

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 266, Page 1, Section Title, Lines 3-4,

2 by striking the words "assessment of virtual school
3 students" and inserting in lieu thereof the following:

4 "alternative educational settings"; and

5 Further amend said bill and page, section A, line 3 by
6 inserting after all of said line the following:

7 "160.400. 1. A charter school is an independent
8 public school.

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

11 (1) In a metropolitan school district, provided that:

12 (a) A charter school that was not established in a
13 metropolitan school district prior to August 28, 2025, shall
14 be ineligible to operate in a metropolitan school district
15 on August 28, 2025, or on any day thereafter,
16 notwithstanding any provision of this section to the
17 contrary; and

18 (b) The provisions of paragraph (a) of this
19 subdivision shall not apply to:

20 a. The renewal of an existing charter contract
21 pursuant to the provisions of section 160.405; or

22 b. The transfer of sponsorship of a charter school in
23 accordance with rules promulgated by the state board of
24 education;

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

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

30 (4) In a school district that has been classified as
31 provisionally accredited by the state board of education and
32 has received scores on its annual performance report
33 consistent with a classification of provisionally accredited
34 or unaccredited for three consecutive school years beginning
35 with the 2012-13 accreditation year under the following
36 conditions:

37 (a) The eligibility for charter schools of any school
38 district whose provisional accreditation is based in whole
39 or in part on financial stress as defined in sections
40 161.520 to 161.529, or on financial hardship as defined by
41 rule of the state board of education, shall be decided by a
42 vote of the state board of education during the third
43 consecutive school year after the designation of provisional
44 accreditation; and

45 (b) The sponsor is limited to the local school board
46 or a sponsor who has met the standards of accountability and
47 performance as determined by the department based on
48 sections 160.400 to 160.425 and section 167.349 and properly
49 promulgated rules of the department;

50 (5) In a school district located within a county with
51 more than one hundred fifty thousand but fewer than two
52 hundred thousand inhabitants, provided that the provisions
53 of subsections 15 to 18 of section 160.415 shall not apply
54 to any charter school operated in such county; or

55 (6) In a school district that has been accredited
56 without provisions, sponsored only by the local school
57 board; provided that no board with a current year enrollment

58 of one thousand five hundred fifty students or greater shall
59 permit more than thirty-five percent of its student
60 enrollment to enroll in charter schools sponsored by the
61 local board under the authority of this subdivision, except
62 that this restriction shall not apply to any school district
63 that subsequently becomes eligible under subdivision (3) or
64 (4) of this subsection or to any district accredited without
65 provisions that sponsors charter schools prior to having a
66 current year student enrollment of one thousand five hundred
67 fifty students or greater.

68 3. Except as further provided in subsection 4 of this
69 section, the following entities are eligible to sponsor
70 charter schools:

71 (1) The school board of the district in any district
72 which is sponsoring a charter school as of August 27, 2012,
73 as permitted under subdivision (1) or (2) of subsection 2 of
74 this section, the special administrative board of a
75 metropolitan school district during any time in which powers
76 granted to the district's board of education are vested in a
77 special administrative board, or if the state board of
78 education appoints a special administrative board to retain
79 the authority granted to the board of education of an urban
80 school district containing most or all of a city with a
81 population greater than three hundred fifty thousand
82 inhabitants, the special administrative board of such school
83 district;

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

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

89 (4) Any private four-year college or university with
90 an enrollment of at least one thousand students, with its

91 primary campus in Missouri, and with an approved teacher
92 preparation program;

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

98 (6) The Missouri charter public school commission
99 created in section 160.425.

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

104 (1) As a district transitions from unaccredited to
105 provisionally accredited, the district shall continue to
106 fall under the requirements for an unaccredited district
107 until it achieves three consecutive full school years of
108 provisional accreditation;

109 (2) As a district transitions from provisionally
110 accredited to full accreditation, the district shall
111 continue to fall under the requirements for a provisionally
112 accredited district until it achieves three consecutive full
113 school years of full accreditation;

114 (3) In any school district classified as unaccredited
115 or provisionally accredited where a charter school is
116 operating and is sponsored by an entity other than the local
117 school board, when the school district becomes classified as
118 accredited without provisions, a charter school may continue
119 to be sponsored by the entity sponsoring it prior to the
120 classification of accredited without provisions and shall
121 not be limited to the local school board as a sponsor.

122 A charter school operating in a school district identified
123 in subdivision (1), (2), or (5) of subsection 2 of this

section may be sponsored by any of the entities identified in subsection 3 of this section, irrespective of the accreditation classification of the district in which it is located. A charter school in a district described in this subsection whose charter provides for the addition of grade levels in subsequent years may continue to add levels until the planned expansion is complete to the extent of grade levels in comparable schools of the district in which the charter school is operated.

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

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

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

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

9. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a

157 charter school that it sponsors, including acts or omissions
158 relating to the charter submitted by the charter school, the
159 operation of the charter school and the performance of the
160 charter school.

161 10. A charter school may affiliate with a four-year
162 college or university, including a private college or
163 university, or a community college as otherwise specified in
164 subsection 3 of this section when its charter is granted by
165 a sponsor other than such college, university or community
166 college. Affiliation status recognizes a relationship
167 between the charter school and the college or university for
168 purposes of teacher training and staff development,
169 curriculum and assessment development, use of physical
170 facilities owned by or rented on behalf of the college or
171 university, and other similar purposes. A university,
172 college or community college may not charge or accept a fee
173 for affiliation status.

174 11. The expenses associated with sponsorship of
175 charter schools shall be defrayed by the department of
176 elementary and secondary education retaining one and five-
177 tenths percent of the amount of state and local funding
178 allocated to the charter school under section 160.415, not
179 to exceed one hundred twenty-five thousand dollars, adjusted
180 for inflation. The department of elementary and secondary
181 education shall remit the retained funds for each charter
182 school to the school's sponsor, provided the sponsor remains
183 in good standing by fulfilling its sponsorship obligations
184 under sections 160.400 to 160.425 and 167.349 with regard to
185 each charter school it sponsors, including appropriate
186 demonstration of the following:

187 (1) Expends no less than ninety percent of its charter
188 school sponsorship funds in support of its charter school

189 sponsorship program, or as a direct investment in the
190 sponsored schools;

191 (2) Maintains a comprehensive application process that
192 follows fair procedures and rigorous criteria and grants
193 charters only to those developers who demonstrate strong
194 capacity for establishing and operating a quality charter
195 school;

196 (3) Negotiates contracts with charter schools that
197 clearly articulate the rights and responsibilities of each
198 party regarding school autonomy, expected outcomes, measures
199 for evaluating success or failure, performance consequences
200 based on the annual performance report, and other material
201 terms;

202 (4) Conducts contract oversight that evaluates
203 performance, monitors compliance, informs intervention and
204 renewal decisions, and ensures autonomy provided under
205 applicable law; and

206 (5) Designs and implements a transparent and rigorous
207 process that uses comprehensive data to make merit-based
208 renewal decisions.

209 12. Sponsors receiving funds under subsection 11 of
210 this section shall be required to submit annual reports to
211 the joint committee on education demonstrating they are in
212 compliance with subsection 17 of this section.

213 13. No university, college or community college shall
214 grant a charter to a nonprofit corporation if an employee of
215 the university, college or community college is a member of
216 the corporation's board of directors.

217 14. No sponsor shall grant a charter under sections
218 160.400 to 160.425 and 167.349 without ensuring that a
219 criminal background check and family care safety registry
220 check are conducted for all members of the governing board
221 of the charter schools or the incorporators of the charter

school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and family care safety registry check are conducted for each member of the governing board of the charter school.

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

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

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

(2) The granting of a charter;

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

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

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

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

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

17. (1) A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.425 and section 167.349. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.425 and 167.349 for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board shall evaluate sponsors to determine compliance with these standards every three years. The evaluation shall include a sponsor's policies and procedures in the areas of charter application approval; required charter agreement terms and content; sponsor performance evaluation and compliance monitoring; and charter renewal, intervention, and revocation decisions. Nothing shall preclude the department from undertaking an evaluation at any time for cause.

288 (2) If the department determines that a sponsor is in
289 material noncompliance with its sponsorship duties, the
290 sponsor shall be notified and given reasonable time for
291 remediation. If remediation does not address the compliance
292 issues identified by the department, the commissioner of
293 education shall conduct a public hearing and thereafter
294 provide notice to the charter sponsor of corrective action
295 that will be recommended to the state board of education.
296 Corrective action by the department may include withholding
297 the sponsor's funding and suspending the sponsor's authority
298 to sponsor a school that it currently sponsors or to sponsor
299 any additional school until the sponsor is reauthorized by
300 the state board of education under section 160.403.

301 (3) The charter sponsor may, within thirty days of
302 receipt of the notice of the commissioner's recommendation,
303 provide a written statement and other documentation to show
304 cause as to why that action should not be taken. Final
305 determination of corrective action shall be determined by
306 the state board of education based upon a review of the
307 documentation submitted to the department and the charter
308 sponsor.

309 (4) If the state board removes the authority to
310 sponsor a currently operating charter school under any
311 provision of law, the Missouri charter public school
312 commission shall become the sponsor of the school.

313 18. If a sponsor notifies a charter school of closure
314 under subsection 8 of section 160.405, the department of
315 elementary and secondary education shall exercise its
316 financial withholding authority under subsection 12 of
317 section 160.415 to assure all obligations of the charter
318 school shall be met. The state, charter sponsor, or
319 resident district shall not be liable for any outstanding
320 liability or obligations of the charter school."; and

321 Further amend the title and enacting clause accordingly.