

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools

PROPOSED RULE

5 CSR 20-100.275 Transfer of Charter Sponsors

PURPOSE: This rule establishes requirements and procedures for transfer of sponsorship for charter schools prior to the expiration of a contract between a charter and its sponsor. This transfer process is designed to ensure continuity of support for the charter school, accurate and timely data submissions, and accurate transmittal of funds due to sponsors.

(1) Transfer Requirements and Application.

(A) A transfer of charter school sponsorship from one approved sponsor to another prior to the expiration of the contract between a charter and its sponsor may only occur if approved by the State Board of Education (board).

(B) All standards and requirements established in the current charter contract shall remain in effect until the scheduled renewal of the charter school, unless the board approves any changes.

(C) All parties, the charter school, and its current sponsor, along with the proposed sponsor, must submit a joint application for transfer to the board for consideration prior to February 1 to be considered for the following school year, and shall include the following components:

1. A signed resolution by the charter governing board authorizing the school leader and school board chair to take steps necessary to execute the transfer if approved by the board;

2. A signed resolution from the governing board of the proposed sponsor to which the school seeks to transfer in support of such request; and

3. An explanation of why the school is seeking to transfer to another sponsor, including—

A. An explanation as to how this transfer is in the best interest of the students served by the school;

B. Evidence that the applicant has solicited input from and notified students, parents, and staff of the request to transfer sponsors at least six (6) months prior to approaching other sponsoring institutions related to potential transfer. Feedback should be included in application for transfer;

C. Evidence of the proposed sponsor's financial health and capacity to support and oversee an additional charter school(s);

D. Evidence that the proposed sponsor has implemented the department's sponsorship standards for charter school sponsors, including the adoption of performance measures to guide the ongoing oversight and evaluation of the school; and

E. A detailed plan that outlines how services provided for students will not be disrupted by the change in sponsoring institution.

(D) The board shall only consider approval of charter school requests to transfer to another sponsor if it finds the transfer applicant has submitted evidence of the criteria outlined in (C), above. The board maintains its discretion to deny a transfer request if the criteria outlined in (C), above, is not met, and for good cause including, but not limited to: failure to seek input from students, parents, and staff; or the transfer is motivated by an adverse review by the department; or there is evidence of the current sponsor's unwillingness to end its contract early.

(2) Transition Requirements.

(A) All obligations of the previous charter sponsor shall terminate upon the official date of transfer on June 30.

(B) The receiving sponsor will be responsible for ensuring that all required documents due after the date of transfer are submitted in a timely fashion, including but not limited to, the Annual Secretary of the Board Report and Financial Audit.

(C) Within thirty (30) days of transfer, the prior charter sponsor shall provide all charter school information in its possession necessary for the proposed charter sponsor to operate the school and as requested by the proposed charter sponsor, including, but not limited to, assets, student records, and reports.

(D) A charter school sponsor that seeks to sponsor a transferring school must have met all requirements of the Standards of Charter Sponsorship in its most recent sponsor evaluation.

AUTHORITY: Section 161.092, RSMo 2016, and section 160.405, RSMo Supp. 2018.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivision entities no more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attention: Dr. Chris Neale, Assistant Commissioner, Office of Quality Schools, PO Box 480, Jefferson City, MO 65102-0480 or by email to charters@dese.mo.gov. To be considered, comments must be received within sixty (60) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*