each sponsor of the standards for sponsorship of  
256 charter schools, delineating both what is mandated by

257 statute and what best practices dictate. The state board  
258 shall evaluate sponsors to determine compliance with these  
259 standards every three years. The evaluation shall include a  
260 sponsor's policies and procedures in the areas of charter  
261 application approval; required charter agreement terms and  
262 content; sponsor performance evaluation and compliance  
263 monitoring; and charter renewal, intervention, and  
264 revocation decisions. Nothing shall preclude the department  
265 from undertaking an evaluation at any time for cause.

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

279 (3) The charter sponsor may, within thirty days of  
280 receipt of the notice of the commissioner's recommendation,  
281 provide a written statement and other documentation to show  
282 cause as to why that action should not be taken. Final  
283 determination of corrective action shall be determined by  
284 the state board of education based upon a review of the  
285 documentation submitted to the department and the charter  
286 sponsor.

287 (4) If the state board removes the authority to  
288 sponsor a currently operating charter school under any

289 provision of law, the Missouri charter public school  
290 commission shall become the sponsor of the school.

291 18. If a sponsor notifies a charter school of closure  
292 under subsection 8 of section 160.405, the department of  
293 elementary and secondary education shall exercise its  
294 financial withholding authority under subsection 12 of  
295 section 160.415 to assure all obligations of the charter  
296 school shall be met. The state, charter sponsor, or  
297 resident district shall not be liable for any outstanding  
298 liability or obligations of the charter school.

299 19. (1) A new charter school authorized by  
300 legislation enacted on or after July 1, 2024, shall only be  
301 established by following the procedures described in this  
302 subsection to refer to the qualified voters of the school  
303 district a ballot measure authorizing the same. If a  
304 majority of the votes cast on the question by the qualified  
305 voters voting thereon are in favor of the measure, then the  
306 provisions of this section shall become effective for such  
307 school district. If a majority of the votes cast on the  
308 question by the qualified voters voting thereon are opposed  
309 to the measure, then no charter school shall be established  
310 in such school district until the measure is resubmitted  
311 pursuant to this subsection to the qualified voters and such  
312 question is approved by a majority of the qualified voters  
313 voting on the measure.

314 (2) (a) A ballot measure as described in subdivision  
315 (1) of this subsection may be referred to the qualified  
316 voters of the school district upon a majority vote of the  
317 members elected to the school board. Upon such adoption by  
318 the school board, the measure shall be submitted to the  
319 qualified voters at the next date available for a municipal  
320 election pursuant to chapter 115.

321 (b) The question submitted by the school board  
 322 pursuant to this subdivision shall be in substantially the  
 323 following form:

324 "Shall the district of ..... adopt the  
 325 provisions of Section 160.400, RSMo, and allow for  
 326 the establishing and public funding of charter  
 327 schools in the district of ...?"

328  YES  NO

329 (3) (a) If the school board does not exercise the  
 330 option described in paragraph (a) of subdivision (2) of this  
 331 subsection, an entity wishing to sponsor a charter school in  
 332 the school district as identified in subsection 3 of this  
 333 section may circulate a petition in a form to be approved by  
 334 the election authority to submit the approval of charter  
 335 schools to the legal voters of the school district for  
 336 approval.

337 (b) The petition shall be signed by the number of  
 338 registered voters in the school district equal to at least  
 339 eight percent of the total votes cast in the school district  
 340 for governor at the last gubernatorial election.

341 (c) Petitions shall be filed with the relevant  
 342 election authority not later than 5:00 p.m. on the  
 343 thirteenth Tuesday preceding the municipal election.

344 (d) Each petition shall consist of sheets of uniform  
 345 size. The space for signatures on either side of a petition  
 346 page shall be no larger than eight and one-half by fourteen  
 347 inches. Each page of the petition shall be in substantially  
 348 the following form:

349 To the Honorable \_\_\_\_\_ (title of official with whom  
 350 petition is to be filed) for \_\_\_\_\_ (the state of Missouri  
 351 or appropriate county):

352 We, the undersigned, citizens and registered voters of the  
 353 state of Missouri, \_\_\_\_\_ County and \_\_\_\_\_, respectfully

354 order that the following question be placed on the  
 355 official ballot, for acceptance or rejection at the next  
 356 municipal election, to be held on the day of  
 357 \_\_\_\_\_ :

358 "Shall the district of ..... adopt the  
 359 provisions of Section 160.400, RSMo, and allow for the  
 360 establishing and public funding of charter schools in the  
 361 district of ...?"

362 and each for himself or herself says: I have personally  
 363 signed this petition; I am a registered voter of the state  
 364 of Missouri, County and ; my registered  
 365 voting address and the name of the city, town or village  
 366 in which I live are correctly written after my name.

367  
 368 CIRCULATOR'S AFFIDAVIT

369 STATE OF MISSOURI

370 COUNTY OF \_\_\_\_\_

371 I, \_\_\_\_\_, a resident of the state of Missouri, being  
 372 first duly sworn, say (print or type names of signers)

373	<u>NAME</u>	<u>DATE</u>	<u>REGISTERED</u>	<u>ZIP</u>	<u>CONGR.</u>	<u>NAME</u>
374	<u>(Signature)</u>	<u>SIGNED</u>	<u>VOTING</u>	<u>CODE</u>	<u>DIST.</u>	<u>(Printed</u>
375			<u>ADDRESS</u>			<u>or Typed)</u>
376			<u>(Street) (Cit</u>			
377			<u>y, Town or</u>			
378			<u>Village)</u>			

379 (Here follow numbered lines for signers)

380 signed this page of the foregoing petition, and each of  
 381 them signed his or her name thereto in my presence; I  
 382 believe that each has stated his or her name, registered  
 383 voting address and city, town or village correctly, and  
 384 that each signer is a registered voter of the state of  
 385 Missouri and County.

386 \_\_\_\_\_  
 387 Signature of Affiant  
 388 (Person obtaining  
 389 signatures)  
 390 \_\_\_\_\_

391 Subscribed and sworn to before me this \_\_\_\_\_ day of  
 392 \_\_\_\_\_, A.D. \_\_\_\_\_

393 \_\_\_\_\_  
 394 Signature of Notary

395 Notary Public (Seal)

396 My commission expires \_\_\_\_\_

397 If this form is followed substantially, it shall be  
 398 sufficient, disregarding clerical and merely technical  
 399 errors.

400 (e) Any person who is a registered voter of the school  
 401 district may sign such a petition. Any person who signs a  
 402 name other than the person's own to any such petition or  
 403 knowingly signs the person's name more than once to the same  
 404 petition or who knows the person is not a registered voter  
 405 of the school district at the time of signing such petition,  
 406 or any officer or person willfully violating any provision  
 407 of this subsection shall be guilty of a class two election  
 408 offense.

409 (f) The validity of a petition filed pursuant to  
 410 provisions of this subsection shall be determined in the  
 411 manner provided for initiative and referendum petitions  
 412 pursuant to chapter 116.

413 (g) Upon the filing of a valid petition, it shall be  
 414 the duty of the election authority to have the following  
 415 question placed on the official ballot, in the same manner  
 416 other questions are placed, at the next municipal election:

417 "Shall the district of ..... adopt the  
 418 provisions of Section 160.400, RSMo, and allow for  
 419 the establishing and public funding of charter  
 420 schools in the district of ...?"

421  YES

NO

422           (4) (a) If a ballot measure is submitted to the legal  
423 voters of the school district by the school board pursuant  
424 to subdivision (2) of this subsection, then the school board  
425 shall be responsible for the costs associated with the  
426 election.

427           (b) If a ballot measure is submitted to the legal  
428 voters of the school district by petition pursuant to  
429 subdivision (3) of this subsection, then the entity wishing  
430 to sponsor a charter school in the school district shall be  
431 responsible for the costs associated with the election."; and

432           Further amend the title and enacting clause accordingly.