

**IN THE CIRCUIT COURT OF COLE COUNTY  
STATE OF MISSOURI**

)	
RONALD J. CALZONE )	
Plaintiff, )	
)	
vs. )	
)	
ROBERT TODD RICHARDSON, Missouri )	
House of Representatives Speaker )	
and )	
)	CASE NO. _____
RONALD F RICHARD, Missouri Senate )	
President pro tem )	
and )	
)	
MIKE CIERPIOT, Missouri House of )	
Representatives Majority Floor Leader )	
and )	
)	
MICHAEL L KEHOE, Missouri Senate )	
Majority Floor Leader )	
and )	
)	
MARGIE VANDEVEN, Commissioner, )	
Department of Elementary and Secondary )	
Education )	
and )	
)	
JENNIFER TIDBALL, Acting Director of the )	
Department of Social Services )	
and )	
)	
JOSHUA D. HAWLEY, Mo. Attorney General )	

COME NOW, the Plaintiff, Ronald J. Calzone, and states as follows:

- 1) This Action is a challenge to the constitutionality of Senate Bill 638 (2016)

based on procedural infirmities, including an illegal change to the original purpose of the bill and violations of the single subject clause in the Missouri Constitution. Exhibits A and B.

2) Plaintiff Ron Calzone is a taxpayer and citizen of Missouri.

3) Plaintiff is regularly engaged as an uncompensated citizen activist in an effort to promote constitutional governance, including efforts to ensure that legislation passed by the General Assembly adheres to constitutional requirements both substantively and procedurally. Such activities include educating legislators about ***constitutional limitations on their legislative powers*** as well as their affirmative duties.

### **HOW PLAINTIFF IS IMPACTED**

4) The Plaintiff is directly impacted by the unconstitutional passage of SB 638 by virtue of his position as one of the Missouri citizens in whom “all political power is vested in and derived from.” (*Mo. Const. Article I § 1*) When the government established by the citizens of Missouri enacts laws which those people must live under, and does so outside the limits the people put on their authority to enact such laws, the citizens, including the Plaintiff, are greatly insulted.

5) The Plaintiff is particularly impacted by the unconstitutional passage of SB 638 in light of the many hours he spends virtually every week of the legislative session in an effort to keep legislation constitutional – he is much more than a casual observer of the legislative process.

6) The Plaintiff is also directly impacted by virtue of his position as a *Missouri*

*taxpayer*, since SB 638 results in the expenditure of state funds in numerous ways by various state agencies.

## STANDING

7) Plaintiff has standing because he is a citizen of the state of Missouri.

8) Plaintiff also enjoys standing as a *taxpaying* citizen of Missouri. “This Court has repeatedly held that taxpayers do, in fact, have a legally protectable interest in the proper use and expenditure of tax dollars.” *Lebeau v. Commissioners Of Franklin County*, 422 SW 3d 284 (2014) Based on the fiscal note prepared by the General Assembly, the projected costs to state agencies resulting from implementing SB 638 include:

<b>FISCAL SUMMARY</b> <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b> (Truly Agreed To and Finally Passed)				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2020)
General Revenue*	(Could exceed \$6,778,837)	(Could exceed \$9,369,861)	(Could exceed \$14,087,443 to over \$19,273,046)	(Could exceed \$13,905,270 to over \$17,541,894)
Total Estimated Net Effect on General Revenue	(Could exceed \$6,778,837)	(Could exceed \$9,369,861)	(Could exceed \$14,087,443 to over \$19,273,046)	(Could exceed \$13,905,270 to over \$17,541,894)
Numbers within parentheses: ( ) indicate costs or losses. From Senate COMMITTEE ON LEGISLATIVE RESEARCH OVERSIGHT DIVISION				

EXHIBIT C

## **DEFENDANTS**

9) Robert Todd Richardson, in his official capacity as Speaker of the Missouri House of Representatives. Representative Richardson is an appropriate defendant because in his official capacity he oversees the process by which the subject bill was passed and, additionally, if the Plaintiff prevails the General Assembly will have to pass another bill to remove SB 638 from the statute books.

10) Ronald F. Richard, in his official capacity as Missouri Senate President pro tem. Senator Richard is an appropriate defendant because in his official capacity he oversees the process by which the subject bill was passed and, additionally, if the Plaintiff prevails the General Assembly will have to pass another bill to remove SB 638 from the statute books.

11) Mike Cierpiot, in his official capacity as Majority Floor Leader of the Missouri House of Representatives. Representative Cierpiot is an appropriate defendant because in his official capacity he oversees the process by which the subject bill was passed and, additionally, if the Plaintiff prevails the General Assembly will have to pass another bill to remove SB 638 from the statute books.

12) Michael L. Kehoe, in his official capacity as Missouri Senate Majority Floor Leader. Senator Kehoe is an appropriate defendant because in his official capacity he oversees the process by which the subject bill was passed and, additionally, if the Plaintiff prevails the General Assembly will have to pass another bill to remove SB 638 from the statute books.

13) Margie Vandeven, in her official capacity as commissioner of the Department of Elementary and Secondary Education.

14) Jennifer Tidball, in her official capacity as Acting Director of the Department



of Social Services.

15) Joshua D. Hawley, in his official capacity as the Attorney General of Missouri.

### **LEGAL BASIS AND TIMELINESS OF ACTION**

16) This action is brought pursuant to Section 516.500, RSMo 2014 which states:

No action **alleging a procedural defect in the enactment of a bill into law** shall be commenced, had or maintained by any party **later than the adjournment of the next full regular legislative session following the effective date of the bill as law**, unless it can be shown that there was no party aggrieved who could have raised the claim within that time. In the latter circumstance, the complaining party must establish that he or she was the first person aggrieved or in the class of first persons aggrieved, and that the claim was raised not later than the adjournment of the next full regular legislative session following any person being aggrieved. In no event shall an action alleging a procedural defect in the enactment of a bill into law be allowed later than five years after the bill or the pertinent section of the bill which is challenged becomes effective. Emphasis added.

17) This action is brought before the adjournment of the next full regular legislative session following the enactment of SB 638.

### **VENUE**

18) Cole County Circuit Court is the proper venue since the seat of Missouri government and the various departments named as defendants reside in Cole County.

“In all actions in which there is no count alleging a tort, venue shall be determined as follows: (1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;”  
508.010 RSMO 2014

## CONTROLLING LAWS

19) Missouri Constitution Article III § 21 states that,

“The style of the laws of this state shall be: "Be it enacted by the General Assembly of the State of Missouri, as follows." No law shall be passed except by bill, and **no bill shall be so amended in its passage through either house as to change its original purpose.** Bills may originate in either house and may be amended or rejected by the other. Every bill shall be read by title on three different days in each house.” Emphasis added.

20) Missouri Constitution Article III § 23 states that,

“**No bill shall contain more than one subject** which shall be **clearly expressed in its title**, except bills enacted under the third exception in section 37 of this article and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated.” Emphasis Added.

## BILL HISTORY

21) Senate Bill 638 was introduced and First Read in the Missouri Senate on January 6, 2016, as a bill less than 3 pages in length with the title,

“AN ACT To repeal section 170.011, RSMo, and to enact in lieu thereof two new sections relating to civics education.”

A true and accurate copy of the Introduced version of SB 638 is provided, herein, as Exhibit A.

22) On April 12, 2016, a Senate Committee Substitute for SB 638 was adopted and then perfected by the entire Senate. That version was less than 7 pages long and titled,

“AN ACT To repeal section 170.011, RSMo, and to enact in lieu thereof four new sections relating to civics education.”

A copy of the perfected Senate Committee Substitute can be found at

<http://www.senate.mo.gov/16info/pdf-bill/perf/SB638.pdf> (Last visited May, 7, 2017)

23) On April 14, 2016, the Senate third read and passed the perfected version.

24) On May 4, 2016, SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 638, with floor amendments 1 through 10 was Third Read and Passed by the House. Amendment 1 changed the title “by deleting the phrase 'civics education' and inserting in lieu thereof the phrase 'elementary and secondary education';”

A true and accurate copy of the May 4, 2016, House Journal pages 2918-2953 relating to the amendments and that vote are attached as Exhibit D. (See page 2918 for the change to the title.)

25) The Senate refused to adopt the bill with all the House amendments, so a conference committee made up of House and Senate members drafted a compromise bill. On May 11, 2016, the Senate adopted and third read and passed Conference Committee Substitute for Senate Committee Substitute for Senate Bill 638 . The bill's title read,

“AN ACT To repeal sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.545, 161.216, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 170.011, 170.310, 171.021, and 173.750, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with an effective date for a certain section.”

A copy of Conference Committee Substitute for Senate Committee Substitute for Senate Bill 638 can be found at

[www.senate.mo.gov/16info/BTS\\_web/amendments/4478S.05S.pdf](http://www.senate.mo.gov/16info/BTS_web/amendments/4478S.05S.pdf) (Last visited May 8, 2017).

26) On May 12, 2016, the House of Representatives Truly Agreed to and Finally Passed Conference Committee Substitute for Senate Committee Substitute for Senate Bill 638 with a final bill title reading,

AN ACT To repeal sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.545, 161.216, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 170.011, 170.310, 171.021, and 173.750, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with an effective date for a certain section.

Exhibit B.

27) The subject bill was delivered to the Governor on May 25, 2016, whereupon he signed it on June 22, 2016.

28) The official fiscal note for the final version of SB 638 included forecasts of numerous expenditures by the state as well as local entities. See Exhibit C.

### **NATURE OF THIS ACTION**

29) This action is for a declaratory judgment that Senate Bill 638 is unconstitutional due to procedural infirmities and is therefore void, and an injunction to prevent the enforcement of any of its provisions, and an order that the General Assembly properly remove its provisions from the Missouri Revised Statutes.

Count 1

**The Purpose of SB 638 Was Changed By Amendments And the Purpose of the Finally Passed Version Was Not the Same as the Introduced Version in Violation of Missouri Constitution Article III Section 21**

30) Plaintiff hereby restates and incorporates paragraphs 1 through 29, above, as if set forth fully herein.

31) Missouri Constitution Article III Section 21 is clear and concise with its mandate that every bill must remain true to its original purpose, that is, the bill's purpose at the point it was filed or introduced. Any bill whose purpose has changed is, therefore, constitutionally infirm.

“The style of the laws of this state shall be: 'Be it enacted by the General Assembly of the State of Missouri, as follows.' No law shall be passed except by bill, and **no bill shall be so amended in its passage through either house as to change its original purpose.** Bills may originate in either house and may be amended or rejected by the other. Every bill shall be read by title on three different days in each house.” Emphasis added.  
*Missouri Constitution Article III Section 21*

32) With the exception of the provisions of Section 37 in Article III and general appropriation bills, the one “purpose” of a bill is correspondent to its one “subject” and the subject must be clearly expressed in its title, per Article III Section 23: Missouri Constitution Article III § 23 states that,

“**No bill shall contain more than one subject** which shall be **clearly expressed in its title**, except bills enacted under the third exception in section 37 of this article and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated.” Emphasis Added.

33) The Missouri Supreme Court has ruled that the purpose of a bill can be fairly ascertained from its title. “ In determining the original, controlling purpose of the bill for

purposes of determining severance issues, a title that 'clearly' expresses the bill's single subject is exceedingly important.” *Hammerschmidt v. Boone County*, 877 SW 2d 98 (1994) at 103.

34) The official title for the **introduced version** of SB 638 was significantly different than the official title for the **finally passed version**.

“AN ACT To repeal section 170.011, RSMo, and to enact in lieu thereof two new sections relating to civics education.”

Exhibit A.

“AN ACT To repeal sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.545, 161.216, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 170.011, 170.310, 171.021, and 173.750, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with an effective date for a certain section.”

Exhibit B.

35) The introduced version of SB 638, and the version originally passed by the Senate, related only to the narrow purpose of “civics education.” By the reckoning of Senate Research, the final bill encompassed approximately twelve distinct elements, most of which were not related to the original, controlling purpose of “civics education.” See Exhibit E.

1. CIVICS EDUCATION § 170.011, § 170.345
2. DYSLEXIA § 167.950
3. REMEDIAL EDUCATION AND PERSONAL PLANS OF STUDY § 167.905, § 173.750, § 167.903
4. BONDING REQUIREMENTS FOR SCHOOL DISTRICT OFFICERS § 162.541
5. SCHOOL BOARD VACANCIES § 162.073, § 162.261

6. CPR INSTRUCTION IN SCHOOLS § 170.310
7. PLEDGE OF ALLEGIANCE IN SCHOOLS § 171.021
8. CHARTER SCHOOLS § 160.400, § 160.403, § 160.405, § 160.408, § 160.410, § 160.415, § 160.417, § 167.131, § 167.241
9. EARLY LEARNING QUALITY ASSURANCE REPORT §161.216, § 161.217
10. GIFTED EDUCATION § 162.720, § 163.031
11. A+ SCHOOLS PROGRAM § 160.545
12. TRAUMA-INFORMED SCHOOLS INITIATIVE § 161.1050

36) While the purpose of the introduced version of SB 638 was clear and concise and *focused on one narrow subject*, the purpose of the finally agreed to and passed version was much broader. Although the *original purpose* might be considered a subset of the *new, expanded purpose*, it is indisputably **not the same purpose as the *original purpose***.

37) A bill whose purpose is declared in its original title to be narrowly focused can not be broadened through the amendment process. The Missouri Supreme Court provides an example to illustrate:

“The restriction is against the introduction of matters not germane to the object of the legislation or unrelated to its original subject. An example of a case where this provision [Article III § 21] was violated is *Allied Mut. Ins. Co. v. Bell*, 353 Mo. 891, 185 S.W.2d 4 (1945). There a bill was introduced having as its original purpose a reduction in certain insurance premiums. However, during legislative process, it was amended so as to impose a tax on insurance premiums. The court found this to be a clear deviation from the bill's original purpose, declaring it unconstitutional. *Id.* At 8.”

*Akin v. Director of Revenue*, 934 SW 2d 295, 302 (1996)

38) The altering of the purpose of SB 638 does great harm to the integrity of the legislative process, was an obstacle to the ability of legislators to grasp and intelligently

discuss the bill, placed legislators and the Governor in a position of having to accept some matters which they do not support in order to enact that which they earnestly support. See *Hammerschmidt v. Boone County*, 877 SW 2d 98 (1994) at 101. And, of greatest concern to the Plaintiff, the changed purpose **made it virtually impossible for him and fellow citizen activists to be “fairly appraised” of the legislation, and thereby violated his personal rights.** Ibid at 102.

WHEREFORE, Plaintiff prays that the Court, pursuant to § 516.500, RSMo, hear this action: that the Court issue a declaratory judgment that the procedure by which SB 638 was passed, that is, changing its purpose, violated the Missouri Constitution Article III Section 21, and that Senate Bill 638 is void, and because it is impossible for this court to know how legislators would have voted for any severed portion of this bill, issue an injunction to prevent the enforcement of any of its provisions, as well as provide for any other remedies the Court determines support the Constitution and further justice.

### **Count 2**

#### **The Finally Passed Version of SB 638 Violates The Single Subject Rule in Missouri Constitution Article III Section 23**

37) Plaintiff hereby restates and incorporates paragraphs 1 through 38, above, as if set forth fully herein.

39) Any claim that all the provisions of the final version of SB 638 all reasonably relate to one another is of no use in a single subject evaluation *if the original purpose of the bill, as expressed in the original title, is narrower than the commonality of those provisions.* As the Supreme Court has pointed out, rather than comparing the various



provisions to one another, a proper analysis *compares each provision to the “general core purpose” of the bill.* As discussed above, *that purpose must be determined from the original title*, not a title that has been revised to suit a new, broader subject matter.

"No bill shall contain more than one subject which shall be clearly expressed in its title...." Mo. Const. art. III, § 23. The main test for determining if a bill violates the single subject rule is laid out in *Hammerschmidt*: "a 'subject' within the meaning of article III, section 23, includes all matters that fall within or reasonably **relate to the general core purpose** of the proposed legislation." 877 S.W.2d at 102. "However, the single subject test is not whether individual provisions of a bill relate to each other. **The constitutional test focuses on the subject set out in the title.**" *Fust v. Attorney Gen. for the State of Mo.*, 947 S.W.2d 424, 428 (Mo. banc 1997). "The dispositive question in determining whether a bill contains more than one subject is whether all provisions of the bill fairly relate to the same subject, have a natural connection therewith, or are incidents or means to accomplish its purpose." *Id.* (internal quotations omitted). Further, "The determination of whether a bill violates the article III, section 23 single subject requirement is made concerning the bill as it is finally passed." *Stroh Brewery Co.*, 954 S.W.2d at 327. (Emphasis added.)

*Legends Bank v. State*, 361 SW 3d 383, 390 (2012 Judge Fischer, concurring)

40) "If the title of a bill contains a particular limitation or restriction, a provision that goes beyond the limitation in the title is invalid because such title affirmatively misleads the reader". *Fust v. Attorney General*, 947 SW 2d 424, 429 (1997) citing *Hunt v. Armour & Co.*, 345 Mo. 677, 679-80, 136 S.W.2d 312, 314 (1940).

WHEREFORE, Plaintiff prays that the Court, pursuant to § 516.500, RSMo, hear this action: that the Court issue a declaratory judgment that the procedure by which SB 638 was passed, namely, incorporating multiple subjects or subjects outside the scope of the original purpose, violated the Missouri Constitution Article III Section 23, and that

Senate Bill 638 is void, and because it is impossible for this court to know how legislators would have voted for any severed portion of this bill, issue an injunction to prevent the enforcement of any of its provisions, as well as provide for any other remedies the Court determines support the Constitution and further justice.

### **Count 3**

#### **The Title for SB 638 Was Changed in Violation of Missouri Constitution Article III Sections 21 and 23**

41) Plaintiff hereby restates and incorporates paragraphs 1 through 40, above, as if set forth fully herein.

42) Since Article III Section 23 requires that the subject or *purpose* of a bill be “clearly expressed in its title”, and Article III Section 21 requires that no amendment to a bill can change its *original* subject or purpose, and since the title of SB 638, itself, was amended in a way that expanded (changed) its original purpose, that amendment to the title violated the Constitution. The Constitution does not anticipate substantive changes to bill titles.

43) That the title of a bill properly notify the purpose and scope of a bill was important enough to the people of Missouri for them to include a constitutional mandate that titles be properly applied to every bill. Properly used, the title allows the people's representatives, and sometimes the people themselves, as is the case with the Plaintiff, to keep a watchful eye over the legislative process when they don't have the means to hire an army of lobbyists to protect their interests.

44) If the title applied to bills is made to be more or less static and truly reflects

the *potential* scope of a bill – what it is and what it might possibly become – then an observer of legislation can perform a sort of “legislative triage,” and sort out what bills could and could not possibly affect his interests.

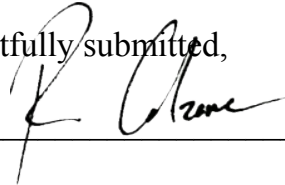
45) If, on the other hand, the title of a bill can be elastic – molded by amendments that would otherwise be beyond the scope of the original title and purpose – then a bill the citizen could have otherwise marked off as inconsequential to his interests might still evolve into a threat. Put more succinctly, allowing legislators to change the title of bills to fit the evolving bill, rather than requiring the evolution of the bill to remain true to the original title, defeats a major portion of the purpose for the Article III Section 23 requirement that, “No bill shall contain more than one subject which shall be clearly expressed in its title”, and the Section 21 requirement that “ Every bill shall be read by title on three different days in each house.” (A changed title could make it hard to identify a bill of interest.)

46) The significant change in the title of SB 638 and other bills does injury to the Plaintiff and other citizens who, then, experience a diminished opportunity to influence the laws they must live under. Such disenfranchisement violates the provisions of Article III Sections 21 and 23.

WHEREFORE, Plaintiff prays that the Court, pursuant to § 516.500, RSMo, hear this action: that the Court issue a declaratory judgment that the procedure by which SB 638 was passed, specifically, the title was changed in a substantive way, violated the Missouri Constitution Article III Section 21, 23, and that Senate Bill 638 is void, and because this infirmity relates to the entire bill and it is impossible to know how any

legislator would have voted for some portion of the bill, issue an injunction to prevent the enforcement of any of its provisions, as well as provide for any other remedies the Court determines support the Constitution and further justice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Calzone", is written over a horizontal line.

Ronald J. Calzone, pro se  
33867 Highway E  
Dixon, MO 65459  
Telephone: (573) 368-1344  
Fax: (573) 759-2147  
ron@mofirst.org  
PLAINTIFF

## Certificate of Service

I, Ronald J. Calzone, do hereby certify that a true and correct copy of the foregoing petition was provided to the Cole County Sheriff on, May 09, 2017, to be served on each of the following defendants.

Robert Todd Richardson, Speaker  
Missouri House of Representatives  
201 West Capitol Avenue Room 308  
Jefferson City MO 65101  
(573) 751-4039  
DEFENDANT

Mike Cierpiot, Majority Floor Leader  
Missouri House of Representatives  
201 West Capitol Avenue Room 302-A  
Jefferson City MO 65101  
(573) 751-0907  
DEFENDANT


Margie Vandeven, Commissioner,  
Dept. of Elementary and Secondary Education  
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Jefferson City, MO 65101  
(573) 751-3563  
DEFENDANT

Joshua Hawley,  
Attorney General  
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P.O. Box 899  
Jefferson City, Missouri 65102  
(573) 751-3321  
DEFENDANT

Ronald Richard, President Pro tem  
Missouri Senate  
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Jefferson City, Missouri 65101  
(573) 751-2173  
DEFENDANT

Michael L Kehoe, Majority Floor Leader  
Missouri Senate  
201 W Capitol Ave., Rm. 321  
Jefferson City, Missouri 65101  
(573) 751-2076  
DEFENDANT

Jennifer Tidball, Acting Director of the  
Department of Social Services  
205 Jefferson St.  
Jefferson City, MO 65101  
(573) 522-8024  
DEFENDANT

By   
Ronald J. Calzone, pro se  
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PLAINTIFF

## **Table of Exhibits**

**Exhibit A.** Introduced version of Senate Bill 638

**Exhibit B.** Finally Agreed to and Passed version of Senate Bill 638

**Exhibit C.** Fiscal Note for the final version of Senate Bill 638

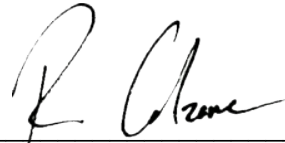
**Exhibit D.** House Journal from May 4, 2016 -- amendments and vote on Senate Bill 638

**Exhibit E.** Senate Summary of the final version of Senate Bill 638

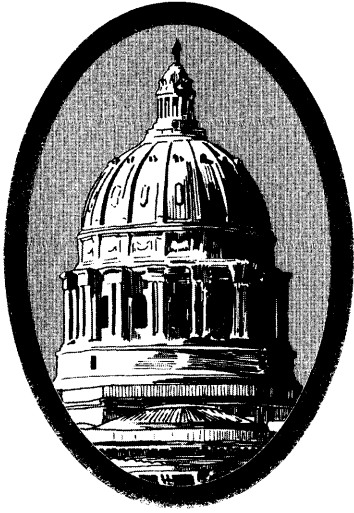
**Exhibit F.** Senate Summary of the introduced version of Senate Bill 638

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the labeled disk simultaneously filed and served with the hard copy of this petition has been scanned for viruses and is virus free.

A handwritten signature in black ink, appearing to read "R. Calzone", is written over a horizontal line.

Ronald J. Calzone, pro se  
33867 Highway E  
Dixon, MO 65459  
Telephone: (573) 368-1344  
Fax: (573) 759-2147  
ron@mofirst.org  
PLAINTIFF



# STATE OF MISSOURI

Office of  
Secretary of State

*To all to Whom these Presents shall Come:*

I, John R. Ashcroft, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of the form as the same appears on file and of record in this office;

**Senate Bill No. 638, Second Regular Session, 98<sup>th</sup> General Assembly, 2016.**

**IN TESTIMONY WHEREOF, I  
hereunto set my hand and affix  
the seal of my office. Done at  
the City of Jefferson, this 12<sup>th</sup>  
day of April, 2017.**





## AN ACT

To repeal section 170.011, RSMo, and to enact in lieu thereof two new sections relating to civics education.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Section 170.011, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 170.011 and 170.345, to read as follows:

170.011. 1. Regular courses of instruction in the Constitution of the United States and of the state of Missouri and in American history and institutions shall be given in all public and private schools in the state of Missouri, except privately operated trade schools, and shall begin not later than the seventh grade and continue in high school to an extent determined by the state commissioner of education, and shall continue in college and university courses to an extent determined by the state commissioner of higher education. In the 1990-91 school year and each year thereafter, local school districts maintaining high schools shall comply with the provisions of this section by offering in grade nine, ten, eleven, or twelve a course of instruction in the institutions, branches and functions of the government of the state of Missouri, including local governments, and of the government of the United States, and in the electoral process. A local school district maintaining such a high school shall require that prior to the completion of the twelfth grade each pupil who receives a high school diploma or certificate of graduation on or after January 1, 1994, shall satisfactorily complete such a course of

study. Such course shall be of at least one semester in length and may be two semesters in length. The department of elementary and secondary education may provide assistance in developing such a course if the district requests assistance. A school district may elect to waive the requirements of this subsection for any student who transfers from outside the state to a Missouri high school if the student can furnish documentation deemed acceptable by the school district of the student's successful completion in any year from the ninth through the twelfth grade of a course of instruction in the institutions, branches, and functions of state government, including local governments, and of the government of the United States, and in the electoral process.

2. A student of a college or university, who, after having earned a passing grade in a course of instruction prescribed in this section, transfers to another college or university, is not required to earn a passing grade in another such course as a condition precedent to his or her graduation from the college or university.

3. American history courses at the elementary and secondary levels shall include in their proper time-line sequence specific referrals to the details and events of the racial equality movement that have caused major changes in United States and Missouri laws and attitudes.

[3. No pupil shall receive a certificate of graduation from any public or private school other than private trade schools unless he has satisfactorily passed an examination on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history and

American institutions. A school district may elect to waive the requirements of this subsection for any student who transfers from outside the state to a Missouri high school if the student can furnish documentation deemed acceptable by the school district of the student's successful completion in any year from the ninth through the twelfth grade of a course of instruction in the institutions, branches, and functions of state government, including local governments, and of the government of the United States, and in the electoral process. A student of a college or university, who, after having completed a course of instruction prescribed in this section and successfully passed an examination on the United States Constitution, and in American history and American institutions required hereby, transfers to another college or university, is not required to complete another such course or pass another such examination as a condition precedent to his graduation from the college or university.]

4. To receive a certificate of graduation, public or private schools other than private trade schools may require a passing score on an examination of the provisions and principles of the Constitution of the United States, the Constitution of the state of Missouri, or both the Constitution of the United States and of the state of Missouri.

[4.] 5. In the 1990-91 school year and each year thereafter, each school district maintaining a high school may annually nominate to the state board of education a student who has demonstrated knowledge of the principles of government and citizenship through academic achievement, participation in extracurricular activities, and service to the community.

Annually, the state board of education shall select fifteen students from those nominated by the local school districts and shall recognize and award them for their academic achievement, participation and service.

[5.] 6. The provisions of this section shall not apply to students from foreign countries who are enrolled in public or private high schools in Missouri, if such students are foreign exchange students sponsored by a national organization recognized by the department of elementary and secondary education.

170.345. 1. This section shall be known as the "Missouri Civics Education Initiative".

2. Any student entering ninth grade after July 1, 2017, who is attending any public, charter, or private school except private trade schools, or a student seeking to complete a high school equivalency certificate shall, as a condition of high school graduation or its equivalent, take and receive a passing grade on a basic civics test similar to the civics portion of the United States Naturalization test, produced by the United States Citizenship and Immigration Services (USCIS).

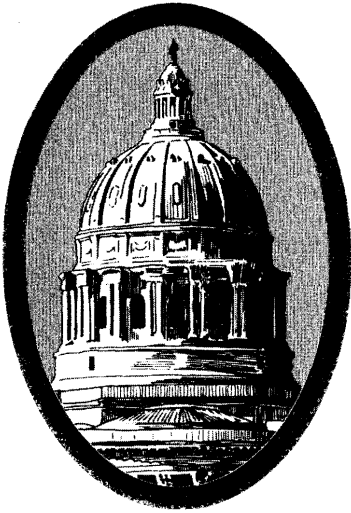
3. The test required under subsection 2 of this section shall consist of one hundred questions similar to the one hundred questions used by the USCIS that are administered to applicants for United States citizenship. In order to receive a passing score on the test, a student shall answer at least sixty percent of the questions correctly.

4. Any student may take the test as many times as necessary for passage but shall receive a passing score prior to receiving a high school diploma, a certificate of high school graduation,

or a high school equivalency certificate.

5. Every public school, charter school, private school except private trade schools, and the department of elementary and secondary education shall certify that a student has taken and received a passing grade on the test.

6. Each school district shall adopt a policy to permit the waiver of the requirements of this section for any student with a disability if recommended by the student's IEP committee. For purposes of this subsection, "IEP" means individualized education program.



# STATE OF MISSOURI

Office of  
Secretary of State

*To all to Whom these Presents shall Come:*

I, John R. Ashcroft, Secretary of State of the State of Missouri, hereby certify that the annexed pages contain a full, true and complete copy of the form as the same appears on file and of record in this office;

**Truly Agreed to and Finally Passed Conference Committee  
Substitute for Senate Committee Substitute for Senate Bill No. 638,  
Second Regular Session, 98<sup>th</sup> General Assembly, 2016.**



**IN TESTIMONY WHEREOF, I  
hereunto set my hand and affix  
the seal of my office. Done at  
the City of Jefferson, this 12<sup>th</sup>  
day of April, 2017.**

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 638

98TH GENERAL ASSEMBLY

2016

4478S.05T

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## AN ACT

To repeal sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.545, 161.216, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 170.011, 170.310, 171.021, and 173.750, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with an effective date for a certain section.

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

Section A. Sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.545, 161.216, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 170.011, 170.310, 171.021, and 173.750, RSMo, is repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 160.545, 161.217, 161.1050, 161.1055, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 167.903, 167.905, 167.950, 170.011, 170.310, 170.345, 170.350, 171.021, 173.750, and 633.420, to read as follows:

- 160.400. 1. A charter school is an independent public school.
2. Except as further provided in subsection 4 of this section, charter schools may be operated only:
- (1) In a metropolitan school district;
  - (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;
  - (3) In a school district that has been [declared] **classified as unaccredited by the state board of education;**

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

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

14           (a) The eligibility for charter schools of any school district whose  
15 provisional accreditation is based in whole or in part on financial stress as  
16 defined in sections 161.520 to 161.529, or on financial hardship as defined by rule  
17 of the state board of education, shall be decided by a vote of the state board of  
18 education during the third consecutive school year after the designation of  
19 provisional accreditation; and

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

24           (5) In a school district that has been accredited without provisions,  
25 sponsored only by the local school board; provided that no board with a current  
26 year enrollment of one thousand five hundred fifty students or greater shall  
27 permit more than thirty-five percent of its student enrollment to enroll in charter  
28 schools sponsored by the local board under the authority of this subdivision,  
29 except that this restriction shall not apply to any school district that  
30 subsequently becomes eligible under subdivision (3) or (4) of this subsection or to  
31 any district accredited without provisions that sponsors charter schools prior to  
32 having a current year student enrollment of one thousand five hundred fifty  
33 students or greater.

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

36           (1) The school board of the district in any district which is sponsoring a  
37 charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of  
38 subsection 2 of this section, the special administrative board of a metropolitan  
39 school district during any time in which powers granted to the district's board of  
40 education are vested in a special administrative board, or if the state board of  
41 education appoints a special administrative board to retain the authority granted  
42 to the board of education of an urban school district containing most or all of a  
43 city with a population greater than three hundred fifty thousand inhabitants, the  
44 special administrative board of such school district;



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

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

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

52 (5) Any two-year private vocational or technical school designated as a  
53 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as  
54 amended, [which is a member of the North Central Association] and accredited  
55 by the Higher Learning Commission, with its primary campus in Missouri; [or]

56 (6) The Missouri charter public school commission created in section  
57 160.425.

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

61 (1) As a district transitions from unaccredited to provisionally accredited,  
62 the district shall continue to fall under the requirements for an unaccredited  
63 district until it achieves three consecutive full school years of provisional  
64 accreditation;

65 (2) As a district transitions from provisionally accredited to full  
66 accreditation, the district shall continue to fall under the requirements for a  
67 provisionally accredited district until it achieves three consecutive full school  
68 years of full accreditation;

69 (3) In any school district classified as unaccredited or provisionally  
70 accredited where a charter school is operating and is sponsored by an entity other  
71 than the local school board, when the school district becomes classified as  
72 accredited without provisions, a charter school may continue to be sponsored by  
73 the entity sponsoring it prior to the classification of accredited without provisions  
74 and shall not be limited to the local school board as a sponsor.

75 A charter school operating in a school district identified in subdivision (1) or (2)  
76 of subsection 2 of this section may be sponsored by any of the entities identified  
77 in subsection 3 of this section, irrespective of the accreditation classification of  
78 the district in which it is located. A charter school in a district described in this  
79 subsection whose charter provides for the addition of grade levels in subsequent  
80 years may continue to add levels until the planned expansion is complete to the

81 extent of grade levels in comparable schools of the district in which the charter  
82 school is operated.

83         5. The mayor of a city not within a county may request a sponsor under  
84 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider  
85 sponsoring a "workplace charter school", which is defined for purposes of sections  
86 160.400 to 160.425 as a charter school with the ability to target prospective  
87 students whose parent or parents are employed in a business district, as defined  
88 in the charter, which is located in the city.

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

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

95         8. As a nonprofit corporation incorporated pursuant to chapter 355, the  
96 charter school shall select the method for election of officers pursuant to section  
97 355.326 based on the class of corporation selected. Meetings of the governing  
98 board of the charter school shall be subject to the provisions of sections 610.010  
99 to 610.030.

100         9. A sponsor of a charter school, its agents and employees are not liable  
101 for any acts or omissions of a charter school that it sponsors, including acts or  
102 omissions relating to the charter submitted by the charter school, the operation  
103 of the charter school and the performance of the charter school.

104         10. A charter school may affiliate with a four-year college or university,  
105 including a private college or university, or a community college as otherwise  
106 specified in subsection 3 of this section when its charter is granted by a sponsor  
107 other than such college, university or community college. Affiliation status  
108 recognizes a relationship between the charter school and the college or university  
109 for purposes of teacher training and staff development, curriculum and  
110 assessment development, use of physical facilities owned by or rented on behalf  
111 of the college or university, and other similar purposes. A university, college or  
112 community college may not charge or accept a fee for affiliation status.

113         11. The expenses associated with sponsorship of charter schools shall be  
114 defrayed by the department of elementary and secondary education retaining one  
115 and five-tenths percent of the amount of state and local funding allocated to the  
116 charter school under section 160.415, not to exceed one hundred twenty-five

117 thousand dollars, adjusted for inflation. The department of elementary and  
118 secondary education shall remit the retained funds for each charter school to the  
119 school's sponsor, provided the sponsor remains in good standing by fulfilling its  
120 sponsorship obligations under sections 160.400 to 160.425 and 167.349 with  
121 regard to each charter school it sponsors, including appropriate demonstration of  
122 the following:

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

126 (2) Maintains a comprehensive application process that follows fair  
127 procedures and rigorous criteria and grants charters only to those developers who  
128 demonstrate strong capacity for establishing and operating a quality charter  
129 school;

130 (3) Negotiates contracts with charter schools that clearly articulate the  
131 rights and responsibilities of each party regarding school autonomy, expected  
132 outcomes, measures for evaluating success or failure, performance consequences  
133 **based on the annual performance report**, and other material terms;

134 (4) Conducts contract oversight that evaluates performance, monitors  
135 compliance, informs intervention and renewal decisions, and ensures autonomy  
136 provided under applicable law; and

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

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

142 13. No university, college or community college shall grant a charter to  
143 a nonprofit corporation if an employee of the university, college or community  
144 college is a member of the corporation's board of directors.

145 14. No sponsor shall grant a charter under sections 160.400 to 160.425  
146 and 167.349 without ensuring that a criminal background check and family care  
147 safety registry check are conducted for all members of the governing board of the  
148 charter schools or the incorporators of the charter school if initial directors are  
149 not named in the articles of incorporation, nor shall a sponsor renew a charter  
150 without ensuring a criminal background check and family care **safety** registry  
151 check are conducted for each member of the governing board of the charter school.

152 15. No member of the governing board of a charter school shall hold any

153 office or employment from the board or the charter school while serving as a  
154 member, nor shall the member have any substantial interest, as defined in  
155 section 105.450, in any entity employed by or contracting with the board. No  
156 board member shall be an employee of a company that provides substantial  
157 services to the charter school. All members of the governing board of the charter  
158 school shall be considered decision-making public servants as defined in section  
159 105.450 for the purposes of the financial disclosure requirements contained in  
160 sections 105.483, 105.485, 105.487, and 105.489.

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

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

168 (2) The granting of a charter;

169 (3) The performance [framework] **contract** that the sponsor will use to  
170 evaluate the performance of charter schools. **Charter schools shall meet**  
171 **current state academic performance standards as well as other**  
172 **standards agreed upon by the sponsor and the charter school in the**  
173 **performance contract;**

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

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

181 (6) Procedures to be implemented if a charter school should close,  
182 consistent with the provisions of subdivision (15) of subsection 1 of section  
183 160.405.

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

186 17. (1) A sponsor shall provide timely submission to the state board of  
187 education of all data necessary to demonstrate that the sponsor is in material  
188 compliance with all requirements of sections 160.400 to 160.425 and section

189 167.349. The state board of education shall ensure each sponsor is in compliance  
190 with all requirements under sections 160.400 to 160.425 and 167.349 for each  
191 charter school sponsored by any sponsor. The state board shall notify each  
192 sponsor of the standards for sponsorship of charter schools, delineating both what  
193 is mandated by statute and what best practices dictate. The state board shall  
194 evaluate sponsors to determine compliance with these standards every three  
195 years. The evaluation shall include a sponsor's policies and procedures in the  
196 areas of charter application approval; required charter agreement terms and  
197 content; sponsor performance evaluation and compliance monitoring; and charter  
198 renewal, intervention, and revocation decisions. Nothing shall preclude the  
199 department from undertaking an evaluation at any time for cause.

200 (2) If the department determines that a sponsor is in material  
201 noncompliance with its sponsorship duties, the sponsor shall be notified and  
202 given reasonable time for remediation. If remediation does not address the  
203 compliance issues identified by the department, the commissioner of education  
204 shall conduct a public hearing and thereafter provide notice to the charter  
205 sponsor of corrective action that will be recommended to the state board of  
206 education. Corrective action by the department may include withholding the  
207 sponsor's funding and suspending the sponsor's authority to sponsor a school that  
208 it currently sponsors or to sponsor any additional school until the sponsor is  
209 reauthorized by the state board of education under section 160.403.

210 (3) The charter sponsor may, within thirty days of receipt of the notice of  
211 the commissioner's recommendation, provide a written statement and other  
212 documentation to show cause as to why that action should not be taken. Final  
213 determination of corrective action shall be determined by the state board of  
214 education based upon a review of the documentation submitted to the department  
215 and the charter sponsor.

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

219 **18. If a sponsor notifies a charter school of closure under**  
220 **subsection 8 of section 160.405, the department of elementary and**  
221 **secondary education shall exercise its financial withholding authority**  
222 **under subsection 12 of section 160.415 to assure all obligations of the**  
223 **charter school shall be met. The state, charter sponsor, or resident**  
224 **district shall not be liable for any outstanding liability or obligations**

225 **of the charter school.**

160.403. 1. The department of elementary and secondary education shall  
2 establish an annual application and approval process for all entities eligible to  
3 sponsor charters as set forth in section 160.400 which are not sponsoring a  
4 charter school as of August 28, 2012, **except that the Missouri charter public**  
5 **school commission shall not be required to undergo the application and**  
6 **approval process.** No later than November 1, 2012, the department shall make  
7 available information and guidelines for all eligible sponsors concerning the  
8 opportunity to apply for sponsoring authority under this section.

9 2. The application process for sponsorship shall require each interested  
10 eligible sponsor, **except for the Missouri charter public school**  
11 **commission,** to submit an application by February first that includes the  
12 following:

13 (1) Written notification of intent to serve as a charter school sponsor in  
14 accordance with sections 160.400 to 160.425 and section 167.349;

15 (2) Evidence of the applicant sponsor's budget and personnel capacity;

16 (3) An outline of the request for proposal that the applicant sponsor  
17 would, if approved as a charter sponsor, issue to solicit charter school applicants  
18 consistent with sections 160.400 to 160.425 **and section 167.349;**

19 (4) The performance [framework] **contract** that the applicant sponsor  
20 would, if approved as a charter sponsor, use to [guide the establishment of a  
21 charter contract and for ongoing oversight and a description of how it would]  
22 evaluate the charter schools it sponsors; and

23 (5) The applicant sponsor's renewal, revocation, and nonrenewal processes  
24 consistent with section 160.405.

25 3. By April first of each year, the department shall decide whether to  
26 grant or deny a sponsoring authority to a sponsor applicant. This decision shall  
27 be made based on the applicant [charter's] **sponsor's** compliance with sections  
28 160.400 to 160.425 **and section 167.349** and properly promulgated rules of the  
29 department.

30 4. Within thirty days of the department's decision, the department shall  
31 execute a renewable sponsoring contract with each entity it has approved as a  
32 sponsor. The term of each authorizing contract shall be six years and renewable.  
33 [No eligible sponsor which is not currently sponsoring a charter school as of  
34 August 28, 2012, shall commence charter sponsorship without approval from the  
35 state board of education and a sponsor contract with the state board of education

36 in effect.]

160.405. 1. A person, group or organization seeking to establish a charter  
2 school shall submit the proposed charter, as provided in this section, to a sponsor.  
3 If the sponsor is not a school board, the applicant shall give a copy of its  
4 application to the school board of the district in which the charter school is to be  
5 located and to the state board of education, within five business days of the date  
6 the application is filed with the proposed sponsor. The school board may file  
7 objections with the proposed sponsor, and, if a charter is granted, the school  
8 board may file objections with the state board of education. The charter shall  
9 [be] **include** a legally binding performance contract that describes the  
10 obligations and responsibilities of the school and the sponsor as outlined in  
11 sections 160.400 to 160.425 and section 167.349 and shall [also include] **address**  
12 **the following**:

13 (1) A mission and vision statement for the charter school;

14 (2) A description of the charter school's organizational structure and  
15 bylaws of the governing body, which will be responsible for the policy, financial  
16 management, and operational decisions of the charter school, including the nature  
17 and extent of parental, professional educator, and community involvement in the  
18 governance and operation of the charter school;

19 (3) A financial plan for the first three years of operation of the charter  
20 school including provisions for annual audits;

21 (4) A description of the charter school's policy for securing personnel  
22 services, its personnel policies, personnel qualifications, and professional  
23 development plan;

24 (5) A description of the grades or ages of students being served;

25 (6) The school's calendar of operation, which shall include at least the  
26 equivalent of a full school term as defined in section 160.011;

27 (7) A description of the charter school's pupil performance standards and  
28 academic program performance standards, which shall meet the requirements of  
29 subdivision (6) of subsection 4 of this section. The charter school program shall  
30 be designed to enable each pupil to achieve such standards and shall contain a  
31 complete set of indicators, measures, metrics, and targets for academic program  
32 performance, including specific goals on graduation rates and standardized test  
33 performance and academic growth;

34 (8) A description of the charter school's educational program and  
35 curriculum;

36 (9) The term of the charter, which shall be five years and [shall] **may** be  
37 **[renewable] renewed;**

38 (10) Procedures, consistent with the Missouri financial accounting  
39 manual, for monitoring the financial accountability of the charter, which shall  
40 meet the requirements of subdivision (4) of subsection 4 of this section;

41 (11) Preopening requirements for applications that require that charter  
42 schools meet all health, safety, and other legal requirements prior to opening;

43 (12) A description of the charter school's policies on student discipline and  
44 student admission, which shall include a statement, where applicable, of the  
45 validity of attendance of students who do not reside in the district but who may  
46 be eligible to attend under the terms of judicial settlements and procedures that  
47 ensure admission of students with disabilities in a nondiscriminatory manner;

48 (13) A description of the charter school's grievance procedure for parents  
49 or guardians;

50 (14) A description of the agreement **and time frame for**  
51 **implementation** between the charter school and the sponsor as to when a  
52 sponsor shall intervene in a charter school, when a sponsor shall revoke a charter  
53 for failure to comply with subsection 8 of this section, and when a sponsor will  
54 not renew a charter under subsection 9 of this section;

55 (15) Procedures to be implemented if the charter school should close, as  
56 provided in subdivision (6) of subsection 16 of section 160.400 including:

57 (a) Orderly transition of student records to new schools and archival of  
58 student records;

59 (b) Archival of business operation and transfer or repository of personnel  
60 records;

61 (c) Submission of final financial reports;

62 (d) Resolution of any remaining financial obligations; [and]

63 (e) Disposition of the charter school's assets upon closure; **and**

64 (f) A notification plan to inform parents or guardians of students, the local  
65 school district, the retirement system in which the charter school's employees  
66 participate, and the state board of education within thirty days of the decision to  
67 close;

68 (16) A description of the special education and related services that shall  
69 be available to meet the needs of students with disabilities; and

70 (17) For all new or revised charters, procedures to be used upon closure  
71 of the charter school requiring that unobligated assets of the charter school be



72 returned to the department of elementary and secondary education for their  
73 disposition, which upon receipt of such assets shall return them to the local  
74 school district in which the school was located, the state, or any other entity to  
75 which they would belong.

76 Charter schools operating on August 27, 2012, shall have until August 28, 2015,  
77 to meet the requirements of this subsection.

78 2. Proposed charters shall be subject to the following requirements:

79 (1) A charter shall be submitted to the sponsor, and follow the sponsor's  
80 policies and procedures for review and granting of a charter approval, and be  
81 approved by the state board of education by [December first of the year] **January**  
82 **thirty-first** prior to **the school year of** the proposed opening date of the  
83 charter school;

84 (2) A charter may be approved when the sponsor determines that the  
85 requirements of this section are met, determines that the applicant is sufficiently  
86 qualified to operate a charter school, and that the proposed charter is consistent  
87 with the sponsor's charter sponsorship goals and capacity. The sponsor's decision  
88 of approval or denial shall be made within ninety days of the filing of the  
89 proposed charter;

90 (3) If the charter is denied, the proposed sponsor shall notify the applicant  
91 in writing as to the reasons for its denial and forward a copy to the state board  
92 of education within five business days following the denial;

93 (4) If a proposed charter is denied by a sponsor, the proposed charter may  
94 be submitted to the state board of education, along with the sponsor's written  
95 reasons for its denial. If the state board determines that the applicant meets the  
96 requirements of this section, that the applicant is sufficiently qualified to operate  
97 the charter school, and that granting a charter to the applicant would be likely  
98 to provide educational benefit to the children of the district, the state board may  
99 grant a charter and act as sponsor of the charter school. The state board shall  
100 review the proposed charter and make a determination of whether to deny or  
101 grant the proposed charter within sixty days of receipt of the proposed charter,  
102 provided that any charter to be considered by the state board of education under  
103 this subdivision shall be submitted no later than March first prior to the school  
104 year in which the charter school intends to begin operations. The state board of  
105 education shall notify the applicant in writing as the reasons for its denial, if  
106 applicable; and

107 (5) The sponsor of a charter school shall give priority to charter school

108 applicants that propose a school oriented to high-risk students and to the reentry  
109 of dropouts into the school system. If a sponsor grants three or more charters,  
110 at least one-third of the charters granted by the sponsor shall be to schools that  
111 actively recruit dropouts or high-risk students as their student body and address  
112 the needs of dropouts or high-risk students through their proposed mission,  
113 curriculum, teaching methods, and services. For purposes of this subsection, a  
114 "high-risk" student is one who is at least one year behind in satisfactory  
115 completion of course work or obtaining high school credits for graduation, has  
116 dropped out of school, is at risk of dropping out of school, needs drug and alcohol  
117 treatment, has severe behavioral problems, has been suspended from school three  
118 or more times, has a history of severe truancy, is a pregnant or parenting teen,  
119 has been referred for enrollment by the judicial system, is exiting incarceration,  
120 is a refugee, is homeless or has been homeless sometime within the preceding six  
121 months, has been referred by an area school district for enrollment in an  
122 alternative program, or qualifies as high risk under department of elementary  
123 and secondary education guidelines. "Dropout" shall be defined through the  
124 guidelines of the school core data report. The provisions of this subsection do not  
125 apply to charters sponsored by the state board of education.

126         3. If a charter is approved by a sponsor, the charter application shall be  
127 submitted to the state board of education, along with a statement of finding **by**  
128 **the sponsor** that the application meets the requirements of sections 160.400 to  
129 160.425 and section 167.349 and a monitoring plan under which the charter  
130 sponsor shall evaluate the academic performance, **including annual**  
131 **performance reports**, of students enrolled in the charter school. The state  
132 board of education [may, within sixty days, disapprove the granting of the  
133 charter] **shall approve or deny a charter application within sixty days**  
134 **of receipt of the application.** The state board of education may [disapprove]  
135 **deny** a charter on grounds that the application fails to meet the requirements of  
136 sections 160.400 to 160.425 and section 167.349 or that a charter sponsor  
137 previously failed to meet the statutory responsibilities of a charter sponsor. **Any**  
138 **denial of a charter application made by the state board of education**  
139 **shall be in writing and shall identify the specific failures of the**  
140 **application to meet the requirements of sections 160.400 to 160.425 and**  
141 **section 167.349, and the written denial shall be provided within ten**  
142 **business days to the sponsor.**

143         4. A charter school shall, as provided in its charter:

144 (1) Be nonsectarian in its programs, admission policies, employment  
145 practices, and all other operations;

146 (2) Comply with laws and regulations of the state, county, or city relating  
147 to health, safety, and state minimum educational standards, as specified by the  
148 state board of education, including the requirements relating to student discipline  
149 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal  
150 conduct to law enforcement authorities under sections 167.115 to 167.117,  
151 academic assessment under section 160.518, transmittal of school records under  
152 section 167.020, the minimum [number of school days and hours] **amount of**  
153 **school time** required under section [160.041] **171.031**, and the employee  
154 criminal history background check and the family care safety registry check  
155 under section 168.133;

156 (3) Except as provided in sections 160.400 to 160.425 **and as specifically**  
157 **provided in other sections**, be exempt from all laws and rules relating to  
158 schools, governing boards and school districts;

159 (4) Be financially accountable, use practices consistent with the Missouri  
160 financial accounting manual, provide for an annual audit by a certified public  
161 accountant, publish audit reports and annual financial reports as provided in  
162 chapter 165, provided that the annual financial report may be published on the  
163 department of elementary and secondary education's internet website in addition  
164 to other publishing requirements, and provide liability insurance to indemnify the  
165 school, its board, staff and teachers against tort claims. A charter school that  
166 receives local educational agency status under subsection 6 of this section shall  
167 meet the requirements imposed by the Elementary and Secondary Education Act  
168 for audits of such agencies and comply with all federal audit requirements for  
169 charters with local [education] **educational** agency status. For purposes of an  
170 audit by petition under section 29.230, a charter school shall be treated as a  
171 political subdivision on the same terms and conditions as the school district in  
172 which it is located. For the purposes of securing such insurance, a charter school  
173 shall be eligible for the Missouri public entity risk management fund pursuant  
174 to section 537.700. A charter school that incurs debt shall include a repayment  
175 plan in its financial plan;

176 (5) Provide a comprehensive program of instruction for at least one grade  
177 or age group from [kindergarten] **early childhood** through grade twelve, [which  
178 may include early childhood education if funding for such programs is established  
179 by statute,] as specified in its charter;

180           (6) (a) Design a method to measure pupil progress toward the pupil  
181 academic standards adopted by the state board of education pursuant to section  
182 160.514, establish baseline student performance in accordance with the  
183 performance contract during the first year of operation, collect student  
184 performance data as defined by the annual performance report throughout the  
185 duration of the charter to annually monitor student academic performance, and  
186 to the extent applicable based upon grade levels offered by the charter school,  
187 participate in the statewide system of assessments, comprised of the essential  
188 skills tests and the nationally standardized norm-referenced achievement tests,  
189 as designated by the state board pursuant to section 160.518, complete and  
190 distribute an annual report card as prescribed in section 160.522, which shall also  
191 include a statement that background checks have been completed on the charter  
192 school's board members, **and** report to its sponsor, the local school district, and  
193 the state board of education as to its teaching methods and any educational  
194 innovations and the results thereof [, and provide data required for the study of  
195 charter schools pursuant to subsection 4 of section 160.410]. No charter school  
196 shall be considered in the Missouri school improvement program review of the  
197 district in which it is located for the resource or process standards of the  
198 program.

199           (b) For proposed [high risk] **high-risk** or alternative charter schools,  
200 sponsors shall approve performance measures based on mission, curriculum,  
201 teaching methods, and services. Sponsors shall also approve comprehensive  
202 academic and behavioral measures to determine whether students are meeting  
203 performance standards on a different time frame as specified in that school's  
204 charter. Student performance shall be assessed comprehensively to determine  
205 whether a [high risk] **high-risk** or alternative charter school has documented  
206 adequate student progress. Student performance shall be based on sponsor-  
207 approved comprehensive measures as well as standardized public school  
208 measures. Annual presentation of charter school report card data to the  
209 department of elementary and secondary education, the state board, and the  
210 public shall include comprehensive measures of student progress.

211           (c) Nothing in this subdivision shall be construed as permitting a charter  
212 school to be held to lower performance standards than other public schools within  
213 a district; however, the charter of a charter school may permit students to meet  
214 performance standards on a different time frame as specified in its charter. The  
215 performance standards for alternative and special purpose charter schools that

216 target high-risk students as defined in subdivision (5) of subsection 2 of this  
217 section shall be based on measures defined in the school's performance contract  
218 with its sponsors;

219 (7) Comply with all applicable federal and state laws and regulations  
220 regarding students with disabilities, including sections 162.670 to 162.710, the  
221 Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section  
222 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor  
223 legislation;

224 (8) Provide along with any request for review by the state board of  
225 education the following:

226 (a) Documentation that the applicant has provided a copy of the  
227 application to the school board of the district in which the charter school is to be  
228 located, except in those circumstances where the school district is the sponsor of  
229 the charter school; and

230 (b) A statement outlining the reasons for approval or [disapproval] **denial**  
231 by the sponsor, specifically addressing the requirements of sections 160.400 to  
232 160.425 and 167.349.

233 5. (1) Proposed or existing high-risk or alternative charter schools may  
234 include alternative arrangements for students to obtain credit for satisfying  
235 graduation requirements in the school's charter application and  
236 charter. Alternative arrangements may include, but not be limited to, credit for  
237 off-campus instruction, embedded credit, work experience through an internship  
238 arranged through the school, and independent studies. When the state board of  
239 education approves the charter, any such alternative arrangements shall be  
240 approved at such time.

241 (2) The department of elementary and secondary education shall conduct  
242 a study of any charter school granted alternative arrangements for students to  
243 obtain credit under this subsection after three years of operation to assess  
244 student performance, graduation rates, educational outcomes, and entry into the  
245 workforce or higher education.

246 6. The charter of a charter school may be amended at the request of the  
247 governing body of the charter school and on the approval of the sponsor. The  
248 sponsor and the governing board and staff of the charter school shall jointly  
249 review the school's performance, management and operations during the first year  
250 of operation and then every other year after the most recent review or at any  
251 point where the operation or management of the charter school is changed or

252 transferred to another entity, either public or private. The governing board of a  
253 charter school may amend the charter, if the sponsor approves such amendment,  
254 or the sponsor and the governing board may reach an agreement in writing to  
255 reflect the charter school's decision to become a local educational agency. In such  
256 case the sponsor shall give the department of elementary and secondary  
257 education written notice no later than March first of any year, with the  
258 agreement to become effective July first. The department may waive the March  
259 first notice date in its discretion. The department shall identify and furnish a list  
260 of its regulations that pertain to local educational agencies to such schools within  
261 thirty days of receiving such notice.

262 7. Sponsors shall annually review the charter school's compliance with  
263 statutory standards including:

264 (1) Participation in the statewide system of assessments, as designated  
265 by the state board of education under section 160.518;

266 (2) Assurances for the completion and distribution of an annual report  
267 card as prescribed in section 160.522;

268 (3) The collection of baseline data during the first three years of operation  
269 to determine the longitudinal success of the charter school;

270 (4) A method to measure pupil progress toward the pupil academic  
271 standards adopted by the state board of education under section 160.514; and

272 (5) Publication of each charter school's annual performance report.

273 8. (1) (a) A sponsor's [intervention] policies shall give schools clear,  
274 adequate, evidence-based, and timely notice of contract violations or performance  
275 deficiencies and mandate intervention based upon findings of the state board of  
276 education of the following:

277 a. The charter school provides a high school program which fails to  
278 maintain a graduation rate of at least seventy percent in three of the last four  
279 school years unless the school has dropout recovery as its mission;

280 b. The charter school's annual performance report results are below the  
281 district's annual performance report results based on the performance standards  
282 that are applicable to the grade level configuration of both the charter school and  
283 the district in which the charter school is located in three of the last four school  
284 years; and

285 c. The charter school is identified as a persistently lowest achieving school  
286 by the department of elementary and secondary education.

287 (b) A sponsor shall have a policy to revoke a charter during the charter

288 term if there is:

289 a. Clear evidence of underperformance as demonstrated in the charter  
290 school's annual performance report in three of the last four school years; or

291 b. A violation of the law or the public trust that imperils students or  
292 public funds.

293 (c) A sponsor shall revoke a charter or take other appropriate remedial  
294 action, which may include placing the charter school on probationary status for  
295 no more than [twelve] **twenty-four** months, provided that no more than one  
296 designation of probationary status shall be allowed for the duration of the charter  
297 contract, at any time if the charter school commits a serious breach of one or  
298 more provisions of its charter or on any of the following grounds: failure to meet  
299 the performance contract as set forth in its charter, failure to meet generally  
300 accepted standards of fiscal management, failure to provide information necessary  
301 to confirm compliance with all provisions of the charter and sections 160.400 to  
302 160.425 and 167.349 within forty-five days following receipt of written notice  
303 requesting such information, or violation of law.

304 (2) The sponsor may place the charter school on probationary status to  
305 allow the implementation of a remedial plan, which may require a change of  
306 methodology, a change in leadership, or both, after which, if such plan is  
307 unsuccessful, the charter may be revoked.

308 (3) At least sixty days before acting to revoke a charter, the sponsor shall  
309 notify the governing board of the charter school of the proposed action in  
310 writing. The notice shall state the grounds for the proposed action. The school's  
311 governing board may request in writing a hearing before the sponsor within two  
312 weeks of receiving the notice.

313 (4) The sponsor of a charter school shall establish procedures to conduct  
314 administrative hearings upon determination by the sponsor that grounds exist to  
315 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant  
316 to this subsection are subject to an appeal to the state board of education, which  
317 shall determine whether the charter shall be revoked.

318 (5) A termination shall be effective only at the conclusion of the school  
319 year, unless the sponsor determines that continued operation of the school  
320 presents a clear and immediate threat to the health and safety of the children.

321 (6) A charter sponsor shall make available the school accountability report  
322 card information as provided under section 160.522 and the results of the  
323 academic monitoring required under subsection 3 of this section.

324           9. (1) A sponsor shall take all reasonable steps necessary to confirm that  
325 each charter school sponsored by such sponsor is in material compliance and  
326 remains in material compliance with all material provisions of the charter and  
327 sections 160.400 to 160.425 and 167.349. Every charter school shall provide all  
328 information necessary to confirm ongoing compliance with all provisions of its  
329 charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its  
330 sponsor.

331           (2) The sponsor's renewal process of the charter school shall be based on  
332 the thorough analysis of a comprehensive body of objective evidence and consider  
333 if:

334           (a) The charter school has maintained results on its annual performance  
335 report that meet or exceed the district in which the charter school is located  
336 based on the performance standards that are applicable to the grade-level  
337 configuration of both the charter school and the district in which the charter  
338 school is located in three of the last four school years;

339           (b) The charter school is organizationally and fiscally viable determining  
340 at a minimum that the school does not have:

341           a. A negative balance in its operating funds;

342           b. A combined balance of less than three percent of the amount expended  
343 for such funds during the previous fiscal year; or

344           c. Expenditures that exceed receipts for the most recently completed fiscal  
345 year;

346           (c) The charter is in compliance with its legally binding performance  
347 contract and sections 160.400 to 160.425 and section 167.349; and

348           **(d) The charter school has an annual performance report**  
349 **consistent with a classification of accredited for three of the last four**  
350 **years and is fiscally viable as described in paragraph (b) of this**  
351 **subdivision. If such is the case, the charter school may have an**  
352 **expedited renewal process as defined by rule of the department of**  
353 **elementary and secondary education.**

354           (3) (a) Beginning August first during the year in which a charter is  
355 considered for renewal, a charter school sponsor shall demonstrate to the state  
356 board of education that the charter school is in compliance with federal and state  
357 law as provided in sections 160.400 to 160.425 and section 167.349 and the  
358 school's performance contract including but not limited to those requirements  
359 specific to academic performance.



360 (b) Along with data reflecting the academic performance standards  
361 indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised  
362 charter application to the state board of education for review.

363 (c) Using the data requested and the revised charter application under  
364 paragraphs (a) and (b) of this subdivision, the state board of education shall  
365 determine if compliance with all standards enumerated in this subdivision has  
366 been achieved. The state board of education at its next regularly scheduled  
367 meeting shall vote on the revised charter application.

368 (d) If a charter school sponsor demonstrates the objectives identified in  
369 this subdivision, the state board of education shall renew the school's charter.

370 10. A school district may enter into a lease with a charter school for  
371 physical facilities.

372 11. A governing board or a school district employee who has control over  
373 personnel actions shall not take unlawful reprisal against another employee at  
374 the school district because the employee is directly or indirectly involved in an  
375 application to establish a charter school. A governing board or a school district  
376 employee shall not take unlawful reprisal against an educational program of the  
377 school or the school district because an application to establish a charter school  
378 proposes the conversion of all or a portion of the educational program to a charter  
379 school. As used in this subsection, "unlawful reprisal" means an action that is  
380 taken by a governing board or a school district employee as a direct result of a  
381 lawful application to establish a charter school and that is adverse to another  
382 employee or an educational program.

383 12. Charter school board members shall be subject to the same liability  
384 for acts while in office as if they were regularly and duly elected members of  
385 school boards in any other public school district in this state. The governing  
386 board of a charter school may participate, to the same extent as a school board,  
387 in the Missouri public entity risk management fund in the manner provided  
388 under sections 537.700 to 537.756.

389 13. Any entity, either public or private, operating, administering, or  
390 otherwise managing a charter school shall be considered a quasi-public  
391 governmental body and subject to the provisions of sections 610.010 to 610.035.

392 14. The chief financial officer of a charter school shall maintain:

393 (1) A surety bond in an amount determined by the sponsor to be adequate  
394 based on the cash flow of the school; or

395 (2) An insurance policy issued by an insurance company licensed to do

396 business in Missouri on all employees in the amount of five hundred thousand  
397 dollars or more that provides coverage in the event of employee theft.

398       **15. The department of elementary and secondary education shall**  
399 **calculate an annual performance report for each charter school and**  
400 **shall publish it in the same manner as annual performance reports are**  
401 **calculated and published for districts and attendance centers.**

402       **16. The joint committee on education shall create a committee to**  
403 **investigate facility access and affordability for charter schools. The**  
404 **committee shall be comprised of equal numbers of the charter school**  
405 **sector and the public school sector and shall report its findings to the**  
406 **general assembly by December 31, 2016.**

**160.408. 1. For purposes of this section, "high-quality charter**  
2 **school" means a charter school operating in the state of Missouri that**  
3 **meets the following requirements:**

4       **(1) Receives eighty-five percent or more of the total points on the**  
5 **annual performance report for three out of the last four school years**  
6 **by comparing points earned to the points possible on the annual**  
7 **performance report for three of the last four school years;**

8       **(2) Maintains a graduation rate of at least eighty percent for**  
9 **three of the last four school years, if the charter school provides a high**  
10 **school program;**

11       **(3) Is in material compliance with its legally binding**  
12 **performance contract and sections 160.400 to 160.425 and section**  
13 **167.349; and**

14       **(4) Is organizationally and fiscally viable as described in**  
15 **paragraph (b) of subdivision (2) of subsection 9 of section 160.405.**

16       **2. Notwithstanding any other provision of law, high-quality**  
17 **charter schools shall be provided expedited opportunities to replicate**  
18 **and expand into unaccredited districts, a metropolitan district, or an**  
19 **urban school district containing most or all of a home rule city with**  
20 **more than four hundred thousand inhabitants and located in more than**  
21 **one county. Such replication and expansion shall be subject to the**  
22 **following:**

23       **(1) The school seeking to replicate or expand shall submit its**  
24 **proposed charter to a proposed sponsor. The charter shall include a**  
25 **legally binding performance contract that meets the requirements of**  
26 **sections 160.400 to 160.425 and section 167.349;**

27           (2) The sponsor's decision to approve or deny shall be made  
28 within sixty days of the filing of the proposed charter with the  
29 proposed sponsor;

30           (3) If a charter is approved by a sponsor, the charter application  
31 shall be filed with the state board of education with a statement of  
32 finding from the sponsor that the application meets the requirements  
33 of sections 160.400 to 160.425 and section 167.349 and a monitoring plan  
34 under which the sponsor shall evaluate the academic performance of  
35 students enrolled in the charter school. Such filing shall be made by  
36 January thirty-first prior to the school year in which the charter school  
37 intends to begin operations.

38           3. The term of the charter for schools operating under this  
39 section shall be five years, and the charter may be renewed for terms  
40 of up to ten years. Renewal shall be subject to the provisions of  
41 paragraphs (a) to (d) of subdivision (3) of subsection 9 of section  
42 160.405.

160.410. 1. A charter school shall enroll:

2           (1) All pupils resident in the district in which it operates;

3           (2) Nonresident pupils eligible to attend a district's school under an urban  
4 voluntary transfer program;

5           (3) Nonresident pupils who transfer from an unaccredited  
6 district under section 167.131, provided that the charter school is an  
7 approved charter school, as defined in section 167.131, and subject to  
8 all other provisions of section 167.131;

9           (4) In the case of a charter school whose mission includes student drop-  
10 out prevention or recovery, any nonresident pupil from the same or an adjacent  
11 county who resides in a residential care facility, a transitional living group home,  
12 or an independent living program whose last school of enrollment is in the school  
13 district where the charter school is established, who submits a timely application; and

14           [(4)] (5) In the case of a workplace charter school, any student eligible  
15 to attend under subdivision (1) or (2) of this subsection whose parent is employed  
16 in the business district, who submits a timely application, unless the number of  
17 applications exceeds the capacity of a program, class, grade level or building. The  
18 configuration of a business district shall be set forth in the charter and shall not  
19 be construed to create an undue advantage for a single employer or small number  
20 of employers.

21           2. If capacity is insufficient to enroll all pupils who submit a timely  
22 application, the charter school shall have an admissions process that assures all  
23 applicants of an equal chance of gaining admission **and does not discriminate**  
24 **based on parents' ability to pay fees or tuition** except that:

25           (1) A charter school may establish a geographical area around the school  
26 whose residents will receive a preference for enrolling in the school, provided that  
27 such preferences do not result in the establishment of racially or  
28 socioeconomically isolated schools and provided such preferences conform to  
29 policies and guidelines established by the state board of education;

30           (2) A charter school may also give a preference for admission of children  
31 whose siblings attend the school or whose parents are employed at the school or  
32 in the case of a workplace charter school, a child whose parent is employed in the  
33 business district or at the business site of such school; and

34           (3) Charter alternative and special purpose schools may also give a  
35 preference for admission to high-risk students, as defined in subdivision (5) of  
36 subsection 2 of section 160.405, when the school targets these students through  
37 its proposed mission, curriculum, teaching methods, and services.

38           3. A charter school shall not limit admission based on race, ethnicity,  
39 national origin, disability, income level, proficiency in the English language or  
40 athletic ability, but may limit admission to pupils within a given age group or  
41 grade level. Charter schools may limit admission based on gender only when the  
42 school is a single-gender school. Students of a charter school [that are present  
43 for the January membership count as defined in section 163.011] **who have**  
44 **been enrolled for a full academic year** shall be counted in the performance  
45 of the charter school on the statewide assessments in that calendar year, unless  
46 otherwise exempted as English language learners. **For purposes of this**  
47 **subsection, "full academic year" means the last Wednesday in September**  
48 **through the administration of the Missouri assessment program test**  
49 **without transferring out of the school and re-enrolling.**

50           [4. The department of elementary and secondary education shall  
51 commission a study of the performance of students at each charter school in  
52 comparison with an equivalent group of district students representing an  
53 equivalent demographic and geographic population and a study of the impact of  
54 charter schools upon the constituents they serve in the districts in which they are  
55 located, to be conducted by the joint committee on education. The charter school  
56 study shall include analysis of the administrative and instructional practices of

57 each charter school and shall include findings on innovative programs that  
58 illustrate best practices and lend themselves to replication or incorporation in  
59 other schools. The joint committee on education shall coordinate with individuals  
60 representing charter schools and the districts in which charter schools are located  
61 in conducting the study. The study of a charter school's student performance in  
62 relation to a comparable group shall be designed to provide information that  
63 would allow parents and educators to make valid comparisons of academic  
64 performance between the charter school's students and an equivalent group of  
65 district students representing an equivalent demographic and geographic  
66 population. The student performance assessment and comparison shall include,  
67 but may not be limited to:

68 (1) Missouri assessment program test performance and aggregate growth  
69 over several years;

70 (2) Student reenrollment rates;

71 (3) Educator, parent, and student satisfaction data;

72 (4) Graduation rates in secondary programs; and

73 (5) Performance of students enrolled in the same public school for three  
74 or more consecutive years. The impact study shall be undertaken every two years  
75 to determine the impact of charter schools on the constituents they serve in the  
76 districts where charter schools are operated. The impact study shall include, but  
77 is not limited to, determining if changes have been made in district policy or  
78 procedures attributable to the charter school and to perceived changes in  
79 attitudes and expectations on the part of district personnel, school board  
80 members, parents, students, the business community and other education  
81 stakeholders. The department of elementary and secondary education shall make  
82 the results of the studies public and shall deliver copies to the governing boards  
83 of the charter schools, the sponsors of the charter schools, the school board and  
84 superintendent of the districts in which the charter schools are operated.]

85 [5.] 4. A charter school shall make available for public inspection, and  
86 provide upon request, to the parent, guardian, or other custodian of any school-  
87 age pupil resident in the district in which the school is located the following  
88 information:

89 (1) The school's charter;

90 (2) The school's most recent annual report card published according to  
91 section 160.522;

92 (3) The results of background checks on the charter school's board

93 members; and

94 (4) If a charter school is operated by a management company, a copy of  
95 the written contract between the governing board of the charter school and the  
96 educational management organization or the charter management organization  
97 for services. The charter school may charge reasonable fees, not to exceed the  
98 rate specified in section 610.026 for furnishing copies of documents under this  
99 subsection.

100 [6.] 5. When a student attending a charter school who is a resident of the  
101 school district in which the charter school is located moves out of the boundaries  
102 of such school district, the student may complete the current semester and shall  
103 be considered a resident student. The student's parent or legal guardian shall  
104 be responsible for the student's transportation to and from the charter school.

105 [7.] 6. If a change in school district boundary lines occurs under section  
106 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education  
107 under section 162.081, including attachment of a school district's territory to  
108 another district or dissolution, such that a student attending a charter school  
109 prior to such change no longer resides in a school district in which the charter  
110 school is located, then the student may complete the current academic year at the  
111 charter school. The student shall be considered a resident student. The student's  
112 parent or legal guardian shall be responsible for the student's transportation to  
113 and from the charter school.

114 [8.] 7. The provisions of sections 167.018 and 167.019 concerning foster  
115 children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state  
2 school aid under section 163.031, pupils enrolled in a charter school shall be  
3 included in the pupil enrollment of the school district within which each pupil  
4 resides. Each charter school shall report the names, addresses, and eligibility for  
5 free and reduced **price** lunch, special education, or limited English proficiency  
6 status, as well as eligibility for categorical aid, of pupils resident in a school  
7 district who are enrolled in the charter school to the school district in which those  
8 pupils reside. The charter school shall report the average daily attendance data,  
9 free and reduced **price** lunch count, special education pupil count, and limited  
10 English proficiency pupil count to the state department of elementary and  
11 secondary education. Each charter school shall promptly notify the state  
12 department of elementary and secondary education and the pupil's school district  
13 when a student discontinues enrollment at a charter school.

14           2. Except as provided in subsections 3 and 4 of this section, the aid  
15 payments for charter schools shall be as described in this subsection.

16           (1) A school district having one or more resident pupils attending a  
17 charter school shall pay to the charter school an annual amount equal to the  
18 product of the charter school's weighted average daily attendance and the state  
19 adequacy target, multiplied by the dollar value modifier for the district, plus local  
20 tax revenues per weighted average daily attendance from the incidental and  
21 teachers' funds in excess of the performance levy as defined in section 163.011  
22 plus all other state aid attributable to such pupils.

23           (2) The district of residence of a pupil attending a charter school shall also  
24 pay to the charter school any other federal or state aid that the district receives  
25 on account of such child.

26           (3) If the department overpays or underpays the amount due to the  
27 charter school, such overpayment or underpayment shall be repaid by the public  
28 charter school or credited to the public charter school in twelve equal payments  
29 in the next fiscal year.

30           (4) The amounts provided pursuant to this subsection shall be prorated  
31 for partial year enrollment for a pupil.

32           (5) A school district shall pay the amounts due pursuant to this subsection  
33 as the disbursal agent and no later than twenty days following the receipt of any  
34 such funds. The department of elementary and secondary education shall pay the  
35 amounts due when it acts as the disbursal agent within five days of the required  
36 due date.

37           3. A workplace charter school shall receive payment for each eligible pupil  
38 as provided under subsection 2 of this section, except that if the student is not a  
39 resident of the district and is participating in a voluntary interdistrict transfer  
40 program, the payment for such pupils shall be the same as provided under section  
41 162.1060.

42           4. A charter school that has declared itself as a local educational agency  
43 shall receive from the department of elementary and secondary education an  
44 annual amount equal to the product of the charter school's weighted average daily  
45 attendance and the state adequacy target, multiplied by the dollar value modifier  
46 for the district, plus local tax revenues per weighted average daily attendance  
47 from the incidental and teachers funds in excess of the performance levy as  
48 defined in section 163.011 plus all other state aid attributable to such pupils. If  
49 a charter school declares itself as a local [education] **educational** agency, the

50 department of elementary and secondary education shall, upon notice of the  
51 declaration, reduce the payment made to the school district by the amount  
52 specified in this subsection and pay directly to the charter school the annual  
53 amount reduced from the school district's payment.

54         5. If a school district fails to make timely payments of any amount for  
55 which it is the disbursal agent, the state department of elementary and secondary  
56 education shall authorize payment to the charter school of the amount due  
57 pursuant to subsection 2 of this section and shall deduct the same amount from  
58 the next state school aid apportionment to the owing school district. If a charter  
59 school is paid more or less than the amounts due pursuant to this section, the  
60 amount of overpayment or underpayment shall be adjusted equally in the next  
61 twelve payments by the school district or the department of elementary and  
62 secondary education, as appropriate. Any dispute between the school district and  
63 a charter school as to the amount owing to the charter school shall be resolved by  
64 the department of elementary and secondary education, and the department's  
65 decision shall be the final administrative action for the purposes of review  
66 pursuant to chapter 536. During the period of dispute, the department of  
67 elementary and secondary education shall make every administrative and  
68 statutory effort to allow the continued education of children in their current  
69 public charter school setting.

70         6. The charter school and a local school board may agree by contract for  
71 services to be provided by the school district to the charter school. The charter  
72 school may contract with any other entity for services. Such services may include  
73 but are not limited to food service, custodial service, maintenance, management  
74 assistance, curriculum assistance, media services and libraries and shall be  
75 subject to negotiation between the charter school and the local school board or  
76 other entity. Documented actual costs of such services shall be paid for by the  
77 charter school.

78         7. In the case of a proposed charter school that intends to contract with  
79 an education service provider for substantial educational services[,] or  
80 management services, the request for proposals shall additionally require the  
81 charter school applicant to:

82             (1) Provide evidence of the education service provider's success in serving  
83 student populations similar to the targeted population, including demonstrated  
84 academic achievement as well as successful management of nonacademic school  
85 functions, if applicable;



86           (2) Provide a term sheet setting forth the proposed duration of the service  
87 contract; roles and responsibilities of the governing board, the school staff, and  
88 the service provider; scope of services and resources to be provided by the service  
89 provider; performance evaluation measures and time lines; compensation  
90 structure, including clear identification of all fees to be paid to the service  
91 provider; methods of contract oversight and enforcement; investment disclosure;  
92 and conditions for renewal and termination of the contract;

93           (3) Disclose any known conflicts of interest between the school governing  
94 board and proposed service provider or any affiliated business entities;

95           (4) Disclose and explain any termination or nonrenewal of contracts for  
96 equivalent services for any other charter school in the United States within the  
97 past five years;

98           (5) Ensure that the legal counsel for the charter school shall report  
99 directly to the charter school's governing board; and

100           (6) Provide a process to ensure that the expenditures that the  
101 [educational] **education** service provider intends to bill to the charter school  
102 shall receive prior approval of the governing board or its designee.

103           8. A charter school may enter into contracts with community partnerships  
104 and state agencies acting in collaboration with such partnerships that provide  
105 services to children and their families linked to the school.

106           9. A charter school shall be eligible for transportation state aid pursuant  
107 to section 163.161 and shall be free to contract with the local district, or any  
108 other entity, for the provision of transportation to the students of the charter  
109 school.

110           10. (1) The proportionate share of state and federal resources generated  
111 by students with disabilities or staff serving them shall be paid in full to charter  
112 schools enrolling those students by their school district where such enrollment is  
113 through a contract for services described in this section. The proportionate share  
114 of money generated under other federal or state categorical aid programs shall  
115 be directed to charter schools serving such students eligible for that aid.

116           (2) A charter school shall provide the special services provided pursuant  
117 to section 162.705 and may provide the special services pursuant to a contract  
118 with a school district or any provider of such services.

119           11. A charter school may not charge tuition[, nor may it] or impose fees  
120 that a school district is prohibited from **charging or imposing, except that a**  
121 **charter school may receive tuition payments from districts in the same**

122 **or an adjoining county for nonresident students who transfer to an**  
123 **approved charter school, as defined in section 167.131, from an**  
124 **unaccredited district.**

125           12. A charter school is authorized to incur debt in anticipation of receipt  
126 of funds. A charter school may also borrow to finance facilities and other capital  
127 items. A school district may incur bonded indebtedness or take other measures  
128 to provide for physical facilities and other capital items for charter schools that  
129 it sponsors or contracts with. **Except as otherwise specifically provided in**  
130 **sections 160.400 to 160.425,** upon the dissolution of a charter school, any  
131 liabilities of the corporation will be satisfied through the procedures of chapter  
132 355. **A charter school shall satisfy all its financial obligations within**  
133 **twelve months of notice from the sponsor of the charter school's closure**  
134 **under subsection 8 of section 160.405. After satisfaction of all its**  
135 **financial obligations, a charter school shall return any remaining state**  
136 **and federal funds to the department of elementary and secondary**  
137 **education for disposition as stated in subdivision (17) of subsection 1**  
138 **of section 160.405.** The department of elementary and secondary education  
139 may withhold funding at a level the department determines to be adequate  
140 during a school's last year of operation until the department determines that  
141 school records, liabilities, and reporting requirements, including a full audit, are  
142 satisfied.

143           13. Charter schools shall not have the power to acquire property by  
144 eminent domain.

145           14. The governing body of a charter school is authorized to accept grants,  
146 gifts or donations of any kind and to expend or use such grants, gifts or  
147 donations. A grant, gift or donation may not be accepted by the governing body  
148 if it is subject to any condition contrary to law applicable to the charter school or  
other public schools, or contrary to the terms of the charter.

          160.417. 1. By October 1, 2012, and by each October first thereafter, the  
2 sponsor of each charter school shall review the information submitted on the  
3 report required by section 162.821 to identify charter schools experiencing  
4 financial stress. The department of elementary and secondary education shall be  
5 authorized to obtain such additional information from a charter school as may be  
6 necessary to determine the financial condition of the charter school. Annually,  
7 a listing of charter schools identified as experiencing financial stress according  
8 to the provisions of this section shall be provided to the governor, speaker of the

9 house of representatives, and president pro tempore of the senate by the  
10 department of elementary and secondary education.

11 2. For the purposes of this section, a charter school shall be identified as  
12 experiencing financial stress if it:

13 (1) At the end of its most recently completed fiscal year:

14 (a) Has a negative balance in its operating funds; or

15 (b) Has a combined balance of less than three percent of the amount  
16 expended from such funds during the previous fiscal year; [or]

17 (2) For the most recently completed fiscal year expenditures, exceeded  
18 receipts for any of its funds because of recurring costs; or

19 (3) **Due to insufficient fund balances or reserves, incurred debt**  
20 **after January thirty-first and before July first during the most recently**  
21 **completed fiscal year in order to meet expenditures of the charter**  
22 **school.**

23 3. The sponsor shall notify by November first the governing board of the  
24 charter school identified as experiencing financial stress. Upon receiving the  
25 notification, the governing board shall develop, or cause to have developed, and  
26 shall approve a budget and education plan on forms provided by the sponsor. The  
27 budget and education plan shall be submitted to the sponsor, signed by the  
28 officers of the charter school, within forty-five calendar days of notification that  
29 the charter school has been identified as experiencing financial  
30 stress. Minimally, the budget and education plan shall:

31 (1) Give assurances that adequate educational services to students of the  
32 charter school shall continue uninterrupted for the remainder of the current  
33 school year and that the charter school can provide the minimum [number of  
34 school days and hours] **amount of school time** required by section [160.041]  
35 **171.031;**

36 (2) Outline a procedure to be followed by the charter school to report to  
37 charter school patrons about the financial condition of the charter school; and

38 (3) Detail the expenditure reduction measures, revenue increases, or other  
39 actions to be taken by the charter school to address its condition of financial  
40 stress.

41 4. Upon receipt and following review of any budget and education plan,  
42 the sponsor may make suggestions to improve the plan. Nothing in sections  
43 160.400 to 160.425 or section 167.349 shall exempt a charter school from  
44 submitting a budget and education plan to the sponsor according to the provisions

45 of this section following each such notification that a charter school has been  
46 identified as experiencing financial stress, except that the sponsor may permit a  
47 charter school's governing board to make amendments to or update a budget and  
48 education plan previously submitted to the sponsor.

49 5. The department may withhold any payment of financial aid otherwise  
50 due to the charter school until such time as the sponsor and the charter school  
51 have fully complied with this section.

160.545. 1. There is hereby established within the department of  
2 elementary and secondary education the "A+ Schools Program" to be administered  
3 by the commissioner of education. The program shall consist of grant awards  
4 made to public secondary schools that demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is  
7 challenging and for which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or  
9 postsecondary vocational or technical school or high-wage job with work place  
10 skill development opportunities.

11 2. The state board of education shall promulgate rules and regulations for  
12 the approval of grants made under the program to schools that:

13 (1) Establish measurable districtwide performance standards for the goals  
14 of the program outlined in subsection 1 of this section; and

15 (2) Specify the knowledge, skills and competencies, in measurable terms,  
16 that students must demonstrate to successfully complete any individual course  
17 offered by the school, and any course of studies which will qualify a student for  
18 graduation from the school; and

19 (3) Do not offer a general track of courses that, upon completion, can lead  
20 to a high school diploma; and

21 (4) Require rigorous coursework with standards of competency in basic  
22 academic subjects for students pursuing vocational and technical education as  
23 prescribed by rule and regulation of the state board of education; and

24 (5) Have a partnership plan developed in cooperation and with the advice  
25 of local business persons, labor leaders, parents, and representatives of college  
26 and postsecondary vocational and technical school representatives, with the plan  
27 then approved by the local board of education. The plan shall specify a  
28 mechanism to receive information on an annual basis from those who developed  
29 the plan in addition to senior citizens, community leaders, and teachers to update

30 the plan in order to best meet the goals of the program as provided in subsection  
31 1 of this section. Further, the plan shall detail the procedures used in the school  
32 to identify students that may drop out of school and the intervention services to  
33 be used to meet the needs of such students. The plan shall outline counseling  
34 and mentoring services provided to students who will enter the work force upon  
35 graduation from high school, address apprenticeship and intern programs, and  
36 shall contain procedures for the recruitment of volunteers from the community  
37 of the school to serve in schools receiving program grants.

38       **3. Any nonpublic school in this state may apply to the state board**  
39 **of education for certification that it meets the requirements of this**  
40 **section subject to the same criteria as public high schools. Every**  
41 **nonpublic school that applies and has met the requirements of this**  
42 **section shall have its students eligible for reimbursement of**  
43 **postsecondary education under subsection 8 of this section on an equal**  
44 **basis to students who graduate from public schools that meet the**  
45 **requirements of this section. Any nonpublic school that applies shall**  
46 **not be eligible for any grants under this section. Students of certified**  
47 **nonpublic schools shall be eligible for reimbursement of postsecondary**  
48 **education under subsection 8 of this section so long as they meet the**  
49 **other requirements of such subsection. For purposes of subdivision (5)**  
50 **of subsection 2 of this section, the nonpublic school shall be included**  
51 **in the partnership plan developed by the public school district in which**  
52 **the nonpublic school is located. For purposes of subdivision (1) of**  
53 **subsection 2 of this section, the nonpublic school shall establish**  
54 **measurable performance standards for the goals of the program for**  
55 **every school and grade level over which the nonpublic school maintains**  
56 **control.**

57       **4. A school district may participate in the program irrespective of its**  
58 **accreditation classification by the state board of education, provided it meets all**  
59 **other requirements.**

60       **[4.] 5. By rule and regulation, the state board of education may**  
61 **determine a local school district variable fund match requirement in order for a**  
62 **school or schools in the district to receive a grant under the program. However,**  
63 **no school in any district shall receive a grant under the program unless the**  
64 **district designates a salaried employee to serve as the program coordinator, with**  
65 **the district assuming a minimum of one-half the cost of the salary and other**

66 benefits provided to the coordinator. Further, no school in any district shall  
67 receive a grant under the program unless the district makes available facilities  
68 and services for adult literacy training as specified by rule of the state board of  
69 education.

70       [5.] 6. For any school that meets the requirements for the approval of the  
71 grants authorized by this section and specified in subsection 2 of this section for  
72 three successive school years, by August first following the third such school year,  
73 the commissioner of education shall present a plan to the superintendent of the  
74 school district in which such school is located for the waiver of rules and  
75 regulations to promote flexibility in the operations of the school and to enhance  
76 and encourage efficiency in the delivery of instructional services in the  
77 school. The provisions of other law to the contrary notwithstanding, the plan  
78 presented to the superintendent shall provide a summary waiver, with no  
79 conditions, for the pupil testing requirements pursuant to section 160.257 in the  
80 school. Further, the provisions of other law to the contrary notwithstanding, the  
81 plan shall detail a means for the waiver of requirements otherwise imposed on  
82 the school related to the authority of the state board of education to classify  
83 school districts pursuant to subdivision (9) of section 161.092 and such other rules  
84 and regulations as determined by the commissioner of education, except such  
85 waivers shall be confined to the school and not other schools in the school district  
86 unless such other schools meet the requirements of this subsection. However, any  
87 waiver provided to any school as outlined in this subsection shall be void on June  
88 thirtieth of any school year in which the school fails to meet the requirements for  
89 the approval of the grants authorized by this section as specified in subsection 2  
90 of this section.

91       [6.] 7. For any school year, grants authorized by subsections 1, 2, and [4]  
92 5 of this section shall be funded with the amount appropriated for this program,  
93 less those funds necessary to reimburse eligible students pursuant to subsection  
94 [7] 8 of this section.

95       [7.] 8. The department of higher education shall, by rule, establish a  
96 procedure for the reimbursement of the cost of tuition, books and fees to any  
97 public community college or vocational or technical school or within the limits  
98 established in subsection [9] 10 of this section for any two-year private vocational  
99 or technical school for any student:

100       (1) Who has attended a [public] high school in the state for at least three  
101 years immediately prior to graduation that meets the requirements of subsection

102 2 of this section; except that, students who are active duty military dependents,  
103 and students who are dependants of retired military who relocate to Missouri  
104 within one year of the date of the parent's retirement from active duty, who, in  
105 the school year immediately preceding graduation, meet all other requirements  
106 of this subsection and are attending a school that meets the requirements of  
107 subsection 2 of this section shall be exempt from the three-year attendance  
108 requirement of this subdivision; and

109 (2) Who has made a good faith effort to first secure all available federal  
110 sources of funding that could be applied to the reimbursement described in this  
111 subsection; and

112 (3) Who has earned a minimal grade average while in high school as  
113 determined by rule of the department of higher education, and other  
114 requirements for the reimbursement authorized by this subsection as determined  
115 by rule and regulation of the department; and

116 (4) Who is a citizen or permanent resident of the United States.

117 [8.] 9. The commissioner of education shall develop a procedure for  
118 evaluating the effectiveness of the program described in this section. Such  
119 evaluation shall be conducted annually with the results of the evaluation  
120 provided to the governor, speaker of the house, and president pro tempore of the  
121 senate.

122 [9.] 10. For a two-year private vocational or technical school to obtain  
123 reimbursements under subsection [7] 8 of this section, the following requirements  
124 shall be satisfied:

125 (1) Such two-year private vocational or technical school shall be a member  
126 of the North Central Association and be accredited by the Higher Learning  
127 Commission as of July 1, 2008, and maintain such accreditation;

128 (2) Such two-year private vocational or technical school shall be  
129 designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code  
130 of 1986, as amended;

131 (3) No two-year private vocational or technical school shall receive tuition  
132 reimbursements in excess of the tuition rate charged by a public community  
133 college for course work offered by the private vocational or technical school within  
134 the service area of such college; and

135 (4) The reimbursements provided to any two-year private vocational or  
136 technical school shall not violate the provisions of Article IX, Section 8, or Article  
137 I, Section 7, of the Missouri Constitution or the first amendment of the United

138 States Constitution.

161.217. 1. The department of elementary and secondary  
2 education, in collaboration with the Missouri Head Start State  
3 Collaboration Office and the departments of health and senior services,  
4 mental health, and social services, shall develop, as a three-year pilot  
5 program, a voluntary early learning quality assurance report. The  
6 early learning quality assurance report shall be developed based on  
7 evidence-based practices.

8 2. Participation in the early learning quality assurance report  
9 pilot program shall be voluntary for any licensed or license-exempt  
10 early learning providers that are center-based or home-based and are  
11 providing services for children from any ages from birth up to  
12 kindergarten.

13 3. The early learning quality assurance report may include, but  
14 is not limited to, information regarding staff qualifications,  
15 instructional quality, professional development, health and safety  
16 standards, parent engagement, and community engagement.

17 4. The early learning quality assurance report shall not be used  
18 for enforcement of compliance with any law or for any punitive  
19 purposes.

20 5. The department of elementary and secondary education shall  
21 promulgate all necessary rules and regulations for the administration  
22 of this section. Any rule or portion of a rule, as that term is defined in  
23 section 536.010, that is created under the authority delegated in this  
24 section shall become effective only if it complies with and is subject to  
25 all of the provisions of chapter 536 and, if applicable, section  
26 536.028. This section and chapter 536 are nonseverable, and if any of  
27 the powers vested with the general assembly pursuant to chapter 536  
28 to review, to delay the effective date, or to disapprove and annul a rule  
29 are subsequently held unconstitutional, then the grant of rulemaking  
30 authority and any rule proposed or adopted after August 28, 2016, shall  
31 be invalid and void.

32 6. Under section 23.253 of the Missouri sunset act:

33 (1) The provisions of the new program authorized under this  
34 section shall automatically sunset three years after the effective date  
35 of this section unless reauthorized by an act of the general assembly;  
36 and



37 (2) If such program is reauthorized, the program authorized  
38 under this section shall automatically sunset three years after the  
39 effective date of the reauthorization of this section; and

40 (3) This section shall terminate on September first of the  
41 calendar year immediately following the calendar year in which the  
42 program authorized under this section is sunset.

161.1050. 1. There is hereby established within the department  
2 of elementary and secondary education the "Trauma-Informed Schools  
3 Initiative".

4 2. The department of elementary and secondary education shall  
5 consult the department of mental health and the department of social  
6 services for assistance in fulfilling the requirements of this section.

7 3. The department of elementary and secondary education shall:

8 (1) Provide information regarding the trauma-informed approach  
9 to all school districts;

10 (2) Offer training on the trauma-informed approach to all school  
11 districts, which shall include information on how schools can become  
12 trauma-informed schools; and

13 (3) Develop a website about the trauma-informed schools  
14 initiative that includes information for schools and parents regarding  
15 the trauma-informed approach and a guide for schools on how to  
16 become trauma-informed schools.

17 4. Each school district shall provide the address of the website  
18 described under subdivision (3) of subsection 3 of this section to all  
19 parents of the students in its district before October first of each school  
20 year.

21 5. For purposes of this section, the following terms mean:

22 (1) "Trauma-informed approach", an approach that involves  
23 understanding and responding to the symptoms of chronic  
24 interpersonal trauma and traumatic stress across the lifespan;

25 (2) "Trauma-informed school", a school that:

26 (a) Realizes the widespread impact of trauma and understands  
27 potential paths for recovery;

28 (b) Recognizes the signs and symptoms of trauma in students,  
29 teachers, and staff;

30 (c) Responds by fully integrating knowledge about trauma into  
31 its policies, procedures, and practices; and

32 (d) Seeks to actively resist re-traumatization.

161.1055. 1. Subject to appropriations, the department of  
2 elementary and secondary education shall establish the "Trauma-  
3 Informed Schools Pilot Program".

4 2. Under the trauma-informed schools pilot program, the  
5 department of elementary and secondary education shall choose five  
6 schools to receive intensive training on the trauma-informed approach.

7 3. The five schools chosen for the pilot program shall be located  
8 in the following areas:

9 (1) One public school located in a metropolitan school district;

10 (2) One public school located in a home rule city with more than  
11 four hundred thousand inhabitants and located in more than one  
12 county;

13 (3) One public school located in a school district that has most  
14 or all of its land area located in a county with a charter form of  
15 government and with more than nine hundred fifty thousand  
16 inhabitants;

17 (4) One public school located in a school district that has most  
18 or all of its land area located in a county with a charter form of  
19 government and with more than six hundred thousand but fewer than  
20 seven hundred thousand inhabitants; and

21 (5) One public school located in any one of the following  
22 counties:

23 (a) A county of the third classification without a township form  
24 of government and with more than forty-one thousand but fewer than  
25 forty-five thousand inhabitants;

26 (b) A county of the third classification without a township form  
27 of government and with more than six thousand but fewer than seven  
28 thousand inhabitants and with a city of the fourth classification with  
29 more than eight hundred but fewer than nine hundred inhabitants as  
30 the county seat;

31 (c) A county of the third classification with a township form of  
32 government and with more than thirty-one thousand but fewer than  
33 thirty-five thousand inhabitants;

34 (d) A county of the third classification without a township form  
35 of government and with more than fourteen thousand but fewer than  
36 sixteen thousand inhabitants and with a city of the third classification

37 with more than five thousand but fewer than six thousand inhabitants  
38 as the county seat;

39 (e) A county of the third classification without a township form  
40 of government and with more than eighteen thousand but fewer than  
41 twenty thousand inhabitants and with a city of the fourth classification  
42 with more than three thousand but fewer than three thousand seven  
43 hundred inhabitants as the county seat;

44 (f) A county of the third classification without a township form  
45 of government and with more than eighteen thousand but fewer than  
46 twenty thousand inhabitants and with a city of the third classification  
47 with more than six thousand but fewer than seven thousand inhabitants  
48 as the county seat;

49 (g) A county of the third classification without a township form  
50 of government and with more than fourteen thousand but fewer than  
51 sixteen thousand inhabitants and with a city of the fourth classification  
52 with more than one thousand nine hundred but fewer than two  
53 thousand one hundred inhabitants as the county seat;

54 (h) A county of the third classification without a township form  
55 of government and with more than thirty-seven thousand but fewer  
56 than forty-one thousand inhabitants and with a city of the fourth  
57 classification with more than eight hundred but fewer than nine  
58 hundred inhabitants as the county seat;

59 (i) A county of the third classification with a township form of  
60 government and with more than twenty-eight thousand but fewer than  
61 thirty-one thousand inhabitants; or

62 (j) A county of the third classification without a township form  
63 of government and with more than twelve thousand but fewer than  
64 fourteen thousand inhabitants and with a city of the fourth  
65 classification with more than five hundred but fewer than five hundred  
66 fifty inhabitants as the county seat.

67 4. The department of elementary and secondary education shall:

68 (1) Train the teachers and administrators of the five schools  
69 chosen for the pilot program regarding the trauma-informed approach  
70 and how to become trauma-informed schools;

71 (2) Provide the five schools with funds to implement the trauma-  
72 informed approach; and

73 (3) Closely monitor the progress of the five schools in becoming

74 trauma-informed schools and provide further assistance if necessary.

75       5. The department of elementary and secondary education shall  
76 terminate the trauma-informed schools pilot program on August 28,  
77 2019. Before December 31, 2019, the department of elementary and  
78 secondary education shall submit a report to the general assembly that  
79 contains the results of the pilot program, including any benefits  
80 experienced by the five schools chosen for the program.

81       6. (1) There is hereby created in the state treasury the "Trauma-  
82 Informed Schools Pilot Program Fund". The fund shall consist of any  
83 appropriations to such fund. The state treasurer shall be custodian of  
84 the fund. In accordance with sections 30.170 and 30.180, the state  
85 treasurer may approve disbursements of public moneys in accordance  
86 with distribution requirements and procedures developed by the  
87 department of elementary and secondary education. The fund shall be  
88 a dedicated fund and, upon appropriation, moneys in the fund shall be  
89 used solely for the administration of this section.

90       (2) Notwithstanding the provisions of section 33.080 to the  
91 contrary, any moneys remaining in the fund at the end of the biennium  
92 shall not revert to the credit of the general revenue fund.

93       (3) The state treasurer shall invest moneys in the fund in the  
94 same manner as other funds are invested. Any interest and moneys  
95 earned on such investments shall be credited to the fund.

96       7. For purposes of this section, the following terms mean:

97       (1) "Trauma-informed approach", an approach that involves  
98 understanding and responding to the symptoms of chronic  
99 interpersonal trauma and traumatic stress across the lifespan;

100       (2) "Trauma-informed school", a school that:

101       (a) Realizes the widespread impact of trauma and understands  
102 potential paths for recovery;

103       (b) Recognizes the signs and symptoms of trauma in students,  
104 teachers, and staff;

105       (c) Responds by fully integrating knowledge about trauma into  
106 its policies, procedures, and practices; and

107       (d) Seeks to actively resist re-traumatization.

108       8. The provisions of this section shall expire December 31, 2019.

162.073. For the purposes of sections 162.071, 162.073, 162.152, 162.171,

2 162.181, 162.191, 162.201, 162.241, [162.261,] 162.301, 162.311, 162.821 and

3 167.121, in those counties without a county commission, the following words shall  
4 have the following meaning:

5 (1) "County clerk" shall mean the vice-chairman of the county legislature  
6 or county council;

7 (2) "County commission" shall mean the county legislature or county  
8 council;

9 (3) "Presiding commissioner of the county commission" shall mean the  
10 chairman of the county legislature or county council.

162.261. 1. The government and control of a seven-director school district,  
2 other than an urban district, is vested in a board of education of seven members,  
3 who hold their office for three years, except as provided in section 162.241, and  
4 until their successors are duly elected and qualified. Any vacancy occurring in  
5 the board shall be filled by the remaining members of the board; except that if  
6 there are more than two vacancies at any one time, the county commission upon  
7 receiving written notice of the vacancies shall fill the vacancies by appointment.  
8 **If there are more than two vacancies at any one time in a county**  
9 **without a county commission, the county executive upon receiving**  
10 **written notice of the vacancies shall fill the vacancies, with the advice**  
11 **and consent of the county council, by appointment.** The person appointed  
12 shall hold office until the next municipal election, when a director shall be elected  
13 for the unexpired term.

14 2. No seven-director, urban, or metropolitan school district board of  
15 education shall hire a spouse of any member of such board for a vacant or newly  
16 created position unless the position has been advertised pursuant to board policy  
17 and the superintendent of schools submits a written recommendation for the  
18 employment of the spouse to the board of education. The names of all applicants  
19 as well as the name of the applicant hired for the position are to be included in  
20 the board minutes.

21 3. The provisions of article VII, section 6 of the Missouri Constitution  
22 apply to school districts.

162.531. The secretary of the board of each urban district shall keep a  
2 record of the proceedings of the board; he shall also keep a record of all warrants  
3 drawn upon the treasurer, showing the date and amount of each, in whose favor  
4 and upon what account it was drawn, and shall also keep a register of the bonded  
5 indebtedness of the school district; he shall also perform other duties required of  
6 him by the board, and shall safely keep all bonds or other papers entrusted to his

7 care. He shall, before entering upon his duties, execute a bond to the school  
8 district in the penal sum of not less than five thousand dollars, the amount  
9 thereof to be fixed by the board, with at least [two sureties] **one surety**, to be  
10 approved by the board.

162.541. The treasurer of each urban district, before entering upon the  
2 discharge of his duties as such, shall enter into a bond to the state of Missouri  
3 with [two] **one** or more sureties, approved by the board, conditioned that he will  
4 render a faithful and just account of all moneys that come into his hands as  
5 treasurer, and otherwise perform the duties of his office according to law and  
6 shall file the bond with the secretary of the board. On breach of any of the  
7 conditions of the bond, the board, or the president or the secretary thereof, or any  
8 resident of the school district, may cause suit to be brought thereon, in the name  
9 of the state of Missouri, at the relation and to the use of the school district.

162.720. 1. Where a sufficient number of children are determined to be  
2 gifted and their development requires programs or services beyond the level of  
3 those ordinarily provided in regular public school programs, districts may  
4 establish special programs for such gifted children.

5 2. The state board of education shall determine standards for such  
6 programs. Approval of such programs shall be made by the state department of  
7 elementary and secondary education based upon project applications submitted  
8 by July fifteenth of each year.

9 3. **No district shall make a determination as to whether a child**  
10 **is gifted based on the child's participation in an advanced placement**  
11 **course or international baccalaureate course. Districts shall determine**  
12 **a child is gifted only if the child meets the definition of "gifted**  
13 **children" as provided in section 162.675.**

163.031. 1. The department of elementary and secondary education shall  
2 calculate and distribute to each school district qualified to receive state aid under  
3 section 163.021 an amount determined by multiplying the district's weighted  
4 average daily attendance by the state adequacy target, multiplying this product  
5 by the dollar value modifier for the district, and subtracting from this product the  
6 district's local effort and subtracting payments from the classroom trust fund  
7 under section 163.043.

8 2. Other provisions of law to the contrary notwithstanding:

9 (1) For districts with an average daily attendance of more than three  
10 hundred fifty in the school year preceding the payment year:

11 (a) For the 2008-09 school year, the state revenue per weighted average  
12 daily attendance received by a district from the state aid calculation under  
13 subsections 1 and 4 of this section, as applicable, and the classroom trust fund  
14 under section 163.043 shall not be less than the state revenue received by a  
15 district in the 2005-06 school year from the foundation formula, line 14, gifted,  
16 remedial reading, exceptional pupil aid, fair share, and free textbook payment  
17 amounts multiplied by the dollar value modifier, and dividing this product by the  
18 weighted average daily attendance computed for the 2005-06 school year;

19 (b) For each year subsequent to the 2008-09 school year, the amount shall  
20 be no less than that computed in paragraph (a) of this subdivision, multiplied by  
21 the weighted average daily attendance pursuant to section 163.036, less any  
22 increase in revenue received from the classroom trust fund under section 163.043;

23 (2) For districts with an average daily attendance of three hundred fifty  
24 or less in the school year preceding the payment year:

25 (a) For the 2008-09 school year, the state revenue received by a district  
26 from the state aid calculation under subsections 1 and 4 of this section, as  
27 applicable, and the classroom trust fund under section 163.043 shall not be less  
28 than the greater of state revenue received by a district in the 2004-05 or 2005-06  
29 school year from the foundation formula, line 14, gifted, remedial reading,  
30 exceptional pupil aid, fair share, and free textbook payment amounts multiplied  
31 by the dollar value modifier;

32 (b) For each year subsequent to the 2008-09 school year, the amount shall  
33 be no less than that computed in paragraph (a) of this subdivision;

34 (3) The department of elementary and secondary education shall make an  
35 addition in the payment amount specified in subsection 1 of this section to assure  
36 compliance with the provisions contained in this subsection.

37 3. School districts that meet the requirements of section 163.021 shall  
38 receive categorical add-on revenue as provided in this subsection. The categorical  
39 add-on for the district shall be the sum of: seventy-five percent of the district  
40 allowable transportation costs under section 163.161; the career ladder  
41 entitlement for the district, as provided for in sections 168.500 to 168.515; the  
42 vocational education entitlement for the district, as provided for in section  
43 167.332; and the district educational and screening program entitlements as  
44 provided for in sections 178.691 to 178.699. The categorical add-on revenue  
45 amounts may be adjusted to accommodate available appropriations.

46 4. For any school district meeting the eligibility criteria for state aid as

47 established in section 163.021, but which is considered an option district under  
48 section 163.042 and therefore receives no state aid, the commissioner of education  
49 shall present a plan to the superintendent of the school district for the waiver of  
50 rules and the duration of said waivers, in order to promote flexibility in the  
51 operations of the district and to enhance and encourage efficiency in the delivery  
52 of instructional services as provided in section 163.042.

53         5. (1) No less than seventy-five percent of the state revenue received  
54 under the provisions of subsections 1 and 2 of this section shall be placed in the  
55 teachers' fund, and the remaining percent of such moneys shall be placed in the  
56 incidental fund. No less than seventy-five percent of one-half of the funds  
57 received from the school district trust fund distributed under section 163.087  
58 shall be placed in the teachers' fund. One hundred percent of revenue received  
59 under the provisions of section 163.161 shall be placed in the incidental  
60 fund. One hundred percent of revenue received under the provisions of sections  
61 168.500 to 168.515 shall be placed in the teachers' fund.

62         (2) A school district shall spend for certificated compensation and tuition  
63 expenditures each year:

64             (a) An amount equal to at least seventy-five percent of the state revenue  
65 received under the provisions of subsections 1 and 2 of this section;

66             (b) An amount equal to at least seventy-five percent of one-half of the  
67 funds received from the school district trust fund distributed under section  
68 163.087 during the preceding school year; and

69             (c) Beginning in fiscal year 2008, as much as was spent per the second  
70 preceding year's weighted average daily attendance for certificated compensation  
71 and tuition expenditures the previous year from revenue produced by local and  
72 county tax sources in the teachers' fund, plus the amount of the incidental fund  
73 to teachers' fund transfer calculated to be local and county tax sources by dividing  
74 local and county tax sources in the incidental fund by total revenue in the  
75 incidental fund.

76 In the event a district fails to comply with this provision, the amount by which  
77 the district fails to spend funds as provided herein shall be deducted from the  
78 district's state revenue received under the provisions of subsections 1 and 2 of  
79 this section for the following year, provided that the state board of education may  
80 exempt a school district from this provision if the state board of education  
81 determines that circumstances warrant such exemption.

82         6. (1) If a school district's annual audit discloses that students were



83 inappropriately identified as eligible for free and reduced **price** lunch, special  
84 education, or limited English proficiency and the district does not resolve the  
85 audit finding, the department of elementary and secondary education shall  
86 require that the amount of aid paid pursuant to the weighting for free and  
87 reduced **price** lunch, special education, or limited English proficiency in the  
88 weighted average daily attendance on the inappropriately identified pupils be  
89 repaid by the district in the next school year and shall additionally impose a  
90 penalty of one hundred percent of such aid paid on such pupils, which penalty  
91 shall also be paid within the next school year. Such amounts may be repaid by  
92 the district through the withholding of the amount of state aid.

93       **(2) In the 2017-18 school year and in each subsequent school**  
94 **year, if a district experiences a decrease in its gifted program**  
95 **enrollment of twenty percent or more from the previous school year, an**  
96 **amount equal to the product of the difference between the number of**  
97 **students enrolled in the gifted program in the current school year and**  
98 **the number of students enrolled in the gifted program in the previous**  
99 **school year multiplied by six hundred eighty dollars shall be subtracted**  
100 **from the district's current year payment amount. The provisions of this**  
101 **subdivision shall apply to districts entitled to receive state aid**  
102 **payments under both subsections 1 and 2 of this section but shall not**  
103 **apply to any school district with an average daily attendance of three**  
104 **hundred fifty or less.**

105       7. Notwithstanding any provision of law to the contrary, in any fiscal year  
106 during which the total formula appropriation is insufficient to fully fund the  
107 entitlement calculation of this section, the department of elementary and  
108 secondary education shall adjust the state adequacy target in order to  
109 accommodate the appropriation level for the given fiscal year. In no manner shall  
110 any payment modification be rendered for any district qualified to receive  
111 payments under subsection 2 of this section based on insufficient appropriations.

167.131. 1. The board of education of each district in this state that does  
2 not maintain an accredited school pursuant to the authority of the state board of  
3 education to classify schools as established in section 161.092 shall pay the  
4 tuition of and provide transportation consistent with the provisions of section  
5 167.241 for each pupil resident therein who attends an accredited school in  
6 another district of the same or an adjoining county **or who attends an**  
7 **approved charter school in the same or an adjoining county.**

8           2. The rate of tuition to be charged by the district attended and paid by  
9 the sending district is the per pupil cost of maintaining the district's grade level  
10 grouping which includes the school attended. **The rate of tuition to be**  
11 **charged by the approved charter school attended and paid by the**  
12 **sending district is the per pupil cost of maintaining the approved**  
13 **charter school's grade level grouping. For a district, the cost of**  
14 **maintaining a grade level grouping shall be determined by the board of education**  
15 **of the district but in no case shall it exceed all amounts spent for teachers' wages,**  
16 **incidental purposes, debt service, maintenance and replacements. For an**  
17 **approved charter school, the cost of maintaining a grade level grouping**  
18 **shall be determined by the approved charter school but in no case shall**  
19 **it exceed all amounts spent by the district in which the approved**  
20 **charter school is located for teachers' wages, incidental purposes, debt**  
21 **service, maintenance, and replacements.** The term "debt service", as used  
22 in this section, means expenditures for the retirement of bonded indebtedness and  
23 expenditures for interest on bonded indebtedness. Per pupil cost of the grade  
24 level grouping shall be determined by dividing the cost of maintaining the grade  
25 level grouping by the average daily pupil attendance. If there is disagreement as  
26 to the amount of tuition to be paid, the facts shall be submitted to the state board  
27 of education, and its decision in the matter shall be final. Subject to the  
28 limitations of this section, each pupil shall be free to attend the public school of  
29 his or her choice.

30           3. **For purposes of this section, "approved charter school" means**  
31 **a charter school that has existed for less than three years or a charter**  
32 **school with a three-year average score of seventy percent or higher on**  
33 **its annual performance report.**

167.241. Transportation for pupils whose tuition the district of residence  
2 is required to pay by section 167.131 or who are assigned as provided in section  
3 167.121 shall be provided by the district of residence; however, in the case of  
4 pupils covered by section 167.131, the district of residence shall be required to  
5 provide transportation only to **approved charter schools as defined in**  
6 **section 167.131,** school districts accredited by the state board of education  
7 pursuant to the authority of the state board of education to classify schools as  
8 established in section 161.092, and those school districts designated by the board  
9 of education of the district of residence.

**167.903. 1. Each student prior to his or her ninth grade year at**

2 a public school, including a charter school, may develop with help from  
3 the school's guidance counselors a personal plan of study, which shall  
4 be reviewed regularly, as needed by school personnel and the student's  
5 parent or guardian and updated based upon the needs of the  
6 student. Each plan shall present a sequence of courses and experiences  
7 that conclude with the student reaching his or her postsecondary goals,  
8 with implementation of the plan of study transferring to the program  
9 of postsecondary education or training upon the student's high school  
10 graduation. The plan shall include, but not be limited to:

11 (1) Requirements for graduation from the school district or  
12 charter school;

13 (2) Career or postsecondary goals;

14 (3) Coursework or program of study related to career and  
15 postsecondary goals, which shall include, if relevant, opportunities that  
16 the district or school may not directly offer;

17 (4) Grade-appropriate and career-related experiences, as  
18 outlined in the grade-level expectations of the Missouri comprehensive  
19 guidance program; and

20 (5) Student assessments, interest inventories, or academic results  
21 needed to develop, review, and revise the personal plan of study, which  
22 shall include, if relevant, assessments, inventories, or academic results  
23 that the school district or charter school may not offer.

24 2. Each school district shall adopt a policy to permit the waiver  
25 of the requirements of this section for any student with a disability if  
26 recommended by the student's IEP committee. For purposes of this  
27 subsection, "IEP" means individualized education program.

167.905. 1. By July 1, 2018, each school district shall develop a  
2 policy and implement a measurable system for identifying students in  
3 their ninth grade year, or students who transfer into the school  
4 subsequent to their ninth grade year, who are at risk of not being ready  
5 for college-level work or for entry-level career positions. Districts shall  
6 include, but are not limited to, the following sources of information:

7 (1) A student's performance on the Missouri assessment program  
8 test in eighth grade in English language arts and mathematics;

9 (2) A student's comparable statewide assessment performance if  
10 such student transferred from another state;

11 (3) The district's overall reported remediation rate under section

12 173.750; and

13 (4) A student's attendance rate.

14 2. The district policy shall require academic and career  
15 counseling to take place prior to graduation so that the school may  
16 attempt to provide sufficient opportunities to the student to graduate  
17 college-ready or career-ready and on time.

18 3. Each school district shall adopt a policy to permit the waiver  
19 of the requirements of this section for any student with a disability if  
20 recommended by the student's IEP committee. For purposes of this  
21 subsection, "IEP" means individualized education program.

167.950. 1. (1) By December 31, 2017, the department of  
2 elementary and secondary education shall develop guidelines for the  
3 appropriate screening of students for dyslexia and related disorders  
4 and the necessary classroom support for students with dyslexia and  
5 related disorders. Such guidelines shall be consistent with the findings  
6 and recommendations of the task force created under section 633.420.

7 (2) In the 2018-19 school year and subsequent years, each public  
8 school, including each charter school, shall conduct dyslexia screenings  
9 for students in the appropriate year consistent with the guidelines  
10 developed by the Department of Elementary and Secondary Education.

11 (3) In the 2018-19 school year and subsequent years, the school  
12 board of each district and the governing board of each charter school  
13 shall provide reasonable classroom support consistent with the  
14 guidelines developed by the Department of Elementary and Secondary  
15 Education.

16 2. In the 2018-19 school year and subsequent years, the  
17 practicing teacher assistance programs established under section  
18 168.400 shall include two hours of in-service training provided by each  
19 local school district for all practicing teachers in such district  
20 regarding dyslexia and related disorders. Each charter school shall  
21 also offer all of its teachers two hours of training on dyslexia and  
22 related disorders. Districts and charter schools may seek assistance  
23 from the department of elementary and secondary education in  
24 developing and providing such training. Completion of such training  
25 shall count as two contact hours of professional development under  
26 section 168.021.

27 3. For purposes of this section, the following terms mean:

28           (1) "Dyslexia", a disorder that is neurological in origin,  
29 characterized by difficulties with accurate and fluent word recognition  
30 and poor spelling and decoding abilities that typically result from a  
31 deficit in the phonological component of language, often unexpected in  
32 relation to other cognitive abilities and the provision of effective  
33 classroom instruction, and of which secondary consequences may  
34 include problems in reading comprehension and reduced reading  
35 experience that can impede growth of vocabulary and background  
36 knowledge. Nothing in this definition shall require a student with  
37 dyslexia to obtain an individualized education program (IEP) unless  
38 the student has otherwise met the federal conditions necessary;

39           (2) "Dyslexia screening", a short test conducted by a teacher or  
40 school counselor to determine whether a student likely has dyslexia or  
41 a related disorder in which a positive result does not represent a  
42 medical diagnosis but indicates that the student could benefit from  
43 approved support;

44           (3) "Related disorders", disorders similar to or related to  
45 dyslexia, such as developmental auditory imperception, dysphasia,  
46 specific developmental dyslexia, developmental dysgraphia, and  
47 developmental spelling disability;

48           (4) "Support", low-cost and effective best practices, such as oral  
49 examinations and extended test-taking periods, used to support  
50 students who have dyslexia or any related disorder.

51           4. The state board of education shall promulgate rules and  
52 regulations for each public school to screen students for dyslexia and  
53 related disorders and to provide the necessary classroom support for  
54 students with dyslexia and related disorders. Any rule or portion of a  
55 rule, as that term is defined in section 536.010, that is created under  
56 the authority delegated in this section shall become effective only if it  
57 complies with and is subject to all of the provisions of chapter 536 and,  
58 if applicable, section 536.028. This section and chapter 536 are  
59 nonseverable, and if any of the powers vested with the general  
60 assembly pursuant to chapter 536 to review, to delay the effective date,  
61 or to disapprove and annul a rule are subsequently held  
62 unconstitutional, then the grant of rulemaking authority and any rule  
63 proposed or adopted after August 28, 2016, shall be invalid and void.

64           5. Nothing in this section shall require the MO HealthNet

65 **program to expand the services that it provides.**

170.011. 1. Regular courses of instruction in the Constitution of the  
2 United States and of the state of Missouri and in American history and  
3 institutions shall be given in all public and private schools in the state of  
4 Missouri, except [privately operated trade] **proprietary** schools, and shall begin  
5 not later than the seventh grade and continue in high school to an extent  
6 determined by the state commissioner of education, and shall continue in college  
7 and university courses to an extent determined by the state commissioner of  
8 higher education. In the 1990-91 school year and each year thereafter, local  
9 school districts maintaining high schools shall comply with the provisions of this  
10 section by offering in grade nine, ten, eleven, or twelve a course of instruction in  
11 the institutions, branches and functions of the government of the state of  
12 Missouri, including local governments, and of the government of the United  
13 States, and in the electoral process. A local school district maintaining such a  
14 high school shall require that prior to the completion of the twelfth grade each  
15 pupil who receives a high school diploma or certificate of graduation on or after  
16 January 1, 1994, shall satisfactorily complete such a course of study. Such course  
17 shall be of at least one semester in length and may be two semesters in  
18 length. The department of elementary and secondary education may provide  
19 assistance in developing such a course if the district requests assistance. A  
20 school district may elect to waive the requirements of this subsection for any  
21 student who transfers from outside the state to a Missouri high school if the  
22 student can furnish documentation deemed acceptable by the school district of the  
23 student's successful completion in any year from the ninth through the twelfth  
24 grade of a course of instruction in the institutions, branches, and functions of  
25 state government, including local governments, and of the government of the  
26 United States, and in the electoral process.

27 2. American history courses at the elementary and secondary levels shall  
28 include in their proper time-line sequence specific referrals to the details and  
29 events of the racial equality movement that have caused major changes in United  
30 States and Missouri laws and attitudes.

31 3. No pupil shall receive a certificate of graduation from any public or  
32 private school other than private trade schools unless he has satisfactorily passed  
33 an examination on the provisions and principles of the Constitution of the United  
34 States and of the state of Missouri, and in American history [and], American  
35 institutions, **and American civics**. A school district may elect to waive the

36 requirements of this subsection for any student who transfers from outside the  
37 state to a Missouri high school if the student can furnish documentation deemed  
38 acceptable by the school district of the student's successful completion in any year  
39 from the ninth through the twelfth grade of a course of instruction in the  
40 institutions, branches, and functions of state government, including local  
41 governments, and of the government of the United States, and in the electoral  
42 process. A student of a college or university, who, after having completed a  
43 course of instruction prescribed in this section and successfully passed an  
44 examination on the United States Constitution, and in American history and  
45 American institutions required hereby, transfers to another college or university,  
46 is not required to complete another such course or pass another such examination  
47 as a condition precedent to his graduation from the college or university.

48         4. In the 1990-91 school year and each year thereafter, each school district  
49 maintaining a high school may annually nominate to the state board of education  
50 a student who has demonstrated knowledge of the principles of government and  
51 citizenship through academic achievement, participation in extracurricular  
52 activities, and service to the community. Annually, the state board of education  
53 shall select fifteen students from those nominated by the local school districts and  
54 shall recognize and award them for their academic achievement, participation and  
55 service.

56         5. The provisions of this section shall not apply to students from foreign  
57 countries who are enrolled in public or private high schools in Missouri, if such  
58 students are foreign exchange students sponsored by a national organization  
59 recognized by the department of elementary and secondary education.

170.310. 1. **For school year 2017-18 and each school year  
2 thereafter, upon graduation from high school, pupils in public schools  
3 and charter schools shall have received thirty minutes of  
4 cardiopulmonary resuscitation instruction and training in the proper  
5 performance of the Heimlich maneuver or other first aid for choking  
6 given any time during a pupil's four years of high school.**

7         **2. Beginning in school year 2017-18, any public school or charter**  
8 **school serving grades nine through twelve [may] shall provide enrolled students**  
9 **instruction in cardiopulmonary resuscitation. Students with disabilities may**  
10 **participate to the extent appropriate as determined by the provisions of the**  
11 **Individuals with Disabilities Education Act or Section 504 of the Rehabilitation**  
12 **Act. [Instruction may be embedded in any health education course] Instruction**

13 **shall be included in the district's existing health or physical education**  
14 **curriculum.** Instruction shall be based on a program established by the  
15 American Heart Association or the American Red Cross, or through a nationally  
16 recognized program based on the most current national evidence-based emergency  
17 cardiovascular care guidelines, and psychomotor skills development shall be  
18 incorporated into the instruction. For purposes of this section, "psychomotor  
19 skills" means the use of hands-on practicing and skills testing to support  
20 cognitive learning.

21 [2.] **3.** The teacher of the cardiopulmonary resuscitation course or unit  
22 shall not be required to be a certified trainer of cardiopulmonary resuscitation if  
23 the instruction is not designed to result in certification of students. Instruction  
24 that is designed to result in certification being earned shall be required to be  
25 taught by an authorized cardiopulmonary instructor. Schools may develop  
26 agreements with any local chapter of a voluntary organization of first responders  
27 to provide the required hands-on practice and skills testing.

28 [3.] **4.** The department of elementary and secondary education may  
29 promulgate rules to implement this section. Any rule or portion of a rule, as that  
30 term is defined in section 536.010, that is created under the authority delegated  
31 in this section shall become effective only if it complies with and is subject to all  
32 of the provisions of chapter 536 and, if applicable, section 536.028. This section  
33 and chapter 536 are nonseverable and if any of the powers vested with the  
34 general assembly pursuant to chapter 536 to review, to delay the effective date,  
35 or to disapprove and annul a rule are subsequently held unconstitutional, then  
36 the grant of rulemaking authority and any rule proposed or adopted after August  
37 28, 2012, shall be invalid and void.

**170.345. 1. This section shall be known as the "Missouri Civics**  
2 **Education Initiative".**

3 **2. Any student entering ninth grade after July 1, 2017, who is**  
4 **attending any public, charter, or private school, except private trade**  
5 **schools, as a condition of high school graduation shall pass an**  
6 **examination on the provisions and principles of American civics.**

7 **3. The examination shall consist of one hundred questions**  
8 **similar to the one hundred questions used by the United States**  
9 **Citizenship and Immigration Services that are administered to**  
10 **applicants for United States citizenship.**

11 **4. The examination required under this section may be included**



12 in any other examination that is administered on the provisions and  
13 principles of the Constitution of the United States and of the state of  
14 Missouri, and in American history and American institutions, as  
15 required in subsection 3 of section 170.011.

16 5. School districts may use any online test to comply with the  
17 provisions of this section.

18 6. Each school district shall adopt a policy to permit the waiver  
19 of the requirements of this section for any student with a disability if  
20 recommended by the student's IEP committee. For purposes of this  
21 subsection, "IEP" means individualized education program.

170.350. A school district may develop a policy that allows  
2 student participation in the Constitution Project of the Missouri  
3 Supreme Court to be recognized by:

4 (1) The granting of credit for some portion of, or in collaboration  
5 with:

6 (a) Inclusion in the student's record of good citizenship as  
7 required by the A+ tuition reimbursement program under section  
8 160.545; or

9 (b) The Missouri and United States Constitution course required  
10 under section 170.011; or

11 (c) Any relevant course or instructional unit in American  
12 government or a similar subject; or

13 (2) District or school-level awards including, but not limited to,  
14 certificates or assemblies.

171.021. 1. Every school in this state which is supported in whole or in  
2 part by public moneys, during the hours while school is in session, shall display  
3 in some prominent place either upon the outside of the school building or upon  
4 a pole erected in the school yard the flag of the United States of America.

5 2. Every school in this state which is supported in whole or in part by  
6 public moneys shall ensure that the Pledge of Allegiance to the flag of the United  
7 States of America is recited in at least one scheduled class of every pupil enrolled  
8 in that school no less often than once per [week] school day. **Flags for display**  
9 **in individual classrooms may be provided by voluntary donation by any**  
10 **person.** No student shall be required to recite the Pledge of Allegiance.

173.750. 1. By July 1, 1995, the coordinating board for higher education,  
2 within existing resources provided to the department of higher education and by  
3 rule and regulation, shall have established and implemented a procedure for

4 annually reporting the performance of graduates of public high schools in the  
5 state during the student's initial year in the public colleges and universities of  
6 the state. The purpose of such reports shall be to assist in determining how high  
7 schools are preparing students for successful college and university  
8 performance. The report produced pursuant to this subsection shall annually be  
9 furnished to the state board of education for reporting pursuant to subsection 4  
10 of section 161.610 and shall not be used for any other purpose **until such time**  
11 **that a standard process and consistent, specific criteria for determining**  
12 **a student's need for remedial coursework is agreed upon by the**  
13 **coordinating board for higher education, higher education institutions,**  
14 **and the state board of education.**

15         2. The procedures shall be designed so that the reporting is made by the  
16 name of each high school in the state, with individual student data to be grouped  
17 according to the high school from which the students graduated. The data in the  
18 reports shall be disaggregated by race and sex. The procedures shall not be  
19 designed so that the reporting contains the name of any student. No grade point  
20 average shall be disclosed under subsection 3 of this section in any case where  
21 three or fewer students from a particular high school attend a particular college  
22 or university.

23         3. The data reported shall include grade point averages after the initial  
24 college year, calculated on, or adjusted to, a four point grade scale; the percentage  
25 of students returning to college after the first and second half of the initial college  
26 year, or after each trimester of the initial college year; the percentage of students  
27 taking noncollege level classes in basic academic courses during the first college  
28 year, or remedial courses in basic academic subjects of English, mathematics, or  
29 reading; and other such data as determined by rule and regulation of the  
30 coordinating board for higher education.

31         4. **The department of elementary and secondary education shall**  
32 **conduct a review of its policies and procedures relating to remedial**  
33 **education in light of the best practices in remediation identified as**  
34 **required by subdivision (6) of subsection 2 of section 173.005 to ensure**  
35 **that school districts are informed about best practices to reduce the**  
36 **need for remediation. The department shall present its results to the**  
37 **joint committee on education by October 31, 2017.**

633.420. 1. For the purposes of this section, the term "dyslexia"  
2 means a disorder that is neurological in origin, characterized by

3 difficulties with accurate and fluent word recognition, and poor  
4 spelling and decoding abilities that typically result from a deficit in the  
5 phonological component of language, often unexpected in relation to  
6 other cognitive abilities and the provision of effective classroom  
7 instruction, and of which secondary consequences may include  
8 problems in reading comprehension and reduced reading experience  
9 that can impede growth of vocabulary and background  
10 knowledge. Nothing in this section shall prohibit a district from  
11 assessing students for dyslexia and offering students specialized  
12 reading instruction if a determination is made that a student suffers  
13 from dyslexia. Unless required by federal law, nothing in this  
14 definition shall require a student with dyslexia to be automatically  
15 determined eligible as a student with a disability.

16       2. There is hereby created the "Legislative Task Force on  
17 Dyslexia". The joint committee on education shall provide technical  
18 and administrative support as required by the task force to fulfill its  
19 duties; any such support involving monetary expenses shall first be  
20 approved by the chairman of the joint committee on education. The  
21 task force shall meet at least quarterly and may hold meetings by  
22 telephone or video conference. The task force shall advise and make  
23 recommendations to the governor, joint committee on education, and  
24 relevant state agencies regarding matters concerning individuals with  
25 dyslexia, including education and other adult and adolescent services.

26       3. The task force shall be comprised of twenty members  
27 consisting of the following:

28       (1) Two members of the senate appointed by the president pro  
29 tempore of the senate, with one member appointed from the minority  
30 party and one member appointed from the majority party;

31       (2) Two members of the house of representatives appointed by  
32 the speaker of the house of representatives, with one member  
33 appointed from the minority party and one member appointed from the  
34 majority party;

35       (3) The commissioner of education, or his or her designee;

36       (4) One representative from an institution of higher education  
37 located in this state with specialized expertise in dyslexia and reading  
38 instruction;

39       (5) A representative from a state teachers association or the

40 Missouri National Education Association;

41 (6) A representative from the International Dyslexia Association  
42 of Missouri;

43 (7) A representative from Decoding Dyslexia of Missouri;

44 (8) A representative from the Missouri Association of Elementary  
45 School Principals;

46 (9) A representative from the Missouri Council of Administrators  
47 of Special Education;

48 (10) A professional licensed in the state of Missouri with  
49 experience diagnosing dyslexia including, but not limited to, a licensed  
50 psychologist, school psychologist, or neuropsychologist;

51 (11) A speech-language pathologist with training and experience  
52 in early literacy development and effective research-based intervention  
53 techniques for dyslexia, including an Orton-Gillingham remediation  
54 program recommended by the Missouri Speech-Language Hearing  
55 Association;

56 (12) A certified academic language therapist recommended by  
57 the Academic Language Therapists Association who is a resident of this  
58 state;

59 (13) A representative from an independent private provider or  
60 nonprofit organization serving individuals with dyslexia;

61 (14) An assistive technology specialist with expertise in  
62 accessible print materials and assistive technology used by individuals  
63 with dyslexia recommended by the Missouri assistive technology  
64 council;

65 (15) One private citizen who has a child who has been diagnosed  
66 with dyslexia;

67 (16) One private citizen who has been diagnosed with dyslexia;

68 (17) A representative of the Missouri State Council of the  
69 International Reading Association; and

70 (18) A pediatrician with knowledge of dyslexia.

71 4. The members of the task force, other than the members from  
72 the general assembly and ex officio members, shall be appointed by the  
73 president pro tempore of the senate or the speaker of the house of  
74 representatives by September 1, 2016, by alternating appointments  
75 beginning with the president pro tempore of the senate. A chairperson  
76 shall be selected by the members of the task force. Any vacancy on the

77 task force shall be filled in the same manner as the original  
78 appointment. Members shall serve on the task force without  
79 compensation.

80       5. The task force shall make recommendations for a statewide  
81 system for identification, intervention, and delivery of supports for  
82 students with dyslexia, including the development of resource materials  
83 and professional development activities. These recommendations shall  
84 be included in a report to the governor and joint committee on  
85 education and shall include findings and proposed legislation and shall  
86 be made available no longer than twelve months from the task force's  
87 first meeting.

88       6. The recommendations and resource materials developed by  
89 the task force shall:

90       (1) Identify valid and reliable screening and evaluation  
91 assessments and protocols that can be used and the appropriate  
92 personnel to administer such assessments in order to identify children  
93 with dyslexia or the characteristics of dyslexia as part of an ongoing  
94 reading progress monitoring system, multi-tiered system of supports,  
95 and special education eligibility determinations in schools;

96       (2) Recommend an evidence-based reading instruction, with  
97 consideration of the National Reading Panel Report and Orton-  
98 Gillingham methodology principles for use in all Missouri schools, and  
99 intervention system, including a list of effective dyslexia intervention  
100 programs, to address dyslexia or characteristics of dyslexia for use by  
101 schools in multi-tiered systems of support and for services as  
102 appropriate for special education eligible students;

103       (3) Develop and implement preservice and inservice professional  
104 development activities to address dyslexia identification and  
105 intervention, including utilization of accessible print materials and  
106 assistive technology, within degree programs such as education,  
107 reading, special education, speech-language pathology, and psychology;

108       (4) Review teacher certification and professional development  
109 requirements as they relate to the needs of students with dyslexia;

110       (5) Examine the barriers to accurate information on the  
111 prevalence of students with dyslexia across the state and recommend  
112 a process for accurate reporting of demographic data; and

113       (6) Study and evaluate current practices for diagnosing, treating,

114 and educating children in this state and examine how current laws and  
115 regulations affect students with dyslexia in order to present  
116 recommendations to the governor and joint committee on education.

117 7. The task force shall hire or contract for hire specialist  
118 services to support the work of the task force as necessary with  
119 appropriations made by the general assembly for that purpose or from  
120 other available funding.

121 8. The task force authorized under this section shall expire on  
122 August 31, 2018.

[161.216. 1. No public institution of higher education,  
2 political subdivision, governmental entity, or quasi-governmental  
3 entity receiving state funds shall operate, establish, or maintain,  
4 offer incentives to participate in, or mandate participation in a  
5 quality rating system for early childhood education, a training  
6 quality assurance system, any successor system, or any  
7 substantially similar system for early childhood education, unless  
8 the authority to operate, establish, or maintain such a system is  
9 enacted into law through:

10 (1) A bill as prescribed by Article III of the Missouri  
11 Constitution;

12 (2) An initiative petition as prescribed by Section 50  
13 of Article III of the Missouri Constitution; or

14 (3) A referendum as prescribed by Section 52(a) of  
15 Article III of the Missouri Constitution.

16 2. No public institution of higher education, political  
17 subdivision, governmental entity or quasi-governmental  
18 entity receiving state funds shall promulgate any rule or  
19 establish any program, policy, guideline, or plan or change  
20 any rule, program, policy, guideline, or plan to operate,  
21 establish, or maintain a quality rating system for early  
22 childhood education, a training quality assurance system,  
23 any successor system, or any substantially similar system  
24 for early childhood education unless such public institution  
25 of higher education, political subdivision, governmental  
26 entity or quasi-governmental entity receiving state funds  
27 has received statutory authority to do so in a manner

28 consistent with subsection 1 of this section.

29 3. Any taxpayer of this state or any member of the  
30 general assembly shall have standing to bring suit against  
31 any public institution of higher education, political  
32 subdivision, governmental entity or quasi-governmental  
33 entity which is in violation of this section in any court with  
34 jurisdiction to enforce the provisions of this section.

35 4. This section shall not be construed to limit the  
36 content of early childhood education courses, research, or  
37 training carried out by any public institution of higher  
38 education. A course on quality rating systems or training  
39 quality assurance systems shall not be a requirement for  
40 certification by the state as an individual child care  
41 provider or any licensing requirement that may be  
42 established for an individual child care provider.

43 5. For purposes of this section:

44 (1) "Early childhood education" shall mean education  
45 programs that are both centered and home-based and  
46 providing services for children from birth to kindergarten;

47 (2) "Quality rating system" or "training quality  
48 assurance system" shall include the model from the  
49 Missouri quality rating system pilots developed by the  
50 University of Missouri center for family policy and research,  
51 any successor model, or substantially similar  
52 model. "Quality rating system" or "training quality  
53 assurance system" shall also include but not be limited to a  
54 tiered rating system that provides a number of tiers or  
55 levels to set benchmarks for quality that build upon each  
56 other, leading to a top tier that includes program  
57 accreditation. "Quality rating system" or "training quality  
58 assurance system" may also include a tiered reimbursement  
59 system that may be tied to a tiered rating system;

60 (3) "Tiered reimbursement system" or "training quality  
61 assurance system" shall include but not be limited to a system that  
62 links funding to a quality rating system, a system to award higher  
63 child care subsidy payments to programs that attain higher quality

64 levels, or a system that offers other incentives through tax policy  
65 or professional development opportunities for child care providers.]

Section B. The repeal and reenactment of section 161.1050 of this act  
2 shall become effective July 1, 2017.

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**President of the Senate**

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**Speaker of the House of Representatives**

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**Governor**



COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4478-05  
Bill No.: Truly Agreed To and Finally Passed CCS for SCS for SB 638  
Subject: Education, Elementary and Secondary  
Type: Original  
Date: June 7, 2016

Bill Summary: This proposal modifies laws relating to elementary and secondary education.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Fully Implemented (FY 2020)</b>
General Revenue*	(Could exceed \$6,778,837)	(Could exceed \$9,369,861)	(Could exceed \$14,087,443 to over \$19,273,046)	(Could exceed \$13,905,270 to over \$17,541,894)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$6,778,837)</b>	<b>(Could exceed \$9,369,861)</b>	<b>(Could exceed \$14,087,443 to over \$19,273,046)</b>	<b>(Could exceed \$13,905,270 to over \$17,541,894)</b>

\*Oversight notes that DESE and the Office of Administration's Division of Budget and Planning were not able to provide Oversight with a projection of when the foundation formula may be fully funded. This proposal has several provisions (§160.400 and §163.031) that may not have a fiscal impact until such time as the formula is fully funded. Oversight, for fiscal note purposes, is showing the impact of those provisions.

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 26 pages.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Fully Implemented (FY 2020)</b>
State School Moneys Fund*	\$0	\$0	\$0	\$0
Trauma-Informed Schools Pilot Program Fund*	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Transfers in from General Revenue and transfers to school districts net to zero.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Fully Implemented (FY 2020)</b>
Federal Funds	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2020)
General Revenue	1 FTE	1 FTE	1 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2020)
Local Government	(Could exceed \$200,000)	(Could exceed \$300,000)	(Could exceed \$605,160 to over \$1,537,950)	(Could exceed \$477,732)

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§160.400, §160.403 and §160.405 Charter School Expansion and Funding**

Officials at the **Department of Elementary and Secondary Education (DESE)** assume §160.400.18 indicates that “The state, charter sponsor, or resident district shall not be liable for any outstanding liability or obligations of the charter school.” Therefore, no new cost to the department is anticipated from this provision.

**DESE** assumes in §160.405.4(5) that this provision expands the range of instruction to include early childhood for charter schools. Expanding early childhood education to the charter schools currently existing in Kansas City and St. Louis school districts could have a cost of \$6,443,408 due to the increase in average daily attendance since charter school ADA is based on current attendance estimates. This is a \$6.4 million cost does not account for the expansion which will likely occur in future years.

It is unlikely that the formula will be funded during the scope of the fiscal note. Until the formula is fully funded, this amount would decrease the share of funds for all other districts.

**Oversight** notes this proposal in §160.400 expands the number of school districts that may be eligible to have a charter school. The projection provided by DESE for §160.405 only includes the current charter schools located in Kansas City and St. Louis expanding to include early childhood education. Oversight will show the fiscal impact as Could exceed the estimate provided by DESE.

**Oversight** notes that DESE and the Office of Administration's Division of Budget and Planning were not able to provide Oversight with a projection of when the foundation formula may be fully funded. This proposal has a provision that may not have a fiscal impact until such time as the formula is fully funded. Oversight for fiscal note purposes is showing the impact of that provision as if the formula were fully funded.

#### **§160.405.16 Committee on Facility Access and Affordability**

Officials at the **Missouri Senate** assume there is no fiscal impact from this proposal.

Officials at the **Missouri House of Representatives** assume there is no fiscal impact from this proposal.

ASSUMPTION (continued)

**Oversight** notes this proposal requires, in §160.405.16, the Joint Committee on Education to create a committee to investigate facility access and affordability for charter schools. This committee is required to report its findings by December 31, 2016. In similar legislation filed this year, this committee was to be created by DESE. DESE estimated \$20,000 in committee expenses. Oversight will show the \$20,000 in expenses for FY 2017.

§160.545 A+ Program

Officials at the **Department of Higher Education (DHE)** assume census data for Missouri shows that 1,099,136 students from ages 5 to 18 live within the state. Students enrolled in public schools in Missouri for this same age range of 5 to 18 is 887,368. This leaves 211,766 students that are either attending private schools or are home schooled. Assuming the students are spread evenly across all age groups, that would mean 16,290 students are seniors and could potentially be eligible for the A+ scholarship.

Based on the DHE experience with administration of the A+ scholarship program, it is assumed that, once fully implemented, approximately half of the graduating class would be eligible to participate in the A+ program. Of those that are eligible, it is assumed approximately one-third would actually receive a payment under the program. Cost estimates are based on the average award during the 2014-2015 academic year of \$2,533 per student. The average award is then inflated by five percent annually to reflect projected tuition and fee increases during the intervening years.

Because this legislation would not be enacted until after the end of the current academic year, it is assumed no students in either the undesignated public or the private high schools would be able to gain eligibility for the program during the first year of the estimate (FY 2017). In FY 2018, it is assumed only one-quarter of the graduating class would be eligible and that one third of those would receive a payment. The inflated average award would be \$2,932 for FY 2018. The cost to add non-public graduates to the A+ program would be  $\$3,940,608$  ( $16,290 * 0.25 = 4,072.5 * 0.33 = 1,344 * \$2,932$ ).

DHE assumes the program would be fully functional by FY 2019. The inflated average A+ award would be \$3,079. This would result in a total cost of \$8,273,273 for FY 2019 ( $16,290 * 0.5 = 8,145 * 0.33 = 2,687 * \$3,079$ ).

**Oversight** notes that the A+ Program provides tuition reimbursements to eligible graduates of designated high schools to attend public community colleges, public vocational or technical schools or private two year vocational or technical schools that meet certain criteria. There are 533 designated high schools. The actual expenditures for the last three fiscal years has been

ASSUMPTION (continued)

\$28,840,018 in FY 2013, \$32,248,624 in FY 2014 and \$33,564,303 in FY 2015.

Table 1- Total First Time A+ Eligible High School Graduates

	FY 2013		FY 2014		FY 2015	
	Students	Total Grants	Students	Total Grants	Students	Total Grants
Public 2 Year	7,036	\$16,238,840	7,575	\$18,504,138	7,581	\$18,896,142
Area Technical	236	\$952,292	130	\$465,591	146	\$514,246
Private 2 Year	36	\$133,290	41	\$144,279	53	\$192,906
Total First Time Recipients	7,308	\$17,324,422	7,746	\$19,114,008	7,780	\$19,603,294

Source: Department of Higher Education

Officials at the **DESE** assume there is no fiscal impact from this proposal.

**Oversight** notes that the A+ program was transferred from the DESE to the DHE.

§161.217 Early Learning Quality Assurance Report

**Oversight** notes this proposal requires the DESE, Department of Mental Health (DMH), Department of Health and Senior Services (DHSS) and the Department of Social Services (DSS) to collaborate to develop a voluntary early learning quality assurance report. This program is to be a three year pilot program.

Officials at the **DESE** assume that year 1 would require the convening of stakeholders in a two-day work session to provide feedback and recommendations to the draft voluntary early learning quality assurance report. Additionally, convening stakeholders in a two-day work session to take public comment information and incorporate changes to the draft voluntary early learning quality assurance report. DESE assumes this would be 100 people meeting 4 times. Per person costs of \$261.50 per person for hotel, meals, and mileage. This would result in a cost of \$104,600 in the first year for the meetings.

ASSUMPTION (continued)

DESE assumes in year 2 they would need to train early learning professionals to administer classroom observational measurements with fidelity. They assume \$4,000 per early learning professional and estimate 5 early learning professionals would be required at a cost of \$20,000.

DESE assumes in year 2 they would begin onsite classroom observational measurements to be included in the information for the voluntary early learning quality assurance report. DESE assumes in year 2 they would need software licenses for classroom observational measurement documentation and hardware at a cost of \$7,480. With 5 early learning professionals required this would cost \$37,400.

Travel to conduct observations is estimated to be \$92.50 (250 mile trip @.37 per mile) per observation. DESE estimates 25 programs at a cost of \$2,312.50 (\$92.50 x 25). This would result in a total cost of \$59,712.50 in year 2.

DESE assumes in year 3 they would continue onsite classroom observational measurements to be included in the information for the voluntary early learning quality assurance report. The software license for classroom observational measurement documentation would cost \$6,480 for each of the 5 early learning professionals required for a total of \$32,400.

Travel to conduct observations would continue to be \$92.50 (250 mile trip @.37 per mile). With 25 programs the cost would be \$2,312.50. DESE assumes the year 3 total costs would be \$34,712.50.

Officials at the **Department of Health and Senior Services** and the **Department of Mental Health** each assume there is no fiscal impact from this proposal.

§161.1050 Trauma Informed Schools Initiative

**Oversight** notes this proposal creates the Trauma-Informed Schools Initiative within the DESE. DESE is to consult with the DMH and the DSS in creating information for a trauma-informed approach for school districts.

**Oversight** notes this proposal requires DESE to create a website about the trauma-informed approach. This proposal requires the school districts to provide the website address to all parents of their students. Oversight assumes the website information can be included with other information sent to parents before school starts; and therefore notifying parents would have no additional expense. Oversight will show an unknown impact to General Revenue for the website construction and maintenance.

ASSUMPTION (continued)

**Oversight** notes this proposal requires DESE to offer training to school districts on the trauma-informed approach. Oversight notes this training is optional for a school district. If a school district chooses to participate in the training, they would be required to pay all fees associated with the training. Oversight will not show an impact to the school district from this training.

Officials at the **DESE** assume that developing a website about the trauma-informed initiative will result in unknown costs.

Providing information to all school districts and offering training on the trauma-informed approach will likely become tasks of the one FTE manager.

Officials at the **Department of Health and Senior Services** and the **Department of Mental Health** each assume there is no fiscal impact from this proposal.

§161.1055 Trauma Informed Schools Pilot Program

**Oversight** notes this proposal requires the DESE to create the Trauma-Informed Schools Pilot Program. This proposal requires five school districts located in specific areas of the state to participate in this pilot program. The chosen schools are to receive training in the trauma-informed approach. The schools are to receive funding to implement the trauma-informed approach.

**Oversight** notes this proposal creates the Trauma-Informed Schools Pilot Program Fund. The Fund is to receive appropriations from General Revenue to fund the Pilot Program. Oversight assumes that all funds received by the Fund will be used in the year in which it is received.

**Oversight** assumes that since the Fund is to pay the expenses of the school district's implementation of this proposal, there would be no net fiscal impact to the districts.

Officials at the **DESE** assume this will require one FTE manager with expertise in trauma-informed practices. To develop metrics for evaluation, conduct the evaluation, and report to the general assembly: \$15,000.

Section 161.055.4(2) requiring DESE to provide the schools with funds to implement the trauma-informed approach will result in unknown costs.

Officials at the **Office of the State Treasurer** assume there is no fiscal impact from this proposal.



ASSUMPTION (continued)

§162.073 and §162.261 Vacancies in School Boards

Officials at the **DESE** assume there was no fiscal impact from this proposal.

§162.531 and §162.541 Surety Bonds

**Oversight** notes this proposal would change the bonding requirements for the treasurer of a school board. Oversight assumes this would not fiscally impact the school districts. It would require only one surety for a treasurer instead of the current two sureties. Oversight assumes this would not fiscally impact the state or school districts.

Officials at the **DESE** assume there was no fiscal impact from this proposal. They defer to local school districts to determine a fiscal impact.

§162.720 and §163.031 Gifted Education Penalty

Officials at the **DESE** assume that based on the most recent complete data, school districts that have a gifted program would have a penalty of \$1,214,480 for not maintaining at least 80% of their gifted enrollment for the previous year. This would result in a loss to the local school districts that had the penalty levied against them. These penalties would be redistributed to all other school districts.

**Oversight** notes that DESE and the Office of Administration's Division of Budget and Planning were not able to provide Oversight with a projection of when the foundation formula may be fully funded. This proposal contains a provision that will require DESE to levy penalties against school districts that do not maintain their gifted programs. Since the foundation formula is not fully funded, the penalty money may be redistributed to other school districts. Oversight, for the purpose of the fiscal note only, is showing the impact to the State as if the foundation formula were fully funded.

**Oversight** notes this proposal would exempt from this gifted penalty any school with less than 350 enrolled students.

§167.241 Transportation to Charter Schools

Officials at the **DESE** assumes §167.241 indicates that the unaccredited district would have to provide transportation costs to all "approved charter schools". In the St. Louis district area (Normandy and Riverview Gardens) could be paying for transporting students to 9 Charter LEAs (16 school sites). The charter LEAs would be: City Garden Montessori, North Side Community, St. Louis Language Immersion, Premier, Grand Center Arts, Gateway, Kipp, Vernare and Tessara.

ASSUMPTION (continued)

There would be no new cost to the department. However, unaccredited districts would have significant new transportation costs. The amount of those costs is entirely dependent on the degree of and pattern of enrollment in the various charter schools.

**Oversight** notes that in §167.241 Normandy and Riverview Gardens would be impacted. Oversight did not receive a response from Riverview Gardens as to the impact of this proposal on their district. Oversight notes that the Normandy School District does not participate in Oversight's fiscal note response system. Oversight will show an impact as Could exceed \$100,000 for the transportation to charter schools.

§167.903 and §167.905 Personal Plan of Study

**Oversight** notes in §167.903, a student with help from the school guidance counselor can create a personal plan of study to help the student reach their goal of postsecondary education or career readiness.

**Oversight** notes in §167.905, each school district must develop a policy and implement a measurable system for identifying students at risk of not being ready for college or careers. This policy and system must be in place by July 1, 2018. **Oversight** notes that school districts will have costs associated with the implementation of the policies required under this proposal. Oversight will show the impact to all school districts as Unknown over \$100,000.

Officials at the **DESE** assume no significant fiscal impact. DESE defers to school districts for any fiscal impact.

Officials at the **DHE** assume there is no fiscal impact from this proposal.

§167.950 Dyslexia Screening and Treatment

**Oversight** notes this proposal would require the Department of Elementary and Secondary Education (DESE) to develop guidelines for the screening of students for dyslexia and related disorders. Oversight assumes that DESE can create the guidelines using their existing resources.

**Oversight** notes this proposal requires each school district, during the 2018-2019 (FY 2019) school year, to screen each student for dyslexia and related disorders at an appropriate time established by DESE. Additionally, each school district must provide for reasonable support for any student diagnosed to have dyslexia or a related disorder.

**Oversight** notes that according to the Yale Center for Dyslexia and Creativity, the Dyslexia Research Institute, and DyslexiaHelp at the University of Michigan approximately 20% of people

ASSUMPTION (continued)

have dyslexia or a related disorder. DESE notes there are 617,727 kids in grades K-8 and 268,696 kids in grades 9-12 or 886,423 in Missouri public schools. Therefore, as many as 177,285 ( $886,423 \times 20\%$ ) could have dyslexia or a related disorder and would need support by the school districts.

**Oversight** notes that unless a school district already has a Dyslexia Specialist on staff that could do the screening and diagnosing a school district would need to purchase the Dyslexia Screening Instrument for \$123 and additional Teacher Rating Forms (\$28.50 for 25 forms). Oversight, for fiscal note purposes, will show a one-time impact to schools for purchase of the Dyslexia Screening Instrument of \$63,714 ( $\$123 \times 518$  school districts). Oversight notes due to the size of school districts, most would need to purchase more than one Dyslexia Screening Instrument. Oversight will show the impact as Unknown greater than two Dyslexia Screening Instruments per district  $\$127,428 (\$123 \times 2 \times 518)$ .

Officials at the **DESE** assume the extent of the cost will depend upon the number of children requiring instruction and accommodation. The Department assumes school districts and charter schools will incur costs, however, the Department defers to the districts for those costs.

**Oversight** notes that this proposal requires school districts to provide support to any student determined to have dyslexia or related disorders. Due to the numerous types of dyslexia and the severity at which a person may have it, it is impossible to determine at this time what kind of support school districts would be required to provide. Oversight will show the impact to schools as Unknown over \$100,000 for the support.

**Oversight** notes the screening would determine which students would need additional testing and diagnosing to identify if they have one of the types of dyslexia and the appropriate treatment. Oversight assumes that the school districts would notify parents of the findings and parents would be responsible for any additional testing. Oversight will not show a fiscal impact from notifying parents as the school districts could chose which method of notification is best.

Officials at the **Office of the State Courts Administrator** assume there is no fiscal impact from this proposal.

Officials at the **Department of Social Services' MoHealthNet Division (MHD)** assume each public school will bear the cost for each screening. In October of 2015, there were 414,016 children ages 5-18 receiving MoHealthNet benefits. Out of those children, there were 6,130 with an IEP. MHD assumes that every child will need to be screened the first year. The total number of screenings the first year is 407,886 ( $414,016 - 6,130$ ). Per the Michigan Dyslexia Institute,

ASSUMPTION (continued)

Inc., the prevalence of dyslexia is estimated to range from five to seventeen percent among school children. MHD estimates that 20,395 ( $407,886 \times 5\%$ ) children will require testing. MHD reimburses up to four hours of annual psychological testing per child. DESE also estimates a full diagnostic assessment to last about four hours. While MHD authorizes reimbursement for psychologists (\$60/hr) and psychiatrists (\$66/hr) for this testing, MHD assumes psychologists would provide 90% of the testing with psychiatrists providing only 10% of testing services. The one-time cost to test these children is estimated at \$4,943,748 ( $20,395 \times \$60.60 \times 4$  hours). MHD acknowledges that the most frequently utilized intervention for a child with dyslexia would be educational supports which cannot be reimbursed by MHD. However, MHD estimates 6,798 children testing positive for dyslexia ( $20,395 \times 1/3$ ) will require additional supports such as speech therapy. MHD reimburses speech therapist at \$40/hour. MHD estimates it will cost \$1,520 for annual speech therapy (\$40/hour for 1 hour per week for 38 weeks). The total annual cost for treatment is \$10,333,467 ( $6,798 \times \$1,520$ ). The total estimated cost for FY 2019 is \$15,277,215 (\$4.9 million diagnosing + \$10.3 million treatment); (\$5.6 million GR and \$9.6 million Federal)

It is assumed that for the following years that only children in kindergarten will need to be screened because the children in the other grades have already been screened. To calculate the number of children who will receive screenings the following years, an average was calculated per grade. The average number of children per grade is 31,848 ( $414,016 / 13$ ). The same methodology was used to calculate the number of children with an IEP. The average number of children with an IEP is 472 ( $6,130 / 13$ ). The total number of screenings is 31,376 ( $31,848 - 472$ ) for FY 2020. MHD estimates that 1,569 ( $31,376 \times 5\%$ ) children will require testing. The cost to test these children will be \$380,326 ( $1,569 \times \$60.60 \times 4$  hours). The total estimated cost for treatment is \$10,713,792 (\$380,326 diagnosing + \$10,333,467 in annual treatment); (\$3.9 million GR and \$6.7 million Federal).

The proposed legislation states that the rules are to be promulgated by the State Board of Education. How the rules are written will determine if the services will be included in the IEP and therefore the amount of federal match. The rules will also impact whether the General Revenue portion will be covered by DESE or DSS; therefore, the General Revenue impact has been stated as a range. Furthermore, the estimated impact from the federal portion is presented as a range depending on the type of federal match received.

ASSUMPTION (continued)

The total costs for the new cases are:

FY 17: \$0 (General Revenue {GR} \$0)  
FY 18: \$0 (GR \$0)  
FY 19: \$9,659,477 - \$15,277,215 (GR \$0 - \$5,617,737; Federal \$0 to \$9,659,477)  
FY 20: \$6,774,117 - \$10,713,792 (GR \$0 - \$3,939,676; Federal \$0 to \$6,774,117)

Officials at the **Department of Social Services (DSS)** assumed the Division of Youth Services (DYS) operates accredited schools at each of its sites.

Screening Costs: -Provided by existing DYS education personnel

One Time Costs

DYS operates 78 educational groups statewide.

1 Dyslexia Screening Instrument (DSI) Complete Kit through Pearson PsychCorps = \$123

\$123 x 78 groups = \$9,594 Initial Cost

On-Going Costs:

Additional DSI Teacher Rating Forms (package of 25) = \$28.50/pkg.

\$28.50 x 78 groups = \$2,223 annually starting in FY 2018

Because the rules and regulations surrounding the “appropriate times” for screening remain undefined the range of fiscal impact to DYS is \$0 to \$9,594.

DYS has special education resources in place to provide services to youth in their care with learning disabilities. The division currently provides service to 33 youth with reading-related learning disabilities. Categories include Reading Fluency, Reading Comprehension, and Basic Reading Skills.

**Oversight** notes that one Teacher Rating Form will need to be completed per student annually. Oversight notes this proposal allows DESE to determine the year in which students be screened and to start with only that grade or grades (such as 1<sup>st</sup> or 2<sup>nd</sup> graders). This would limit the number of students that would be screened, tested and provided treatment for yearly. Therefore the number of students to be screened yearly would be 68,186 (886,423/13). Oversight assumes it will cost \$77,732 (68,186 students/25 forms in a packet x \$28.50 per packet.)

**Oversight** notes that MHD assumed DESE would require in FY 2019 that all students be screened for dyslexia. Since the proposal requires the screening “in the appropriate year”, only one grade’s students may be screened in FY 2019.

ASSUMPTION (continued)

**Oversight** will range the screening impact from one year's worth of students (\$77,732) to all thirteen grades (K-12) being screened in the first year at a cost of \$1,010,522 (886,423 students/25 forms in a packet x \$28.50 per packet). Oversight will show just one grade being screened in future years. Oversight notes the school districts would be responsible for the purchase of the Teacher Rating Forms.

**Oversight** in FY 2019, will range the diagnosis and treatment cost from one year's worth of students \$1,175,171 to \$15,277,215 estimated by MHD (and based on all students being screened in first year). Oversight will continue to range the diagnosis and treatment costs for all future fiscal years. Oversight notes the diagnosis and treatment costs are split between General Revenue (37%) and Federal Funds (63%).

§170.011 American Civics Courses

**Oversight** notes the original version of this proposal required the public higher education institutions to provide courses in American civics. This proposal no longer impacts the public higher education institutions. Therefore, Oversight assumes they will not be fiscally impacted.

§170.310 CPR Requirement for Graduation

**Oversight** notes this proposal requires high school students to receive thirty minutes of instruction in cardiopulmonary resuscitation in order to graduate. This proposal starts with the 2017-2018 (FY 2018) school year. Currently school districts have the option of providing this instruction. Oversight can not determine how many schools may currently teach this class.

**Oversight** assumes school districts per this proposal, would include this instruction in their required health or physical education courses. Oversight assumes that since it is only thirty minutes of instruction it can be added to the existing health and physical education classes. Therefore, Oversight will not show an impact from this proposal.

Officials at the **DESE** assume there is no fiscal impact from this proposal. School districts may be impacted by the proposal. DESE defers to the school districts for impact.

§170.345 Missouri Civics Education Initiative

**Oversight** notes this proposal requires any student entering ninth grade after July 1, 2017 (FY 2018), as a condition for graduation shall pass an examination on the principles of American civics. The exam can be included in other exams administered.

**Oversight** notes this proposal requires the civics test given by the school districts to use similar questions used by the United States Citizenship and Immigration Service (USCIS). Oversight

ASSUMPTION (continued)

contacted the USCIS about the availability of school districts using their existing test. Oversight received a response from the USCIS that stated school districts would not be allowed to use their test for free or for a fee. Additionally, copies of the test are not allowed to be distributed to school districts. School Districts would be required to create their own tests.

**Oversight** will show an impact for all school districts of Could exceed \$100,000 to create and administer this test yearly starting in FY 2018.

Officials at the **DESE** assume this proposal requires DESE to certify that a student has taken and received a passing grade on the test. Costs are significant but unknown (could exceed \$100,000). At a minimum, schools will be required to enter student scores for every graduating student. This might involve self-reporting data on a district-made assessment.

To have it certified, requires DESE to design a state-wide, online assessment that could be administered multiple times as needed to a student until that student scored over 60%. It would have to be an online platform where the data could dump directly into MOSIS. (significant unknown costs).

**Oversight** will show an impact to DESE of Could exceed \$100,000 in FY 2017.

§170.350 Constitution Project

**Oversight** notes that this proposal allows school districts to adopt a policy recognizing student participation in the Constitution Project. Oversight assumes that this proposal would not have a direct fiscal impact.

Officials at the **DESE** and **DHE** each assume there is no fiscal impact from this proposal.

§171.021 Pledge of Allegiance

**Oversight** notes this proposal requires the Pledge of Allegiance to be recited at least once per day in all schools supported with public funds. Oversight assumes this would not fiscally impact school districts.

Officials at the **DESE** assume there is no fiscal impact from this proposal.

ASSUMPTION (continued)

§633.420 Dyslexia Task Force

**Oversight** notes this proposal creates the Legislative Task Force on Dyslexia. The task force shall make recommendations on matters concerning dyslexia and education. The task force shall terminate on August 31, 2018. Oversight will show partial costs in FY 2019 as the Task Force wraps up its work.

Officials at the **DESE** assume the cost estimate of the task force expenses is approximately \$5,000. Cost estimate for the task force contract is approximately \$25,000.

Officials at the **Missouri House of Representatives** assume the House can absorb the expense of House members serving on the task force.

Officials at the **Missouri Senate** assume no fiscal impact beyond existing appropriations.

Bill as a Whole

Officials at the **Joint Committee on Administrative Rules** assume there is no fiscal impact from this proposal.

Officials at the **Parkway School District** assume annual costs of \$200,012 and one time costs of \$677,158.

Officials at the **Macon County R-IV** and the **Malta Bend** school districts each assume there is no fiscal impact from this proposal to their respective districts.

In response to similar legislation granting rule-making authority, officials from the **Office of the Secretary of State (SOS)** stated many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.



FISCAL IMPACT -  
State Government

**GENERAL  
 REVENUE**

Savings - DESE  
 §163.031 - penalties  
 levied against  
 schools not  
 maintaining their  
 gifted programs

FY 2017  
 (10 Mo.)

FY 2018

FY 2019

Fully  
 Implemented  
 (FY 2020)

\$0

\$1,214,480

\$1,214,480

\$1,214,480

Transfer Out - State  
School Money Fund  
 early childhood  
 education §160.405

(Could exceed  
 \$6,443,408)

(Could exceed  
 \$6,443,408)

(Could exceed  
 \$6,443,408)

(Could exceed  
 \$6,443,408)

Cost - DHE -  
Expansion of the A+  
Scholarships  
 §160.545

\$0

(\$3,940,608)

(\$8,273,273)

(Could exceed  
 \$8,273,273)

Cost - Facility  
Access committee  
expenses  
 §160.405.16

(\$20,000)

\$0

\$0

\$0

Cost - DESE -  
creation of early  
learning quality  
assurance program  
 §161.217

(\$104,600)

(\$59,713)

(\$34,713)

\$0

Transfer Out - to  
Trauma-Informed  
Schools Pilot  
Program Fund  
 §161.1055

\$0

(Unknown)

(Unknown)

\$0

**FISCAL IMPACT -**

State Government (continued) <b>GENERAL REVENUE</b> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
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Cost - DESE

§161.1050 website  
 construction and  
 maintenance

	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Evaluation	\$0	(\$15,000)	\$0	\$0
Personal Service	(\$50,580)	(\$61,303)	(\$61,916)	(\$62,721)
Fringe Benefits	(\$22,228)	(\$26,840)	(\$27,007)	(\$27,227)
Equipment and Expenses	<u>(\$8,021)</u>	<u>(\$7,469)</u>	<u>(\$7,655)</u>	<u>(\$7,846)</u>
<u>Total Cost - DESE</u>	(Unknown greater than \$80,829)	(Unknown greater than \$110,612)	(Unknown greater than \$96,578)	(Unknown greater than \$97,794)

FTE Change -  
 DESE

1 FTE	1 FTE	1 FTE	1 FTE
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Cost - DESE civics

computer  
 programming  
 §170.345

(Could exceed \$100,000)	\$0	\$0	\$0
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Costs - DSS - Youth

Services §167.950

Purchase of

Screening

Instrument

\$0	\$0	(\$9,594)	\$0
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Additional Teacher

Rating Forms

<u>\$0</u>	<u>\$0</u>	<u>(\$2,223)</u>	<u>(\$2,223)</u>
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Total Costs - DSS

<u>\$0</u>	<u>\$0</u>	<u>(\$11,817)</u>	<u>(\$2,223)</u>
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<u>FISCAL IMPACT -</u> State Government (continued) <b>GENERAL REVENUE</b> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<u>Cost - DSS -</u> §167.950 MoHealthNet Diagnosis & treatment of the kids on medicaid	\$0	\$0	(\$432,134 to \$5,617,737)	(\$303,052 to \$3,939,676)
<u>Cost - DESE - task</u> force expenses and contract §633.420	<u>(\$30,000)</u>	<u>(\$30,000)</u>	<u>(\$10,000)</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	(Could exceed <u>\$6,778,837</u> )	(Could exceed <u>\$9,369,861</u> )	(Could exceed \$14,087,443 to over <u>\$19,273,046</u> )	(Could exceed \$13,905,270 to over <u>\$17,541,894</u> )
<b>ESTIMATED FTE CHANGE ON GENERAL REVENUE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>

\*Oversight notes that DESE and the Office of Administration's Division of Budget and Planning were not able to provide Oversight with a projection of when the foundation formula may be fully funded. This proposal has several provisions (§160.400 and §163.031) that may not have a fiscal impact until such time as the formula is fully funded. Oversight, for fiscal note purposes, is showing the impact of those provisions.

FISCAL IMPACT - State Government (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
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**STATE SCHOOL  
MONEYS FUND**

<u>Transfer In</u> - from General Revenue	Could exceed \$6,443,408	Could exceed \$6,443,408	Could exceed \$6,443,408	Could exceed \$6,443,408
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<u>Transfer Out</u> - school districts for early childhood education §160.405	(Could exceed <u>\$6,443,408</u> )	(Could exceed <u>\$6,443,408</u> )	(Could exceed <u>\$6,443,408</u> )	(Could exceed <u>\$6,443,408</u> )
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**ESTIMATED NET  
EFFECT ON  
STATE SCHOOL  
MONEYS FUND**

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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**TRAUMA-  
INFORMED  
SCHOOLS PILOT  
PROJECT FUND**

<u>Transfer In</u> - from General Revenue Fund §161.1055	\$0	Unknown	Unknown	\$0
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<u>Transfer Out</u> - to Local School Districts §161.1055	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>\$0</u>
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**ESTIMATED NET  
EFFECT ON  
TRAUMA-  
INFORMED  
SCHOOLS PILOT  
PROJECT FUND**

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - State Government (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<b>FEDERAL FUNDS</b>				
<u>Revenue</u> - program reimbursement	\$0	\$0	\$743,037 to \$9,659,477	\$521,086 to \$6,774,117
<u>Costs</u> - testing and treatment of the kids on Medicaid §167.950	<u>\$0</u>	<u>\$0</u>	(\$743,037 to <u>\$9,659,477</u> )	(\$521,086 to <u>\$6,774,117</u> )
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Local Government	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<b>LOCAL SCHOOL DISTRICTS FUNDS</b>				
<u>Transfer In - State</u> Money Fund §160.405	Could exceed \$6,443,408	Could exceed \$6,443,408	Could exceed \$6,443,408	Could exceed \$6,443,408
<u>Cost - School</u> Districts - early childhood education §160.405	(Could exceed \$6,443,408)	(Could exceed \$6,443,408)	(Could exceed \$6,443,408)	(Could exceed \$6,443,408)
<u>Cost - School</u> Districts - implementing plan to identify at risk kids §167.903	(Unknown over \$100,000)	(Unknown over \$100,000)	(Unknown over \$100,000)	(Unknown over \$100,000)
<u>Cost - School</u> Districts-§167.950 Purchase of Screening Instrument	\$0	\$0	(Unknown greater than \$127,428)	\$0
Teacher Ratings Forms	\$0	\$0	(\$77,732 to \$1,010,522)	(\$77,732)
Diagnosis & Treatment	\$0	\$0	(Unknown over \$100,000)	(Unknown over \$100,000)
<u>Transfer In - from</u> Trauma-Informed Schools Pilot Project Fund§161.1055	\$0	Unknown	Unknown	\$0

**FISCAL IMPACT -**

Local Government (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<b>LOCAL SCHOOL DISTRICTS FUNDS (continued)</b>				

**Cost - School**

Districts for training  
and implementation  
of trauma informed  
approach §161.1055

\$0 (Unknown) (Unknown) \$0

**Cost - Riverview**

Gardens and  
Normandy Schools -  
transportation to  
charter schools  
§167.241

(Could exceed \$100,000) (Could exceed \$100,000) (Could exceed \$100,000) (Could exceed \$100,000)

**Cost - School**

Districts -creation  
and administering of  
the civics test  
§170.345

\$0 (Could exceed \$100,000) (Could exceed \$100,000) (Could exceed \$100,000)

**ESTIMATED NET  
EFFECT ON  
LOCAL SCHOOL  
DISTRICT FUNDS**

(Could exceed \$200,000) (Could exceed \$300,000) (Could exceed \$605,160 to over \$1,537,950) (Could exceed \$477,732)

**FISCAL IMPACT - Small Business**

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### FISCAL DESCRIPTION

This bill changes the laws regarding charter schools. (§160.400)

Requires the Joint Committee on Education to create a committee, comprised of equal members of the charter school sector and the public school sector, to investigate facility access and affordability for charter schools and to report the findings to the General Assembly by December 31, 2015. (§160.405.16)

This bill allows a qualifying student of a nonpublic school to be eligible for reimbursement of post secondary education through the A+ program, as specified in the bill. (§160.545)

This bill establishes an early learning quality assurance report three year pilot program in collaboration with the Missouri Head Start Collaboration Office, the Departments of Health and Senior Services, Mental Health, and Social Services. The program is voluntary for any licensed, license-exempt, or certified early learning providers that are center-based or home based and providing services for children from any age up to kindergarten. This bill also repeals the quality rating system for early childhood education. (§161.217)

This bill establishes the "Trauma-Informed Schools Initiative". Accordingly, the Department of Elementary and Secondary Education shall provide information regarding the trauma-informed approach to all school districts, and offer training on recognizing and responding to trauma. (§161.1050)

This bill also establishes the "Trauma-Informed Schools Pilot Program." The Department of Elementary and Secondary will choose five Missouri schools (according to criteria specified in the proposal) to receive intensive trauma-informed training regarding how to recognize and respond to signs of trauma in students, teachers and staff. The program will end August 28, 2019, and the Department will report the results of the pilot program to the General Assembly before December 31, 2019. (§161.1055)

This bill allows each student during his or her seventh grade year at a public school or charter school to develop a personal plan of study with help from the school's guidance counselors that must be reviewed at least annually by school personnel and the student's parent or guardian and updated based on the needs of the student and requires, no later than January 1, 2017, the DESE to develop a process for recognition of a school district's program for developing personalized plans of study for all students entering ninth grade. (§167.903)

The bill requires each school district to develop a policy and implement a system by July 1, 2018, for identifying students in their ninth grade year who are at risk of not being ready for



FISCAL DESCRIPTION (continued)

college-level work or for entry-level career positions. (§167.905)

This bill requires each public school to screen students for dyslexia and related disorders at appropriate times in accordance with rules established by the State Board of Education. The school board of each district and governing board of each charter school must provide for the support of any student determined to have dyslexia or a related disorder. "Related disorders" are defined as disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dysgraphia, and developmental spelling disability. (§167.950)

This act creates the "Missouri Civics Education Initiative." This act requires the subject of American civics to be included in the exam required for graduation from any public or private school, other than private trade schools. (§170.011)

Any student entering ninth grade after July 1, 2017, who is attending a public, charter, or private school, except for private trade schools, shall pass an examination on the provisions and principles of American civics. The test will consist of one hundred questions similar to the one hundred questions used by the United States Citizenship and Immigration Services. Each district must adopt a policy permitting a student with a disability to receive a waiver from the basic civics test requirement if the student's IEP committee recommends it. (§170.345)

This act creates the Legislative Task Force on Dyslexia. The Task Force will advise and make recommendations to the Governor, General Assembly, and relevant state agencies. The Task Force will consist of seventeen members, as described in the act. Except for four legislative members and the Commissioner of Education, the members will be appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The task force will make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia, as described in the act. The Task Force will hire or contract for hire specialist services to support the work of the Task Force as necessary with appropriations or from other available funding. The Task Force will terminate on August 31, 2018, unless reauthorized. (§633.420)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Higher Education  
Department of Mental Health  
Department of Social Services  
Joint Committee on Administrative Rules  
Malta Bend School District  
Macon County R-IV School District  
Missouri House of Representatives  
Missouri Senate  
Office of the State Treasurer  
Office of the State Courts Administrator  
Parkway School District



Mickey Wilson, CPA  
Director  
June 7, 2016

Ross Strobe  
Assistant Director  
June 7, 2016

ABSENT WITH LEAVE: 012

Black	Ellington	Hicks	Hummel	McCann Beatty
McDonald	McGee	Mims	Pietzman	Redmon
Smith	Vescovo			

VACANCIES: 001

Representative White declared the bill passed.

Speaker Richardson resumed the Chair.

Representative Cierpiot moved that the House stand in recess until 7:00 p.m.

Which motion was defeated.

### THIRD READING OF SENATE BILLS

**SCS SB 638**, relating to civics education, was taken up by Representative Swan.

Representative Swan offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the phrase "civics education" and inserting in lieu thereof the phrase "elementary and secondary education"; and

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

**"167.903. 1. Each student prior to his or her ninth grade year at a public school, including a charter school, may develop with help from the school's guidance counselors a personal plan of study, which shall be reviewed regularly, as needed by school personnel and the student's parent or guardian and updated based upon the needs of the student. Each plan shall present a sequence of courses and experiences that conclude with the student reaching his or her postsecondary goals, with implementation of the plan of study transferring to the program of postsecondary education or training upon the student's high school graduation. The plan shall include, but not be limited to:**

- (1) Requirements for graduation from the school district or charter school;**
- (2) Career or postsecondary goals;**
- (3) Coursework or program of study related to career and postsecondary goals, which shall include, if relevant, opportunities that the district or school may not directly offer;**
- (4) Grade-appropriate and career-related experiences, as outlined in the grade-level expectations of the Missouri comprehensive guidance program; and**
- (5) Student assessments, interest inventories, or academic results needed to develop, review, and revise the personal plan of study, which shall include, if relevant, assessments, inventories, or academic results that the school district or charter school may not offer.**

**2. Each school district shall adopt a policy to permit the waiver of the requirements of this section for any student with a disability if recommended by the student's IEP committee. For purposes of this subsection, "IEP" means individualized education program.**

**167.905. 1. By July 1, 2018, each school district shall develop a policy and implement a measurable system for identifying students in their ninth grade year, or students who transfer into the school subsequent to their ninth grade year, who are at risk of not being ready for college-level work or for entry-level career positions. Districts shall include, but are not limited to, the following sources of information:**

(1) A student's performance on the Missouri assessment program test in eighth grade in English language arts and mathematics;

(2) A student's comparable statewide assessment performance if such student transferred from another state;

(3) The district's overall reported remediation rate under section 173.750; and

(4) A student's attendance rate.

2. The district policy shall require academic and career counseling to take place prior to graduation so that the school may attempt to provide sufficient opportunities to the student to graduate college-ready or career-ready and on time.

3. Each school district shall adopt a policy to permit the waiver of the requirements of this section for any student with a disability if recommended by the student's IEP committee. For purposes of this subsection, "IEP" means individualized education program.

**167.950. 1. (1)** By December 31, 2017, the department of elementary and secondary education shall develop guidelines for the appropriate screening of students for dyslexia and related disorders and the necessary classroom support for students with dyslexia and related disorders. Such guidelines shall be consistent with the findings and recommendations of the task force created under section 633.420.

(2) In the 2018-19 school year and subsequent years, each public school, including each charter school, shall conduct dyslexia screenings for students in the appropriate year consistent with the guidelines developed by the Department of Elementary and Secondary Education.

(3) In the 2018-19 school year and subsequent years, the school board of each district and the governing board of each charter school shall provide reasonable classroom support consistent with the guidelines developed by the Department of Elementary and Secondary Education.

2. In the 2018-19 school year and subsequent years, the practicing teacher assistance programs established under section 168.400 shall include two hours of in-service training provided by each local school district for all practicing teachers in such district regarding dyslexia and related disorders. Each charter school shall also offer all of its teachers two hours of training on dyslexia and related disorders. Districts and charter schools may seek assistance from the department of elementary and secondary education in developing and providing such training. Completion of such training shall count as two contact hours of professional development under section 168.021.

3. For purposes of this section, the following terms mean:

(1) "Dyslexia", a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this definition shall require a student with dyslexia to obtain an individualized education program (IEP) unless the student has otherwise met the federal conditions necessary;

(2) "Dyslexia screening", a short test conducted by a teacher or school counselor to determine whether a student likely has dyslexia or a related disorder in which a positive result does not represent a medical diagnosis but indicates that the student could benefit from approved support;

(3) "Related disorders", disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability;

(4) "Support", low-cost and effective best practices, such as oral examinations and extended test-taking periods, used to support students who have dyslexia or any related disorder.

4. The state board of education shall promulgate rules and regulations for each public school to screen students for dyslexia and related disorders. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

**5. Nothing in this section shall require the MO HealthNet program to expand the services that it provides.";** and

Further amend said bill, Page 3, Section 170.345, Line 14, by deleting the word "**institution**" and inserting in lieu thereof the word "**institutions**"; and

Further amend said bill, Page 4, Section 170.350, Line 14, by inserting immediately after said line the following:

"173.750. 1. By July 1, 1995, the coordinating board for higher education, within existing resources provided to the department of higher education and by rule and regulation, shall have established and implemented a procedure for annually reporting the performance of graduates of public high schools in the state during the student's initial year in the public colleges and universities of the state. The purpose of such reports shall be to assist in determining how high schools are preparing students for successful college and university performance. The report produced pursuant to this subsection shall annually be furnished to the state board of education for reporting pursuant to subsection 4 of section 161.610 and shall not be used for any other purpose **until such time that a standard process and consistent, specific criteria for determining a student's need for remedial coursework is agreed upon by the coordinating board for higher education, higher education institutions, and the state board of education.**

2. The procedures shall be designed so that the reporting is made by the name of each high school in the state, with individual student data to be grouped according to the high school from which the students graduated. The data in the reports shall be disaggregated by race and sex. The procedures shall not be designed so that the reporting contains the name of any student. No grade point average shall be disclosed under subsection 3 of this section in any case where three or fewer students from a particular high school attend a particular college or university.

3. The data reported shall include grade point averages after the initial college year, calculated on, or adjusted to, a four point grade scale; the percentage of students returning to college after the first and second half of the initial college year, or after each trimester of the initial college year; the percentage of students taking noncollege level classes in basic academic courses during the first college year, or remedial courses in basic academic subjects of English, mathematics, or reading; and other such data as determined by rule and regulation of the coordinating board for higher education.

**4. The department of elementary and secondary education shall conduct a review of its policies and procedures relating to remedial education in light of the best practices in remediation identified as required by subdivision (6) of subsection 2 of section 173.005 to ensure that school districts are informed about best practices to reduce the need for remediation. The department shall present its results to the joint committee on education by October 31, 2017.";** and

Further amend said bill, Pages 4-7, Section 633.420, Lines 1-110, by deleting all of said section and lines and inserting in lieu thereof the following:

**"633.420. 1. For the purposes of this section, the term "dyslexia" means a disorder that is neurological in origin, characterized by difficulties with accurate and fluent word recognition, and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language, often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, and of which secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. Nothing in this section shall prohibit a district from assessing students for dyslexia and offering students specialized reading instruction if a determination is made that a student suffers from dyslexia. Unless required by federal law, nothing in this definition shall require a student with dyslexia to be automatically determined eligible as a student with a disability.**

**2. There is hereby created the "Legislative Task Force on Dyslexia". The joint committee on education shall provide technical and administrative support as required by the task force to fulfill its duties; any such support involving monetary expenses shall first be approved by the chairman of the joint committee on education. The task force shall meet at least quarterly and may hold meetings by telephone or video conference. The task force shall advise and make recommendations to the governor, joint committee on education, and relevant state agencies regarding matters concerning individuals with dyslexia, including education and other adult and adolescent services.**

**3. The task force shall be comprised of twenty members consisting of the following:**

(1) Two members of the senate appointed by the president pro tempore of the senate, with one member appointed from the minority party and one member appointed from the majority party;

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, with one member appointed from the minority party and one member appointed from the majority party;

(3) The commissioner of education, or his or her designee;

(4) One representative from an institution of higher education located in this state with specialized expertise in dyslexia and reading instruction;

(5) A representative from a state teachers association or the Missouri National Education Association;

(6) A representative from the International Dyslexia Association of Missouri;

(7) A representative from Decoding Dyslexia of Missouri;

(8) A representative from the Missouri Association of Elementary School Principals;

(9) A representative from the Missouri Council of Administrators of Special Education;

(10) A professional licensed in the state of Missouri with experience diagnosing dyslexia including, but not limited to, a licensed psychologist, school psychologist, or neuropsychologist;

(11) A speech-language pathologist with training and experience in early literacy development and effective research-based intervention techniques for dyslexia, including an Orton-Gillingham remediation program recommended by the Missouri Speech-Language Hearing Association;

(12) A certified academic language therapist recommended by the Academic Language Therapists Association who is a resident of this state;

(13) A representative from an independent private provider or nonprofit organization serving individuals with dyslexia;

(14) An assistive technology specialist with expertise in accessible print materials and assistive technology used by individuals with dyslexia recommended by the Missouri assistive technology council;

(15) One private citizen who has a child who has been diagnosed with dyslexia;

(16) One private citizen who has been diagnosed with dyslexia;

(17) A representative of the Missouri State Council of the International Reading Association; and

(18) A pediatrician with knowledge of dyslexia.

4. The members of the task force, other than the members from the general assembly and ex officio members, shall be appointed by the president pro tempore of the senate or the speaker of the house of representatives by September 1, 2016, by alternating appointments beginning with the president pro tempore of the senate. A chairperson shall be selected by the members of the task force. Any vacancy on the task force shall be filled in the same manner as the original appointment. Members shall serve on the task force without compensation.

5. The task force shall make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia, including the development of resource materials and professional development activities. These recommendations shall be included in a report to the governor and joint committee on education and shall include findings and proposed legislation and shall be made available no longer than twelve months from the task force's first meeting.

6. The recommendations and resource materials developed by the task force shall:

(1) Identify valid and reliable screening and evaluation assessments and protocols that can be used and the appropriate personnel to administer such assessments in order to identify children with dyslexia or the characteristics of dyslexia as part of an ongoing reading progress monitoring system, multi-tiered system of supports, and special education eligibility determinations in schools;

(2) Recommend an evidence-based reading instruction, with consideration of the National Reading Panel Report and Orton-Gillingham methodology principles for use in all Missouri schools, and intervention system, including a list of effective dyslexia intervention programs, to address dyslexia or characteristics of dyslexia for use by schools in multi-tiered systems of support and for services as appropriate for special education eligible students;

(3) Develop and implement preservice and inservice professional development activities to address dyslexia identification and intervention, including utilization of accessible print materials and assistive technology, within degree programs such as education, reading, special education, speech-language pathology, and psychology;

(4) Review teacher certification and professional development requirements as they relate to the needs of students with dyslexia;

(5) Examine the barriers to accurate information on the prevalence of students with dyslexia across the state and recommend a process for accurate reporting of demographic data; and

(6) Study and evaluate current practices for diagnosing, treating, and educating children in this state and examine how current laws and regulations affect students with dyslexia in order to present recommendations to the governor and joint committee on education.

7. The task force shall hire or contract for hire specialist services to support the work of the task force as necessary with appropriations made by the general assembly for that purpose or from other available funding.

8. The task force authorized under this section shall expire on August 31, 2018."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Swan, **House Amendment No. 1** was adopted.

**SCS SB 638, as amended**, was laid over.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 2017**, entitled:

An act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2016 and ending June 30, 2017.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 2018**, entitled:

An act to appropriate money for purposes for the several departments and offices of state government; for the purchase of equipment; for planning, expenses, and for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; for grants, refunds, distributions, planning, expenses, and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions; and to transfer money among certain funds, from the funds designated for the fiscal period beginning July 1, 2016 and ending June 30, 2017.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has passed **Senate Committee Substitute for Senate Bill Nos. 586 and 651**, the objections of the Governor thereto notwithstanding.

Also, the attached is a certified copy of the Roll Call on **Senate Committee Substitute for Senate Bill Nos. 586 & 651**.

In which the concurrence of the House is respectfully requested.

AYES: 025

Brown	Chappelle-Nadal	Cunningham	Dixon	Emery
Hegeman	Kehoe	Kraus	Libla	Munzlinger
Onder	Parson	Pearce	Richard	Riddle
Romine	Sater	Schaaf	Schaefer	Schatz
Schmitt	Silvey	Wallingford	Wasson	Wieland

NOES: 007

Curls	Holsman	Keaveny	Nasheed	Schupp
Sifton	Walsh			

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 1480**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1530**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1559**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1681**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 2428**.

On motion of Representative Cierpiot, the House recessed until 7:00 p.m.

### EVENING SESSION

The hour of recess having expired, the House was called to order by Speaker Richardson.

### THIRD READING OF SENATE BILLS

**SCS SB 638, as amended**, relating to civics education, was again taken up by Representative Swan.

Representative Cookson offered **House Amendment No. 2**.

#### *House Amendment No. 2*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 2, by deleting the word "civics" and inserting in lieu thereof the phrase "elementary and secondary"; and

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



"167.777. 1. There is hereby established a committee of the house of representatives to be known as the "Missouri State High School Activities Association Interim Committee", which shall be composed of members of the house of representatives appointed by the speaker of the house of representatives. The speaker of the house of representatives shall choose the number of members who shall make up the committee.

2. The committee shall meet at least one time during the interim between the session ending on the thirtieth day of May and the session commencing on the first Wednesday after the first Monday of January.

3. The committee shall review issues pertaining to the Missouri State High School Activities Association."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cookson, **House Amendment No. 2** was adopted.

Representative Entlicher offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by removing the word "civics" and inserting in lieu thereof the words "elementary and secondary"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said line the following:

"162.531. The secretary of the board of each urban district shall keep a record of the proceedings of the board; he shall also keep a record of all warrants drawn upon the treasurer, showing the date and amount of each, in whose favor and upon what account it was drawn, and shall also keep a register of the bonded indebtedness of the school district; he shall also perform other duties required of him by the board, and shall safely keep all bonds or other papers entrusted to his care. He shall, before entering upon his duties, execute a bond to the school district in the penal sum of not less than five thousand dollars, the amount thereof to be fixed by the board, with at least [two sureties] **one surety**, to be approved by the board.

162.541. The treasurer of each urban district, before entering upon the discharge of his duties as such, shall enter into a bond to the state of Missouri with [two] **one** or more sureties, approved by the board, conditioned that he will render a faithful and just account of all moneys that come into his hands as treasurer, and otherwise perform the duties of his office according to law and shall file the bond with the secretary of the board. On breach of any of the conditions of the bond, the board, or the president or the secretary thereof, or any resident of the school district, may cause suit to be brought thereon, in the name of the state of Missouri, at the relation and to the use of the school district."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Entlicher, **House Amendment No. 3** was adopted.

Representative Andrews offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, Section 170.011, Line 4, by deleting said line and inserting in lieu thereof the following:

"Missouri, except [privately operated trade] **proprietary** schools, and shall begin not later than"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Andrews, **House Amendment No. 4** was adopted.

Representative Ruth offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the phrase "civics education" and inserting in lieu thereof the phrase "elementary and secondary education"; and

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

**"161.026. 1. Notwithstanding the provisions of section 161.032 or any other provision of law, the governor shall, by and with the advice and consent of the senate, appoint a teacher representative to the state board of education, who shall attend all meetings and participate in all deliberations of the board. Such teacher representative shall not have the right to vote on any matter before the board or be counted in establishing a quorum under section 161.082.**

**2. Such teacher representative shall be an active classroom teacher. For purposes of this section, "active classroom teacher" means a resident of the state of Missouri who is a full-time teacher with at least five years of teaching experience in the state of Missouri, who is certified to teach under the laws governing the certification of teachers in Missouri, and who is not on leave at the time of the appointment to the position of teacher representative. Such teacher representative shall have the written support of the local school board prior to accepting the appointment.**

**3. The term of the teacher representative shall be four years and appointments made under this section shall be made in rotation from each congressional district beginning with the first congressional district and continuing in numerical order.**

**4. If a vacancy occurs for any reason in the position of teacher representative, the governor shall appoint, by and with the advice and consent of the senate, a replacement for the unexpired term. Such replacement shall be a resident of the same congressional district as the teacher representative being replaced, shall meet the qualifications set forth in subsection 2 of this section, and shall serve until his or her successor is appointed and qualified. If the general assembly is not in session at the time for making an appointment, the governor shall make a temporary appointment until the next session of the general assembly, when the governor shall nominate a person to fill the position of teacher representative.**

**5. If the teacher representative ceases to be an active classroom teacher, as defined in subsection 2 of this section, or fails to follow the board's attendance policy, the teacher representative's position shall immediately become vacant unless an absence is caused by sickness or some accident preventing such representative's arrival at the time and place appointed for the meeting.**

**6. The teacher representative shall receive the same reimbursement for expenses as members of the state board of education receive under section 161.022.**

**7. At no time shall more than one non-voting member serve on the state board of education.**

**8. The provisions of this section shall expire on August 28, 2025.**

**161.072. 1.** The state board of education shall meet semiannually in December and in June in Jefferson City. Other meetings may be called by the president of the board on seven days' written notice to the members. In the absence of the president, the commissioner of education shall call a meeting on request of three members of the board, and if both the president and the commissioner of education are absent or refuse to call a meeting, any three members of the board may call a meeting by similar notices in writing. The business to come before the board shall be available by free electronic record at least seven business days prior to the start of each meeting. All records of any decisions, votes, exhibits, or outcomes shall be available by free electronic media within forty-eight hours following the conclusion of every meeting. Any materials prepared for the members of the board by the staff shall be delivered to the members at least five days before the meeting, and to the extent such materials are public records as defined in section 610.010 and are not permitted to be closed under section 610.021, shall be made available by free electronic media at least five business days in advance of the meeting.

**2. Upon an affirmative vote of the members of the board who are present and who are not teacher representatives, a given meeting closed under sections 610.021 and 610.022 shall be closed to the teacher representative.**

162.073. For the purposes of sections 162.071, 162.073, 162.152, 162.171, 162.181, 162.191, 162.201, 162.241, [162.261,] 162.301, 162.311, 162.821 and 167.121, in those counties without a county commission, the following words shall have the following meaning:

- (1) "County clerk" shall mean the vice-chairman of the county legislature or county council;
- (2) "County commission" shall mean the county legislature or county council;
- (3) "Presiding commissioner of the county commission" shall mean the chairman of the county legislature or county council.

162.261. 1. The government and control of a seven-director school district, other than an urban district, is vested in a board of education of seven members, who hold their office for three years, except as provided in section 162.241, and until their successors are duly elected and qualified. Any vacancy occurring in the board shall be filled by the remaining members of the board; except that if there are more than two vacancies at any one time, the county commission upon receiving written notice of the vacancies shall fill the vacancies by appointment. **If there are more than two vacancies at any one time in a county without a county commission, the county executive upon receiving written notice of the vacancies shall fill the vacancies, with the advice and consent of the county council, by appointment.** The person appointed shall hold office until the next municipal election, when a director shall be elected for the unexpired term.

2. No seven-director, urban, or metropolitan school district board of education shall hire a spouse of any member of such board for a vacant or newly created position unless the position has been advertised pursuant to board policy and the superintendent of schools submits a written recommendation for the employment of the spouse to the board of education. The names of all applicants as well as the name of the applicant hired for the position are to be included in the board minutes.

3. The provisions of article VII, section 6 of the Missouri Constitution apply to school districts."; and

Further amend said bill, Page 3, Section 170.345, Line 14, by deleting the word "**institution**" and inserting in lieu thereof the word "**institutions**"; and

Further amend said bill, Page 4, Section 633.420, Line 20, by inserting immediately after the word "**dyslexia**" a comma ","; and

Further amend said bill and section, Page 5, Line 49, by inserting immediately after the word "**the**" the word "**president**"; and

Further amend said bill, page and section, Line 61, by deleting the word "**that**" and inserting in lieu thereof the word "**who**"; and

Further amend said bill and section, Page 6, Line 73, by inserting immediately after the word "**dyslexia**" a comma ","; and

Further amend said bill, page and section, Line 86, by inserting immediately after the word "**system**" a comma ","; and

Further amend said bill, page and section, Line 88, by deleting the comma immediately after the word "**support**"; and

Further amend said bill and section, Page 7, Lines 108-110, by deleting all of said lines and inserting in lieu thereof the following:

**"8. The task force authorized under this section shall expire on August 31, 2018."**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roden offered **House Amendment No. 1 to House Amendment No. 5.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 5*

AMEND House Amendment No. 5 to Senate Committee Substitute for Senate Bill No. 638, Page 2, Line 43, by inserting immediately after said line the following:

"Further amend said bill, Page 3, Section 170.011, Line 59, by inserting immediately after said line the following:

"170.310. 1. **For school year 2017-18 and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.**

**2. Beginning in school year 2017-18,** any public school or charter school serving grades nine through twelve [may] **shall** provide enrolled students instruction in cardiopulmonary resuscitation. Students with disabilities may participate to the extent appropriate as determined by the provisions of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. [Instruction may be embedded in any health education course] **Instruction shall be included in the district's existing health or physical education curriculum.** Instruction shall be based on a program established by the American Heart Association or the American Red Cross, or through a nationally recognized program based on the most current national evidence-based emergency cardiovascular care guidelines, and psychomotor skills development shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means the use of hands-on practicing and skills testing to support cognitive learning.

[2.] **3.** The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in certification of students. Instruction that is designed to result in certification being earned shall be required to be taught by an authorized cardiopulmonary instructor. Schools may develop agreements with any local chapter of a voluntary organization of first responders to provide the required hands-on practice and skills testing.

[3.] **4.** The department of elementary and secondary education may promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void."; and"; and

Further amend said amendment and page, Line 46, by inserting immediately after said line the following:

"Further amend said bill, Page 4, Section 170.350, Line 14 by inserting immediately after said line the following:

"171.021. 1. Every school in this state which is supported in whole or in part by public moneys, during the hours while school is in session, shall display in some prominent place either upon the outside of the school building or upon a pole erected in the school yard the flag of the United States of America.

2. Every school in this state which is supported in whole or in part by public moneys shall ensure that the Pledge of Allegiance to the flag of the United States of America is recited in at least one scheduled class of every pupil enrolled in that school no less often than once per [week] **school day. Flags for display in individual classrooms may be provided by voluntary donation by any person.** No student shall be required to recite the Pledge of Allegiance."; and"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Roden, **House Amendment No. 1 to House Amendment No. 5** was adopted.

On motion of Representative Ruth, **House Amendment No. 5, as amended**, was adopted.

Representative Wood offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the phrase "civics education" and inserting in lieu thereof the phrase "elementary and secondary education"; and

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

- "160.400. 1. A charter school is an independent public school.
2. Except as further provided in subsection 4 of this section, charter schools may be operated only:
- (1) In a metropolitan school district;
  - (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;
  - (3) In a school district that has been [declared] **classified as unaccredited by the state board of education**;
  - (4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year under the following conditions:
    - (a) The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as defined in sections 161.520 to 161.529, or on financial hardship as defined by rule of the state board of education, shall be decided by a vote of the state board of education during the third consecutive school year after the designation of provisional accreditation; and
    - (b) The sponsor is limited to the local school board or a sponsor who has met the standards of accountability and performance as determined by the department based on sections 160.400 to 160.425 and section 167.349 and properly promulgated rules of the department; or
  - (5) In a school district that has been accredited without provisions, sponsored only by the local school board; provided that no board with a current year enrollment of one thousand five hundred fifty students or greater shall permit more than thirty-five percent of its student enrollment to enroll in charter schools sponsored by the local board under the authority of this subdivision, except that this restriction shall not apply to any school district that subsequently becomes eligible under subdivision (3) or (4) of this subsection or to any district accredited without provisions that sponsors charter schools prior to having a current year student enrollment of one thousand five hundred fifty students or greater.
3. Except as further provided in subsection 4 of this section, the following entities are eligible to sponsor charter schools:
- (1) The school board of the district in any district which is sponsoring a charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of subsection 2 of this section, the special administrative board of a metropolitan school district during any time in which powers granted to the district's board of education are vested in a special administrative board, or if the state board of education appoints a special administrative board to retain the authority granted to the board of education of an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, the special administrative board of such school district;
  - (2) A public four-year college or university with an approved teacher education program that meets regional or national standards of accreditation;
  - (3) A community college, the service area of which encompasses some portion of the district;
  - (4) Any private four-year college or university with an enrollment of at least one thousand students, with its primary campus in Missouri, and with an approved teacher preparation program;

(5) Any two-year private vocational or technical school designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended, [which is a member of the North Central Association] and accredited by the Higher Learning Commission, with its primary campus in Missouri; [or]

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

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

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

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

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

A charter school operating in a school district identified in subdivision (1) or (2) 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 charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

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

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

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

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

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

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

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

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

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

14. No sponsor shall grant a charter under sections 160.400 to 160.425 and 167.349 without ensuring that a criminal background check and family care safety registry check are conducted for all members of the governing board 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 [framework] **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.

(2) If the department determines that a sponsor is in material noncompliance with its sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If remediation does not address the compliance issues identified by the department, the commissioner of education shall conduct a public hearing and

thereafter provide notice to the charter sponsor of corrective action that will be recommended to the state board of education. Corrective action by the department may include withholding the sponsor's funding and suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school until the sponsor is reauthorized by the state board of education under section 160.403.

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

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

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

160.403. 1. The department of elementary and secondary education shall establish an annual application and approval process for all entities eligible to sponsor charters as set forth in section 160.400 which are not sponsoring a charter school as of August 28, 2012, **except that the Missouri charter public school commission shall not be required to undergo the application and approval process.** No later than November 1, 2012, the department shall make available information and guidelines for all eligible sponsors concerning the opportunity to apply for sponsoring authority under this section.

2. The application process for sponsorship shall require each interested eligible sponsor, **except for the Missouri charter public school commission**, to submit an application by February first that includes the following:

(1) Written notification of intent to serve as a charter school sponsor in accordance with sections 160.400 to 160.425 and section 167.349;

(2) Evidence of the applicant sponsor's budget and personnel capacity;

(3) An outline of the request for proposal that the applicant sponsor would, if approved as a charter sponsor, issue to solicit charter school applicants consistent with sections 160.400 to 160.425 **and section 167.349**;

(4) The performance [framework] **contract** that the applicant sponsor would, if approved as a charter sponsor, use to [guide the establishment of a charter contract and for ongoing oversight and a description of how it would] evaluate the charter schools it sponsors; and

(5) The applicant sponsor's renewal, revocation, and nonrenewal processes consistent with section 160.405.

3. By April first of each year, the department shall decide whether to grant or deny a sponsoring authority to a sponsor applicant. This decision shall be made based on the applicant [charter's] **sponsor's** compliance with sections 160.400 to 160.425 **and section 167.349** and properly promulgated rules of the department.

4. Within thirty days of the department's decision, the department shall execute a renewable sponsoring contract with each entity it has approved as a sponsor. The term of each authorizing contract shall be six years and renewable. [No eligible sponsor which is not currently sponsoring a charter school as of August 28, 2012, shall commence charter sponsorship without approval from the state board of education and a sponsor contract with the state board of education in effect.]

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall [be] **include** a legally binding performance contract that describes the obligations and responsibilities of the school and the sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall [also include] **address the following**:

(1) A mission and vision statement for the charter school;

(2) A description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy, financial management, and operational decisions of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;



- (3) A financial plan for the first three years of operation of the charter school including provisions for annual audits;
- (4) A description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan;
- (5) A description of the grades or ages of students being served;
- (6) The school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011;
- (7) A description of the charter school's pupil performance standards and academic program performance standards, which shall meet the requirements of subdivision (6) of subsection 4 of this section. The charter school program shall be designed to enable each pupil to achieve such standards and shall contain a complete set of indicators, measures, metrics, and targets for academic program performance, including specific goals on graduation rates and standardized test performance and academic growth;
- (8) A description of the charter school's educational program and curriculum;
- (9) The term of the charter, which shall be five years and [shall] **may** be [renewable] **renewed**;
- (10) Procedures, consistent with the Missouri financial accounting manual, for monitoring the financial accountability of the charter, which shall meet the requirements of subdivision (4) of subsection 4 of this section;
- (11) Preopening requirements for applications that require that charter schools meet all health, safety, and other legal requirements prior to opening;
- (12) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements and procedures that ensure admission of students with disabilities in a nondiscriminatory manner;
- (13) A description of the charter school's grievance procedure for parents or guardians;
- (14) A description of the agreement **and time frame for implementation** between the charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when a sponsor will not renew a charter under subsection 9 of this section;
- (15) Procedures to be implemented if the charter school should close, as provided in subdivision (6) of subsection 16 of section 160.400 including:
  - (a) Orderly transition of student records to new schools and archival of student records;
  - (b) Archival of business operation and transfer or repository of personnel records;
  - (c) Submission of final financial reports;
  - (d) Resolution of any remaining financial obligations; [and]
  - (e) Disposition of the charter school's assets upon closure; **and**
  - (f) A notification plan to inform parents or guardians of students, the local school district, the retirement system in which the charter school's employees participate, and the state board of education within thirty days of the decision to close;
- (16) A description of the special education and related services that shall be available to meet the needs of students with disabilities; and
- (17) For all new or revised charters, procedures to be used upon closure of the charter school requiring that unobligated assets of the charter school be returned to the department of elementary and secondary education for their disposition, which upon receipt of such assets shall return them to the local school district in which the school was located, the state, or any other entity to which they would belong.

Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the requirements of this subsection.

2. Proposed charters shall be subject to the following requirements:

- (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and procedures for review and granting of a charter approval, and be approved by the state board of education by [December first of the year] **January thirty-first** prior to **the school year** of the proposed opening date of the charter school;
- (2) A charter may be approved when the sponsor determines that the requirements of this section are met, determines that the applicant is sufficiently qualified to operate a charter school, and that the proposed charter is consistent with the sponsor's charter sponsorship goals and capacity. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;
- (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

(4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, that the applicant is sufficiently qualified to operate the charter school, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

(5) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended from school three or more times, has a history of severe truancy, is a pregnant or parenting teen, has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is homeless or has been homeless sometime within the preceding six months, has been referred by an area school district for enrollment in an alternative program, or qualifies as high risk under department of elementary and secondary education guidelines. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, the charter application shall be submitted to the state board of education, along with a statement of finding **by the sponsor** that the application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under which the charter sponsor shall evaluate the academic performance, **including annual performance reports**, of students enrolled in the charter school. The state board of education [may, within sixty days, disapprove the granting of the charter] **shall approve or deny a charter application within sixty days of receipt of the application**. The state board of education may [disapprove] **deny** a charter on grounds that the application fails to meet the requirements of sections 160.400 to 160.425 and section 167.349 or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor. **Any denial of a charter application made by the state board of education shall be in writing and shall identify the specific failures of the application to meet the requirements of sections 160.400 to 160.425 and section 167.349, and the written denial shall be provided within ten business days to the sponsor.**

4. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, county, or city relating to health, safety, and state minimum educational standards, as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, academic assessment under section 160.518, transmittal of school records under section 167.020, the minimum [number of school days and hours] **amount of school time** required under section [160.041] **171.031**, and the employee criminal history background check and the family care safety registry check under section 168.133;

(3) Except as provided in sections 160.400 to 160.425 **and as specifically provided in other sections**, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, publish audit reports and annual financial reports as provided in chapter 165, provided that the annual financial report may be published on the department of elementary and secondary education's internet website in addition to other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies and comply with all federal audit requirements for charters with local [education] **educational** agency status. For purposes of an audit by petition under section

29.230, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700. A charter school that incurs debt shall include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from [kindergarten] **early childhood** through grade twelve, [which may include early childhood education if funding for such programs is established by statute,] as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, establish baseline student performance in accordance with the performance contract during the first year of operation, collect student performance data as defined by the annual performance report throughout the duration of the charter to annually monitor student academic performance, and to the extent applicable based upon grade levels offered by the charter school, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, which shall also include a statement that background checks have been completed on the charter school's board members, **and** report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof[, and provide data required for the study of charter schools pursuant to subsection 4 of section 160.410]. No charter school shall be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed [high risk] **high-risk** or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a [high risk] **high-risk** or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this subdivision shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter. The performance standards for alternative and special purpose charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this section shall be based on measures defined in the school's performance contract with its sponsors;

(7) Comply with all applicable federal and state laws and regulations regarding students with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor legislation;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or [disapproval] **denial** by the sponsor, specifically addressing the requirements of sections 160.400 to 160.425 and 167.349.

5. (1) Proposed or existing high-risk or alternative charter schools may include alternative arrangements for students to obtain credit for satisfying graduation requirements in the school's charter application and charter. Alternative arrangements may include, but not be limited to, credit for off-campus instruction, embedded credit, work experience through an internship arranged through the school, and independent studies. When the state board of education approves the charter, any such alternative arrangements shall be approved at such time.

(2) The department of elementary and secondary education shall conduct a study of any charter school granted alternative arrangements for students to obtain credit under this subsection after three years of operation to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations during the first year of operation and then

every other year after the most recent review or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.

7. Sponsors shall annually review the charter school's compliance with statutory standards including:

- (1) Participation in the statewide system of assessments, as designated by the state board of education under section 160.518;
- (2) Assurances for the completion and distribution of an annual report card as prescribed in section 160.522;
- (3) The collection of baseline data during the first three years of operation to determine the longitudinal success of the charter school;
- (4) A method to measure pupil progress toward the pupil academic standards adopted by the state board of education under section 160.514; and
- (5) Publication of each charter school's annual performance report.

8. (1) (a) A sponsor's [intervention] policies shall give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies and mandate intervention based upon findings of the state board of education of the following:

- a. The charter school provides a high school program which fails to maintain a graduation rate of at least seventy percent in three of the last four school years unless the school has dropout recovery as its mission;
- b. The charter school's annual performance report results are below the district's annual performance report results based on the performance standards that are applicable to the grade level configuration of both the charter school and the district in which the charter school is located in three of the last four school years; and
- c. The charter school is identified as a persistently lowest achieving school by the department of elementary and secondary education.

(b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

- a. Clear evidence of underperformance as demonstrated in the charter school's annual performance report in three of the last four school years; or
- b. A violation of the law or the public trust that imperils students or public funds.

(c) A sponsor shall revoke a charter or take other appropriate remedial action, which may include placing the charter school on probationary status for no more than [twelve] **twenty-four** months, provided that no more than one designation of probationary status shall be allowed for the duration of the charter contract, at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet the performance contract as set forth in its charter, failure to meet generally accepted standards of fiscal management, failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days following receipt of written notice requesting such information, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, which may require a change of methodology, a change in leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the governing board of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's governing board may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to an appeal to the state board of education, which shall determine whether the charter shall be revoked.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its sponsor.

(2) The sponsor's renewal process of the charter school shall be based on the thorough analysis of a comprehensive body of objective evidence and consider if:

(a) The charter school has maintained results on its annual performance report that meet or exceed the district in which the charter school is located based on the performance standards that are applicable to the grade-level configuration of both the charter school and the district in which the charter school is located in three of the last four school years;

(b) The charter school is organizationally and fiscally viable determining at a minimum that the school does not have:

a. A negative balance in its operating funds;

b. A combined balance of less than three percent of the amount expended for such funds during the previous fiscal year; or

c. Expenditures that exceed receipts for the most recently completed fiscal year;

(c) The charter is in compliance with its legally binding performance contract and sections 160.400 to 160.425 and section 167.349; **and**

**(d) The charter school has an annual performance report consistent with a classification of accredited for three of the last four years and is fiscally viable as described in paragraph (b) of this subdivision. If such is the case, the charter school may have an expedited renewal process as defined by rule of the department of elementary and secondary education.**

(3) (a) Beginning August first during the year in which a charter is considered for renewal, a charter school sponsor shall demonstrate to the state board of education that the charter school is in compliance with federal and state law as provided in sections 160.400 to 160.425 and section 167.349 and the school's performance contract including but not limited to those requirements specific to academic performance.

(b) Along with data reflecting the academic performance standards indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the state board of education for review.

(c) Using the data requested and the revised charter application under paragraphs (a) and (b) of this subdivision, the state board of education shall determine if compliance with all standards enumerated in this subdivision has been achieved. The state board of education at its next regularly scheduled meeting shall vote on the revised charter application.

(d) If a charter school sponsor demonstrates the objectives identified in this subdivision, the state board of education shall renew the school's charter.

10. A school district may enter into a lease with a charter school for physical facilities.

11. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

12. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756.

13. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035.

14. The chief financial officer of a charter school shall maintain:

(1) A surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school; or

(2) An insurance policy issued by an insurance company licensed to do business in Missouri on all employees in the amount of five hundred thousand dollars or more that provides coverage in the event of employee theft.

15. The department of elementary and secondary education shall calculate an annual performance report for each charter school and shall publish it in the same manner as annual performance reports are calculated and published for districts and attendance centers.

16. The joint committee on education shall create a committee to investigate facility access and affordability for charter schools. The committee shall be comprised of equal numbers of the charter school sector and the public school sector and shall report its findings to the general assembly by December 31, 2016.

160.408. 1. For purposes of this section, “high-quality charter school” means a charter school operating in the state of Missouri that meets the following requirements:

(1) Receives eighty-five percent or more of the total points on the annual performance report for three out of the last four school years by comparing points earned to the points possible on the annual performance report for three of the last four school years;

(2) Maintains a graduation rate of at least eighty percent for three of the last four school years, if the charter school provides a high school program;

(3) Is in material compliance with its legally binding performance contract and sections 160.400 to 160.425 and section 167.349; and

(4) Is organizationally and fiscally viable as described in paragraph (b) of subdivision (2) of subsection 9 of section 160.405.

2. Notwithstanding any other provision of law, high-quality charter schools shall be provided expedited opportunities to replicate and expand into unaccredited districts, a metropolitan district, or an urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. Such replication and expansion shall be subject to the following:

(1) The school seeking to replicate or expand shall submit its proposed charter to a proposed sponsor. The charter shall include a legally binding performance contract that meets the requirements of sections 160.400 to 160.425 and section 167.349;

(2) The sponsor's decision to approve or deny shall be made within sixty days of the filing of the proposed charter with the proposed sponsor;

(3) If a charter is approved by a sponsor, the charter application shall be filed with the state board of education with a statement of finding from the sponsor that the application meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring plan under which the sponsor shall evaluate the academic performance of students enrolled in the charter school. Such filing shall be made by January thirty-first prior to the school year in which the charter school intends to begin operations.

3. The term of the charter for schools operating under this section shall be five years, and the charter may be renewed for terms of up to ten years. Renewal shall be subject to the provisions of paragraphs (a) to (d) of subdivision (3) of subsection 9 of section 160.405.

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;

(3) **Nonresident pupils who transfer from an unaccredited district under section 167.131, provided that the charter school is an approved charter school, as defined in section 167.131, and subject to all other provisions of section 167.131;**

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and

[(4)] (5) In the case of a workplace charter school, any student eligible to attend under subdivision (1) or (2) of this subsection whose parent is employed in the business district, who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.

2. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission **and does not discriminate based on parents' ability to pay fees or tuition** except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education;

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school; and

(3) Charter alternative and special purpose schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

3. A charter school shall not limit admission based on race, ethnicity, national origin, disability, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level. Charter schools may limit admission based on gender only when the school is a single-gender school. Students of a charter school [that are present for the January membership count as defined in section 163.011] **who have been enrolled for a full academic year** shall be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. **For purposes of this subsection, "full academic year" means the last Wednesday in September through the administration of the Missouri assessment program test without transferring out of the school and re-enrolling.**

[4. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with an equivalent group of district students representing an equivalent demographic and geographic population and a study of the impact of charter schools upon the constituents they serve in the districts in which they are located, to be conducted by the joint committee on education. The charter school study shall include analysis of the administrative and instructional practices of each charter school and shall include findings on innovative programs that illustrate best practices and lend themselves to replication or incorporation in other schools. The joint committee on education shall coordinate with individuals representing charter schools and the districts in which charter schools are located in conducting the study. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and an equivalent group of district students representing an equivalent demographic and geographic population. The student performance assessment and comparison shall include, but may not be limited to:

- (1) Missouri assessment program test performance and aggregate growth over several years;
- (2) Student reenrollment rates;
- (3) Educator, parent, and student satisfaction data;
- (4) Graduation rates in secondary programs; and
- (5) Performance of students enrolled in the same public school for three or more consecutive years.

The impact study shall be undertaken every two years to determine the impact of charter schools on the constituents they serve in the districts where charter schools are operated. The impact study shall include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.]

[5.] **4.** A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522;
- (3) The results of background checks on the charter school's board members; and

(4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

[6.] 5. When a student attending a charter school who is a resident of the school district in which the charter school is located moves out of the boundaries of such school district, the student may complete the current semester and shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

[7.] 6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

[8.] 7. The provisions of sections 167.018 and 167.019 concerning foster children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free and reduced **price** lunch, special education, or limited English proficiency status, as well as eligibility for categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside. The charter school shall report the average daily attendance data, free and reduced **price** lunch count, special education pupil count, and limited English proficiency pupil count to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers' funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local [education] **educational** agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to this section, the amount of overpayment or underpayment shall be adjusted equally in the next twelve payments by



the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536. During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.

6. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

7. In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services[,] or management services, the request for proposals shall additionally require the charter school applicant to:

(1) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(2) Provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and time lines; compensation structure, including clear identification of all fees to be paid to the service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

(3) Disclose any known conflicts of interest between the school governing board and proposed service provider or any affiliated business entities;

(4) Disclose and explain any termination or nonrenewal of contracts for equivalent services for any other charter school in the United States within the past five years;

(5) Ensure that the legal counsel for the charter school shall report directly to the charter school's governing board; and

(6) Provide a process to ensure that the expenditures that the [educational] **education** service provider intends to bill to the charter school shall receive prior approval of the governing board or its designee.

8. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

9. A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

10. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services.

11. A charter school may not charge tuition[, nor may it] or impose fees that a school district is prohibited from **charging or imposing except that a charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in section 167.131, from an unaccredited district.**

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. **Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405.**

The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

13. Charter schools shall not have the power to acquire property by eminent domain.

14. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

160.417. 1. By October 1, 2012, and by each October first thereafter, the sponsor of each charter school shall review the information submitted on the report required by section 162.821 to identify charter schools experiencing financial stress. The department of elementary and secondary education shall be authorized to obtain such additional information from a charter school as may be necessary to determine the financial condition of the charter school. Annually, a listing of charter schools identified as experiencing financial stress according to the provisions of this section shall be provided to the governor, speaker of the house of representatives, and president pro tempore of the senate by the department of elementary and secondary education.

2. For the purposes of this section, a charter school shall be identified as experiencing financial stress if it:

(1) At the end of its most recently completed fiscal year:

(a) Has a negative balance in its operating funds; or

(b) Has a combined balance of less than three percent of the amount expended from such funds during the previous fiscal year; [or]

(2) For the most recently completed fiscal year expenditures, exceeded receipts for any of its funds because of recurring costs; **or**

**(3) Due to insufficient fund balances or reserves, incurred debt after January thirty-first and before July first during the most recently completed fiscal year in order to meet expenditures of the charter school.**

3. The sponsor shall notify by November first the governing board of the charter school identified as experiencing financial stress. Upon receiving the notification, the governing board shall develop, or cause to have developed, and shall approve a budget and education plan on forms provided by the sponsor. The budget and education plan shall be submitted to the sponsor, signed by the officers of the charter school, within forty-five calendar days of notification that the charter school has been identified as experiencing financial stress. Minimally, the budget and education plan shall:

(1) Give assurances that adequate educational services to students of the charter school shall continue uninterrupted for the remainder of the current school year and that the charter school can provide the minimum [number of school days and hours] **amount of school time** required by section [160.041] **171.031**;

(2) Outline a procedure to be followed by the charter school to report to charter school patrons about the financial condition of the charter school; and

(3) Detail the expenditure reduction measures, revenue increases, or other actions to be taken by the charter school to address its condition of financial stress.

4. Upon receipt and following review of any budget and education plan, the sponsor may make suggestions to improve the plan. Nothing in sections 160.400 to 160.425 or section 167.349 shall exempt a charter school from submitting a budget and education plan to the sponsor according to the provisions of this section following each such notification that a charter school has been identified as experiencing financial stress, except that the sponsor may permit a charter school's governing board to make amendments to or update a budget and education plan previously submitted to the sponsor.

5. The department may withhold any payment of financial aid otherwise due to the charter school until such time as the sponsor and the charter school have fully complied with this section.

163.018. 1. Notwithstanding the definition of "average daily attendance" in subdivision (2) of section 163.011 to the contrary, pupils between the ages of three and five who are eligible for free and reduced **price** lunch and attend an early childhood education program:

(1) That is operated by and in a district or by a charter school that has declared itself as a local educational agency providing full-day kindergarten and that meets standards established by the state board of education; **or**

**(2) That is under contract with a district or charter school that has declared itself as a local educational agency and that meets standards established by the state board of education** shall be included in

the district's or charter school's calculation of average daily attendance. The total number of such pupils included in the district's or charter school's calculation of average daily attendance shall not exceed four percent of the total number of pupils who are eligible for free and reduced **price** lunch between the ages of [three] **five** and eighteen who are included in the district's or charter school's calculation of average daily attendance.

2. (1) For any district that has been declared unaccredited by the state board of education and remains unaccredited as of July 1, 2015, the provisions of subsection 1 of this section shall become applicable during the 2015-16 school year.

(2) For any district that is declared unaccredited by the state board of education after July 1, 2015, **and for any charter school located in said district**, the provisions of subsection 1 of this section shall become applicable immediately upon such declaration.

(3) For any district that has been declared provisionally accredited by the state board of education and remains provisionally accredited as of July 1, 2016, **and for any charter school located in said district**, the provisions of subsection 1 of this section shall become applicable beginning in the 2016-17 school year.

(4) For any district that is declared provisionally accredited by the state board of education after July 1, 2016, **and for any charter school located in said district**, the provisions of this section shall become applicable beginning in the 2016-17 school year or immediately upon such declaration, whichever is later.

(5) For all other districts **and charter schools**, the provisions of subsection 1 of this section shall become effective in any school year subsequent to a school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement calculation determined by subsections 1 and 2 of section 163.031, and shall remain effective in all school years thereafter, irrespective of the amount appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

3. This section shall not require school attendance beyond that mandated under section 167.031 and shall not change or amend the provisions of sections 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

167.131. 1. The board of education of each district in this state that does not maintain an accredited school pursuant to the authority of the state board of education to classify schools as established in section 161.092 shall pay the tuition of and provide transportation consistent with the provisions of section 167.241 for each pupil resident therein who attends an accredited school in another district of the same or an adjoining county **or who attends an approved charter school in the same or an adjoining county.**

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district's grade level grouping which includes the school attended. **The rate of tuition to be charged by the approved charter school attended and paid by the sending district is the per pupil cost of maintaining the approved charter school's grade level grouping. For a district**, the cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers' wages, incidental purposes, debt service, maintenance and replacements. **For an approved charter school, the cost of maintaining a grade level grouping shall be determined by the approved charter school but in no case shall it exceed all amounts spent by the district in which the approved charter school is located for teachers' wages, incidental purposes, debt service, maintenance, and replacements.** The term "debt service", as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

3. **For purposes of this section, "approved charter school" means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.**

167.241. Transportation for pupils whose tuition the district of residence is required to pay by section 167.131 or who are assigned as provided in section 167.121 shall be provided by the district of residence; however, in the case of pupils covered by section 167.131, the district of residence shall be required to provide transportation only to **approved charter schools**, school districts accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092, and those school districts designated by the board of education of the district of residence."; and

Further amend said bill, Page 7, Section 633.420, Line 110, by inserting after all of said section and line the following:

"Section B. Because of the importance of funding early childhood education programs, section 163.018 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 163.018 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wood, **House Amendment No. 6** was adopted.

Representative Pfautsch offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the phrase "civics education" and inserting in lieu thereof the phrase "elementary and secondary education"; and

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

**"161.217. 1. The department of elementary and secondary education, in collaboration with the Missouri Head Start State Collaboration Office and the departments of health and senior services, mental health, and social services, shall develop, as a three-year pilot program, a voluntary early learning quality assurance report. The early learning quality assurance report shall be developed based on evidence-based practices.**

**2. Participation in the early learning quality assurance report pilot program shall be voluntary for any licensed or license-exempt early learning providers that are center-based or home-based and are providing services for children from any ages from birth up to kindergarten.**

**3. The early learning quality assurance report may include, but is not limited to, information regarding staff qualifications, instructional quality, professional development, health and safety standards, parent engagement, and community engagement.**

**4. The early learning quality assurance report shall not be used for enforcement of compliance with any law or for any punitive purposes.**

**5. The department of elementary and secondary education shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.**

**6. Under section 23.253 of the Missouri sunset act:**

**(1) The provisions of the new program authorized under this section shall automatically sunset three years after the effective date of this section unless reauthorized by an act of the general assembly; and**

**(2) If such program is reauthorized, the program authorized under this section shall automatically sunset three years after the effective date of the reauthorization of this section; and**

**(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.**

162.720. 1. Where a sufficient number of children are determined to be gifted and their development requires programs or services beyond the level of those ordinarily provided in regular public school programs, districts may establish special programs for such gifted children.

2. The state board of education shall determine standards for such programs. Approval of such programs shall be made by the state department of elementary and secondary education based upon project applications submitted by July fifteenth of each year.

**3. No district shall make a determination as to whether a child is gifted based on the child's participation in an advanced placement course or international baccalaureate course. Districts shall determine a child is gifted only if the child meets the definition of "gifted children" as provided in section 162.675.**

163.031. 1. The department of elementary and secondary education shall calculate and distribute to each school district qualified to receive state aid under section 163.021 an amount determined by multiplying the district's weighted average daily attendance by the state adequacy target, multiplying this product by the dollar value modifier for the district, and subtracting from this product the district's local effort and subtracting payments from the classroom trust fund under section 163.043.

2. Other provisions of law to the contrary notwithstanding:

(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:

(a) For the 2008-09 school year, the state revenue per weighted average daily attendance received by a district from the state aid calculation under subsections 1 and 4 of [this] section **163.031 as such section existed on July 1, 2008**, as applicable, and the classroom trust fund under section 163.043 shall not be less than the state revenue received by a district in the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier, and dividing this product by the weighted average daily attendance computed for the 2005-06 school year;

(b) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (a) of this subdivision, multiplied by the weighted average daily attendance pursuant to section 163.036, less any increase in revenue received from the classroom trust fund under section 163.043;

(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of [this] section **163.031 as such section existed on July 1, 2008**, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier;

(b) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (a) of this subdivision;

(3) The department of elementary and secondary education shall make an addition in the payment amount specified in subsection 1 of this section to assure compliance with the provisions contained in this subsection.

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515; the vocational education entitlement for the district, as provided for in section 167.332; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

4. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

5. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1 and 2 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515 shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1 and 2 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund.

In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1 and 2 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

6. (1) If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced **price** lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced **price** lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

(2) **In the 2017-18 school year and in each subsequent school year, if a district experiences a decrease in its gifted program enrollment of twenty percent or more from the previous school year, an amount equal to the product of the difference between the number of students enrolled in the gifted program in the current school year and the number of students enrolled in the gifted program in the previous school year multiplied by six hundred eighty dollars shall be subtracted from the district's current year payment amount. The provisions of this subdivision shall apply to districts entitled to receive state aid payments under both subsections 1 and 2 of this section but shall not apply to any school district with an average daily attendance of three hundred fifty or less.**

7. Notwithstanding any provision of law to the contrary, in any fiscal year during which the total formula appropriation is insufficient to fully fund the entitlement calculation of this section, the department of elementary and secondary education shall adjust the state adequacy target in order to accommodate the appropriation level for the given fiscal year. In no manner shall any payment modification be rendered for any district qualified to receive payments under subsection 2 of this section based on insufficient appropriations."; and

Further amend said bill, Page 7, Section 633.420, Line 110, by inserting after all of said section and line the following:

"[161.216. 1. No public institution of higher education, political subdivision, governmental entity, or quasi-governmental entity receiving state funds shall operate, establish, or maintain, offer incentives to participate in, or mandate participation in a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education, unless the authority to operate, establish, or maintain such a system is enacted into law through:

- (1) A bill as prescribed by Article III of the Missouri Constitution;
- (2) An initiative petition as prescribed by Section 50 of Article III of the Missouri Constitution; or
- (3) A referendum as prescribed by Section 52(a) of Article III of the Missouri Constitution.

2. No public institution of higher education, political subdivision, governmental entity or quasi-governmental entity receiving state funds shall promulgate any rule or establish any program, policy, guideline, or plan or change any rule, program, policy, guideline, or plan to operate, establish, or maintain a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education unless such public institution of higher education, political subdivision,

governmental entity or quasi-governmental entity receiving state funds has received statutory authority to do so in a manner consistent with subsection 1 of this section.

3. Any taxpayer of this state or any member of the general assembly shall have standing to bring suit against any public institution of higher education, political subdivision, governmental entity or quasi-governmental entity which is in violation of this section in any court with jurisdiction to enforce the provisions of this section.

4. This section shall not be construed to limit the content of early childhood education courses, research, or training carried out by any public institution of higher education. A course on quality rating systems or training quality assurance systems shall not be a requirement for certification by the state as an individual child care provider or any licensing requirement that may be established for an individual child care provider.

5. For purposes of this section:

(1) "Early childhood education" shall mean education programs that are both centered and home-based and providing services for children from birth to kindergarten;

(2) "Quality rating system" or "training quality assurance system" shall include the model from the Missouri quality rating system pilots developed by the University of Missouri center for family policy and research, any successor model, or substantially similar model. "Quality rating system" or "training quality assurance system" shall also include but not be limited to a tiered rating system that provides a number of tiers or levels to set benchmarks for quality that build upon each other, leading to a top tier that includes program accreditation. "Quality rating system" or "training quality assurance system" may also include a tiered reimbursement system that may be tied to a tiered rating system;

(3) "Tiered reimbursement system" or "training quality assurance system" shall include but not be limited to a system that links funding to a quality rating system, a system to award higher child care subsidy payments to programs that attain higher quality levels, or a system that offers other incentives through tax policy or professional development opportunities for child care providers.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Pfautsch, **House Amendment No. 7** was adopted.

Representative Alferman offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the word "civics" and inserting in lieu thereof the phrase "elementary and secondary"; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after all of said line the following:

"160.545. 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

- (3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and
- (4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and
- (5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

**3. Any nonpublic school in this state may apply to the state board of education for certification that it meets the requirements of this section subject to the same criteria as public high schools. Every nonpublic school that applies and has met the requirements of this section shall have its students eligible for reimbursement of postsecondary education under subsection 8 of this section on an equal basis to students who graduate from public schools that meet the requirements of this section. Any nonpublic school that applies shall not be eligible for any grants under this section. Students of certified nonpublic schools shall be eligible for reimbursement of postsecondary education under subsection 8 of this section so long as they meet the other requirements of such subsection. For purposes of subdivision (5) of subsection 2 of this section, the nonpublic school shall be included in the partnership plan developed by the public school district in which the nonpublic school is located. For purposes of subdivision (1) of subsection 2 of this section, the nonpublic school shall establish measurable performance standards for the goals of the program for every school and grade level over which the nonpublic school maintains control.**

**4.** A school district may participate in the program irrespective of its accreditation classification by the state board of education, provided it meets all other requirements.

[4.] **5.** By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

[5.] **6.** For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092 and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

[6.] **7.** For any school year, grants authorized by subsections 1, 2, and [4] **5** of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection [7] **8** of this section.

[7.] **8.** The department of higher education shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the



limits established in subsection [9] 10 of this section for any two-year private vocational or technical school for any student:

(1) Who has attended a [public] high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section; except that, students who are active duty military dependents, and students who are dependants of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty, who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the department of higher education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department; and

(4) Who is a citizen or permanent resident of the United States.

[8.] 9. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

[9.] 10. For a two-year private vocational or technical school to obtain reimbursements under subsection [7] 8 of this section, the following requirements shall be satisfied:

(1) Such two-year private vocational or technical school shall be a member of the North Central Association and be accredited by the Higher Learning Commission as of July 1, 2008, and maintain such accreditation;

(2) Such two-year private vocational or technical school shall be designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

(3) No two-year private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of such college; and

(4) The reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cornejo assumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Bernskoetter	Berry
Bondon	Brattin	Brown 57	Brown 94	Burlison
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Dugger	Eggleston	Engler
English	Entlicher	Fitzpatrick	Fitzwater 49	Flanigan
Fraker	Franklin	Frederick	Gannon	Haahr
Haefner	Hansen	Hill	Hoskins	Hough
Houghton	Hubrecht	Hurst	Johnson	Justus
Kelley	Kidd	King	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mathews
McDaniel	McGaugh	Messenger	Miller	Moon

Morris	Muntzel	Parkinson	Pfautsch	Phillips
Pike	Plocher	Pogue	Reiboldt	Remole
Rhoads	Roden	Roeber	Rone	Ross
Rowden	Rowland 155	Ruth	Shaul	Shumake
Solon	Sommer	Spencer	Swan	Taylor 139
Taylor 145	Walker	White	Wiemann	Wilson
Wood	Zerr			

NOES: 038

Adams	Anders	Arthur	Burns	Butler
Carpenter	Conway 10	Curtis	Dunn	Ellington
Gardner	Green	Harris	Hubbard	Kendrick
Kirkton	Kratky	LaFaver	Lavender	May
McCann Beatty	McCreery	McNeil	Meredith	Mitten
Montecillo	Morgan	Newman	Nichols	Norr
Pace	Peters	Pierson	Rizzo	Rowland 29
Runions	Walton Gray	Webber		

PRESENT: 000

ABSENT WITH LEAVE: 022

Beard	Black	Colona	Fitzwater 144	Hicks
Higdon	Hinson	Hummel	Jones	McCaherty
McDonald	McGee	Mims	Neely	Otto
Pietzman	Redmon	Rehder	Shull	Smith
Vescovo	Mr. Speaker			

VACANCIES: 001

On motion of Representative Alferman, **House Amendment No. 8** was adopted.

Representative Montecillo offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting the word "civics" and inserting in lieu thereof the phrase "elementary and secondary"; and

Further amend said bill and page, Section A, Line 3, by inserting immediately after all of said line the following:

**"161.1050. 1. There is hereby established within the department of elementary and secondary education the "Trauma-Informed Schools Initiative".**

**2. The department of elementary and secondary education shall consult the department of mental health and the department of social services for assistance in fulfilling the requirements of this section.**

**3. The department of elementary and secondary education shall:**

**(1) Provide information regarding the trauma-informed approach to all school districts;**

**(2) Offer training on the trauma-informed approach to all school districts, which shall include information on how schools can become trauma-informed schools; and**

**(3) Develop a website about the trauma-informed schools initiative that includes information for schools and parents regarding the trauma-informed approach and a guide for schools on how to become trauma-informed schools.**

4. Each school district shall provide the address of the website described under subdivision (3) of subsection 3 of this section to all parents of the students in its district before October first of each school year.

5. For purposes of this section, the following terms mean:

(1) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;

(2) "Trauma-informed school", a school that:

(a) Realizes the widespread impact of trauma and understands potential paths for recovery;

(b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;

(c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and

(d) Seeks to actively resist re-traumatization.

161.1055. 1. Subject to appropriations, the department of elementary and secondary education shall establish the "Trauma-Informed Schools Pilot Program".

2. Under the trauma-informed schools pilot program, the department of elementary and secondary education shall choose five schools to receive intensive training on the trauma-informed approach.

3. The five schools chosen for the pilot program shall be located in the following areas:

(1) One public school located in a metropolitan school district;

(2) One public school located in a home rule city with more than four hundred thousand inhabitants and located in more than one county;

(3) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants;

(4) One public school located in a school district that has most or all of its land area located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants; and

(5) One public school located in any one of the following counties:

(a) A county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants;

(b) A county of the third classification without a township form of government and with more than six thousand but fewer than seven thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat;

(c) A county of the third classification with a township form of government and with more than thirty-one thousand but fewer than thirty-five thousand inhabitants;

(d) A county of the third classification without a township form of government and with more than fourteen thousand but fewer than sixteen thousand inhabitants and with a city of the third classification with more than five thousand but fewer than six thousand inhabitants as the county seat;

(e) A county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than three thousand but fewer than three thousand seven hundred inhabitants as the county seat;

(f) A county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the third classification with more than six thousand but fewer than seven thousand inhabitants as the county seat;

(g) A county of the third classification without a township form of government and with more than fourteen thousand but fewer than sixteen thousand inhabitants and with a city of the fourth classification with more than one thousand nine hundred but fewer than two thousand one hundred inhabitants as the county seat;

(h) A county of the third classification without a township form of government and with more than thirty-seven thousand but fewer than forty-one thousand inhabitants and with a city of the fourth classification with more than eight hundred but fewer than nine hundred inhabitants as the county seat;

(i) A county of the third classification with a township form of government and with more than twenty-eight thousand but fewer than thirty-one thousand inhabitants; or

(j) A county of the third classification without a township form of government and with more than twelve thousand but fewer than fourteen thousand inhabitants and with a city of the fourth classification with more than five hundred but fewer than five hundred fifty inhabitants as the county seat.

4. The department of elementary and secondary education shall:

- (1) Train the teachers and administrators of the five schools chosen for the pilot program regarding the trauma-informed approach and how to become trauma-informed schools;
- (2) Provide the five schools with funds to implement the trauma-informed approach; and
- (3) Closely monitor the progress of the five schools in becoming trauma-informed schools and provide further assistance if necessary.

5. The department of elementary and secondary education shall terminate the trauma-informed schools pilot program on August 28, 2019. Before December 31, 2019, the department of elementary and secondary education shall submit a report to the general assembly that contains the results of the pilot program, including any benefits experienced by the five schools chosen for the program.

6. (1) There is hereby created in the state treasury the "Trauma-Informed Schools Pilot Program Fund". The fund shall consist of any appropriations to such fund. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

7. For purposes of this section, the following terms mean:

- (1) "Trauma-informed approach", an approach that involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress across the lifespan;
- (2) "Trauma-informed school", a school that:
  - (a) Realizes the widespread impact of trauma and understands potential paths for recovery;
  - (b) Recognizes the signs and symptoms of trauma in students, teachers, and staff;
  - (c) Responds by fully integrating knowledge about trauma into its policies, procedures, and practices; and
  - (d) Seeks to actively resist re-traumatization.

8. The provisions of this section shall expire December 31, 2019."; and

Further amend said bill, Page 7, Section 633.420, Line 110, by inserting immediately after all of said line the following:

"Section B. Section 161.1050 of this act shall become effective July 1, 2017."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Montecillo, **House Amendment No. 9** was adopted.

Representative Walton Gray offered **House Amendment No. 10**.

#### *House Amendment No. 10*

AMEND Senate Committee Substitute for Senate Bill No. 638, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the words "relating to elementary and secondary education."; and

Further amend said bill, Page 3, Section 170.011, Line 59, by inserting after all of said section and line the following:

**"170.269. A school district or charter school that provides instruction in a grade or grades not lower than the third nor higher than the twelfth grade may incorporate water and swim safety information into the school district's or charter school's existing physical education curriculum for students in such grades. Instruction shall focus on educating students on becoming safer in and around the water and include discussion of statistics that show that drowning is a major public health problem worldwide.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Walton Gray, **House Amendment No. 10** was adopted.

On motion of Representative Swan, **SCS SB 638, as amended**, was read the third time and passed by the following vote:

AYES: 095

Alferman	Allen	Anders	Andrews	Austin
Barnes	Beard	Bernskoetter	Berry	Brown 57
Brown 94	Butler	Chipman	Cierpiot	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Davis	Dogan	Dohrman	Eggleston	Engler
English	Entlicher	Fitzwater 144	Fitzwater 49	Flanigan
Fraker	Frederick	Gannon	Haahr	Haefner
Hansen	Harris	Hill	Hinson	Hoskins
Hough	Houghton	Hubbard	Hubrecht	Johnson
Jones	Justus	Kelley	King	Kolkmeyer
Korman	Lair	Lant	Lauer	Lavender
Leara	Lichtenegger	Love	Lynch	Mathews
McGaugh	Messenger	Montecillo	Morris	Muntzel
Neely	Pfautsch	Phillips	Pike	Plocher
Rehder	Reiboldt	Remole	Rhoads	Roden
Rone	Ross	Rowden	Rowland 155	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Swan	Taylor 145	Walker	Walton Gray	White
Wiemann	Wilson	Wood	Zerr	Mr. Speaker

NOES: 056

Adams	Anderson	Arthur	Bahr	Basye
Bondon	Brattin	Burlison	Burns	Carpenter
Colona	Conway 10	Curtis	Curtman	Dugger
Dunn	Fitzpatrick	Franklin	Gardner	Green
Hurst	Kendrick	Kidd	Kirkton	Koenig
Kratky	LaFaver	Marshall	May	McCann Beatty
McCreery	McDaniel	McDonald	McGee	McNeil
Meredith	Miller	Mitten	Moon	Morgan
Newman	Nichols	Norr	Otto	Pace
Parkinson	Peters	Pierson	Pogue	Rizzo
Roeber	Rowland 29	Runions	Spencer	Taylor 139
Webber				

PRESENT: 000

ABSENT WITH LEAVE: 011

Black	Ellington	Hicks	Higdon	Hummel
McCaherty	Mims	Pietzman	Redmon	Smith
Vescovo				

VACANCIES: 001

Representative Cornejo declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 085

Alferman	Allen	Andrews	Austin	Bahr
Barnes	Beard	Bernskoetter	Bondon	Brattin
Brown 57	Brown 94	Chipman	Cierpiot	Cookson
Corlew	Cornejo	Crawford	Cross	Davis
Dogan	Dohrman	Eggleston	English	Entlicher
Fitzwater 144	Fitzwater 49	Flanigan	Fraker	Franklin
Frederick	Gannon	Haefner	Hansen	Hill
Hinson	Hoskins	Hough	Houghton	Hubbard
Hubrecht	Johnson	Jones	Justus	Kelley
King	Kolkmeier	Lair	Lant	Lauer
Leara	Love	Lynch	Mathews	McGaugh
Muntzel	Neely	Pfausch	Phillips	Pike
Plocher	Rehder	Reiboldt	Remole	Rhoads
Roden	Rone	Ross	Rowden	Rowland 155
Ruth	Shaul	Shull	Shumake	Solon
Sommer	Spencer	Swan	Taylor 145	Walker
White	Wiemann	Wood	Zerr	Mr. Speaker

NOES: 065

Adams	Anders	Anderson	Arthur	Basye
Berry	Burlison	Burns	Butler	Carpenter
Conway 10	Conway 104	Curtis	Curtman	Dugger
Dunn	Ellington	Engler	Fitzpatrick	Gardner
Green	Harris	Hurst	Kendrick	Kidd
Kirkton	Koenig	Korman	Kratky	LaFaver
Lavender	Lichtenegger	Marshall	May	McCann Beatty
McCreery	McDaniel	McDonald	McGee	McNeil
Meredith	Messenger	Miller	Mitten	Montecillo
Moon	Morgan	Morris	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pierson	Pogue	Rizzo	Roeber	Rowland 29
Runions	Taylor 139	Walton Gray	Webber	Wilson

PRESENT: 000

ABSENT WITH LEAVE: 012

Black	Colona	Haahr	Hicks	Higdon
Hummel	McCaherty	Mims	Pietzman	Redmon
Smith	Vescovo			

VACANCIES: 001

**HCS SS SB 786**, relating to elections, was taken up by Representative Dugger.

Representative McGaugh offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 786, Page 11, Section 115.960, Line 29, by inserting immediately after the phrase "**by that office**." on said line the following:

http://www.senate.mo.gov/16info/BTS\_Web/Summary.aspx?SessionType=R&SummaryID=32846633&BillID=22246585



**MISSOURI SENATE**

Missouri General Assembly

**EXHIBIT E**

/ Q

SENATORS COMMITTEES LEGISLATION HEARINGS JOURNALS CALENDARS BILL SEARCH

LEGISLATOR LOOKUP

## Truly Agreed to and Finally Passed

CCS/SCS/SB 638 - This act modifies several provisions relating to elementary and secondary education.

### CIVICS EDUCATION

This act creates the "Missouri Civics Education Initiative."

This act requires the subject of American civics to be included in the exam required for graduation from any public or private school, other than proprietary schools. (Section 170.011)

Any student entering ninth grade after July 1, 2017, who is attending a public, charter, or private school, except for private trade schools, shall pass an examination on the provisions and principles of American civics.

The test will consist of one hundred questions similar to the one hundred questions used by the United States Citizenship and Immigration Services.

Each district must adopt a policy permitting a student with a disability to receive a waiver from the basic civics test requirement if the student's IEP committee recommends it. (Section 170.345)

These provisions are substantially similar to SCS/HCS/HBs 1646, 2132, & 1621 (2016) and are similar to HB 1621 (2016), HB 2132 (2016), SCS/HCS/HBs 578, 574, & 584 (2015), HB 1050 (2015), SB 271 (2015), and SB 273 (2015).

This act also allows a school district to recognize a student's participation in the Constitution Project of the Missouri Supreme Court, as described in the act. (Section 170.350)

This provision is identical to HB 2186 (2016), HCS/HB 658 (2015), and HB 2298 (2014), and to a provision contained in CCS/SCS/SB 638 (2016).

DYSLEXIA

By December 31, 2017, this act requires the Department of Elementary and Secondary Education to develop guidelines for the appropriate screening of students for dyslexia and related disorders and to develop the necessary classroom support for such students. Beginning in the 2018-19 school year, each public school, including charter schools, shall conduct dyslexia screenings and provide reasonable classroom support consistent with the guidelines developed by the Department of Elementary and Secondary Education.

Additionally, practicing teacher assistance programs shall include two hours of in-service training regarding dyslexia and related disorders provided by each school district for all practicing teachers. Such training shall count as two contact hours of professional development. (Section 167.950)

This provision is substantially similar to a provision contained in SCS/HCS/HB 2379 (2016), HCS/SB 711 (2016), SB 809 (2016), and SCS/SB 468 (2015), and is similar to HB 731 (2015).

This act also creates the Legislative Task Force on Dyslexia. The Task Force will advise and make recommendations to the Governor, Joint Committee on Education, and relevant state agencies. The Task Force will consist of twenty members, as described in the act. Except for four legislative members and the Commissioner of Education, the members will be appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The task force will make recommendations for a statewide system for identification, intervention, and delivery of supports for students with dyslexia, as described in the act.

The Task Force will hire or contract for hire specialist services to support the work of the Task Force as necessary with appropriations or from other available funding.

The Task Force will terminate on August 31, 2018. (Section 633.420)

This provision is identical to a provision in HCS/SB 827 (2016) and HCS/SCS/SB 904 (2016), and is substantially similar to provisions contained in CCS/HCS/SB 635 (2016), HCS/SB 711 (2016), HCS/HB 1928 (2016), SCS/HCS/HB 2379 (2016), SB 548 (2015) and HCS/HB 921 (2015).

#### REMEDIAL EDUCATION AND PERSONAL PLANS OF STUDY

This act requires that by July 1, 2018, each school district shall implement a system for identifying students in their ninth grade year who are at risk of not being ready for college-level work or for entry-level career positions, as described in the act. (Section 167.905)

This act also requires DESE to conduct a review of its policies and procedures relating to remedial education and present the results of such review to the Joint Committee on Education by October 31, 2017. (Section 173.750)

This act allows each student entering his or her ninth grade year to develop a personal plan of study. The plan of study shall include graduation requirements, career or postsecondary goals, coursework related to career or postsecondary goals, grade-appropriate and career-related experiences, and student assessments, interest inventories, or academic results. (Section 167.903)

These provisions are identical to HCS/HB 1613 (2016).

#### BONDING REQUIREMENTS FOR SCHOOL DISTRICT OFFICERS



For treasurers and secretaries of the boards of urban school districts, this act modifies bonding requirements by requiring that such officers enter into bonds with one or more sureties instead of two or more sureties. (Section 162.541)

This provision is identical to a provision contained in SCS/HB 1478 (2016).

#### SCHOOL BOARD VACANCIES

This act provides that if any seven-director district, other than an urban district, that is located in a county without a county commission has more than two vacancies at any one time, the county executive shall fill the vacancies upon written notice of the vacancies with the advice and consent of the county council. (Sections 162.073 and 162.261)

This provision is identical to HB 1602 (2016).

#### CPR INSTRUCTION IN SCHOOLS

Beginning with the 2017-18 school year, this act requires high school pupils in public schools and charter schools to have received thirty minutes of CPR instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking prior to graduation. The act also requires the training to be included in the district's existing health or physical education curriculum. (Section 170.310)

This act is identical to HB 1643 (2016) and to a provision contained in CCS/SCS/SB 638 (2016), SCS/HB 1678 (2016), and CCS/HCS/SB 635 (2016), and is substantially similar to HCS/HB 457 (2015) and SB 493 (2015).

#### PLEDGE OF ALLEGIANCE IN SCHOOLS

This act requires that all public schools shall ensure that the Pledge of Allegiance is recited in at least one scheduled class of every pupil at least once per school day rather than once per school week. This act also allows flags for display in classrooms to be provided by voluntary donation. (Section 171.021)

This provision is identical to HB 1750 (2016) and is substantially similar to HCS/HB 499 (2015).

#### CHARTER SCHOOLS

This act provides that 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.

If a sponsor notifies a charter school of closure, the Department of Elementary and Secondary Education shall withhold funding to assure all obligations of the charter school are met. (Section 160.400)

This act provides that the Missouri Charter Public School Commission shall be exempt from the charter school sponsor application and approval process.

This act also repeals a provision that prohibits new sponsors from commencing charter sponsorship without approval from the State Board of Education. (Section 160.403)

This act moves the deadline for charter approval by the State Board of Education from December 1 of the year prior to the proposed opening date to January 31.

The act also requires the charter sponsor to submit a statement of finding that the charter application meets all requirements, and requires the State Board of Education to approve or deny the application within sixty days of receipt. Any denial of a charter application shall be in writing and shall identify the specific failures of the application.

A sponsor may place a charter school on probationary status for no more than twenty-four months.

A charter school may have an expedited renewal process if it has an annual performance report consistent with a classification of accredited for three of the last four years and is fiscally viable.

The Department of Elementary and Secondary Education shall calculate an annual performance report for each charter school and shall publish it in the same manner as for public school districts.

The Joint Committee on Education shall create a committee to investigate facility access and affordability of charter schools. (Section 160.405)

This act allows high-quality charter schools, as defined in the act, to have expedited opportunities to replicate and expand into unaccredited districts, the St. Louis City school district, and the Kansas City school district. (Section 160.408)

This act requires charter schools to enroll nonresident pupils who transfer from an unaccredited district.

This act also requires that a charter school's admission process shall not discriminate based on parents' ability to pay fees or tuition when enrollment capacity is insufficient to enroll all pupils who submit a timely application.

This act also repeals a provision that requires the Department of Elementary and Secondary Education to commission a study every two years on the efficacy and impact of charter schools. (Section 160.410)

This act requires that a charter school may not charge tuition or impose fees except that it may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer from an unaccredited district.

This act also requires charter schools to satisfy all of its financial obligations within twelve months of a notification of closure. Any remaining state and federal funds shall be returned to the Department of Elementary and Secondary Education. (Section 160.415)

A charter school shall be considered as experiencing financial stress if it has incurred debt due to insufficient fund balances or reserves. (Section 160.417)

This act requires that an unaccredited district shall pay the tuition and provide transportation for a

student who attends an accredited school in another district in the same or an adjoining county or in an approved charter school, as defined in the act, in the same or an adjoining county.

The rate of tuition a charter school may charge is the per pupil cost of maintaining the school's grade level grouping, as described in the act. (Section 167.131)

This act requires an unaccredited district to provide transportation for students who transfer to a charter school. (Section 167.241)

These provisions are identical to provisions contained in SCS/HCS/HB 1451 (2016), are substantially similar to provisions contained in CCS/SCS/HCS/HB 42 (2016), and are similar to HCS/HB 550 (2015).

#### EARLY LEARNING QUALITY ASSURANCE REPORT

This act repeals the prohibition of a quality rating system for early childhood education. (Section 161.216)

This act also establishes an early learning quality assurance report three year pilot program in collaboration with the Missouri Head Start Collaboration Office and the Departments of Health and Senior Services, Mental Health, and Social Services. The program is voluntary for any licensed, license-exempt, or certified early learning providers that are center-based or home based and providing services for children from any age up to kindergarten.

The early learning quality assurance report may include, but is not limited to, information regarding staff qualifications, instructional quality, professional development, health and safety standards, parent engagement, and community engagement. (Section 161.217)

This provision is substantially similar to SB 1084 (2016), HCS/SB 996 (2016), and HB 2566 (2016).

#### GIFTED EDUCATION

This act prohibits school districts from determining whether a child is gifted based on the child's participation in an advanced placement course or international baccalaureate course. Whether a child is gifted must be determined using the statutory definition of "gifted children". (Section 162.720)

Beginning with the 2017-2018 school year, this act also reduces a district's funding as described in the act when it experiences a decrease in its gifted program enrollment of 20% or more from the previous school year. This provision shall not apply to school districts with an average daily attendance of three hundred fifty or less. (Section 163.031)

These provisions are substantially similar to SCS/SB 904 (2016) and HCS/HB 1419 (2016), and to provisions contained in HCS/SCS/SB 996 (2016), HCS/HB 1943 (2016), HCS/SB 113 (2015), SB 290 (2015), and HB 637 (2015).

#### A+ SCHOOLS PROGRAM

This act allows a qualifying student of a nonpublic school to be

eligible for reimbursement of post secondary education through the A+ program, as described in the

act. (Section 160.545)

This provision is identical to HB 2693 (2016).

#### TRAUMA-INFORMED SCHOOLS INITIATIVE

This act establishes the Trauma-Informed Schools Initiative. The Department of Elementary and Secondary Education (DESE) shall provide information regarding the trauma-informed approach, as described in the act, to all school districts, offer training on the trauma-informed approach to all school districts, and develop an informational website about the Trauma-Informed Schools Initiative. (Section 161.1050)

Subject to appropriations, this act also establishes the Trauma-Informed Schools Pilot Program, under which DESE shall choose five schools to receive intensive training, as described in the act, on the trauma-informed approach. The schools shall be chosen as described in the act.

DESE shall terminate the pilot program on August 28, 2019. By December 21, 2019, DESE shall submit a report to the General Assembly containing the results of the program, including any benefits experience by the participating schools.

The pilot program shall be funded through the Trauma-Informed Schools Pilot Program Fund, which is created by the act. (Section 161.1055)

These provisions are identical to HCS/HBs 2565 & 2564 (2016) and to provisions contained in HCS/HB 1928 (2016) and HCS/SB 827 (2016).

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**MISSOURI SENATE**

Missouri General Assembly

**EXHIBIT F**

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## Introduced

SB 638 - This act creates the "Missouri Civics Education Initiative."

A student of a college or university, who, after earning a passing grade in a course of instruction for United States or Missouri history or constitution, transfers to another college or university, is not required to earn a passing grade in another such course as a condition precedent to graduation.

This act repeals the prohibition on students receiving a certificate of graduation without having satisfactorily passed an examination on the provisions and principles of the United States and Missouri constitutions, American history, and American institutions. However, to receive a certificate of graduation, public or private schools other than private trade schools may require a passing score on an examination of the provisions and principles of the United States Constitution, Missouri Constitution, or both. (Section 170.011)

Any student entering ninth grade after July 1, 2017, who is attending a public, charter, or private school, except for private trade schools, or a student seeking to complete a high school equivalency certificate, must, as a condition of high school graduation or its equivalent, take and receive a passing grade on a basic civics test similar to the civics portion of the United States Naturalization test, produced by the United States Citizenship and Immigration Services (USCIS).

The test will consist of one hundred questions similar to the one hundred questions used by the USCIS. In order to receive a passing score on the test, a student must answer at least sixty percent of the questions correctly. A student may take the test as many times as necessary for passage but must receive a passing score.

Each public school, charter school, or private school, except for private trade schools, and the Department of Elementary and Secondary Education must certify that a student has taken and received a passing grade on the test. (Section 170.345)

Each district must adopt a policy permitting a student with a disability to receive a waiver from the basic civics test requirement if the student's IEP committee recommends it. (Section 170.345)

This act is substantially similar to SCS/HCS/HB 578 et al. (2015) and is similar to SB 271 (2015) and SB 273 (2015).

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