

Memorandum

To: Missouri Charter Public School Association Members

From: Alix Cossette

Re: MSIP 6

Date: March 16, 2022

The Department of Elementary and Secondary Education (“DESE”) is beginning the process of implementing MSIP 6. The Missouri Charter Public School Association (“MCPSA”) continues to have concerns about the substance of MSIP 6 and DESE’s implementation plan. This memo describes those concerns.

I. Charter schools are, by law, exempt from complying with the non-academic performance standards in MSIP 6.

The sponsor-charter school contractual relationship makes it unnecessary (and unlawful) to apply Missouri School Improvement Program non-academic performance standards to charter schools. The sponsor-school relationship is governed by a performance contract. The sponsor uses that contract “to evaluate the performance of charter schools.”¹ By law, charter schools are required to meet “current academic performance standards as well as other standards agreed upon by the sponsor and the charter school in the performance contract.”²

As a result of the contractual relationship between the sponsor and charter school, the general assembly has otherwise exempted charter schools from regulatory requirements governing schools, school boards, and school districts.³ To require compliance with all of MSIP 6 would make that statute meaningless. Instead, this exemption exists—and must be given force—because the operation of a school district and a charter school are distinct. It ensures charter schools are able to fulfill their mission without a burdensome regulatory framework that is inapplicable to their circumstances, including the non-academic performance standards promulgated pursuant to the Missouri School Improvement Program.

¹ § 160.400.16(3), RSMo.

² *Id.*

³ § 160.405.4(3), RSMo (“Except as provided in sections 160.400 to 160.425 and as specifically provided in other sections, [charter schools are] exempt from all laws and rules relating to schools, governing boards and school districts.”).

MSIP 6 does not recognize this statutorily enshrined understanding. MSIP 6 puts charter schools in an impossible position to comply with non-academic performance standards designed for school districts. Charter schools are not only unable to meet these requirements, but are statutorily exempt from complying with them. For example, standards relating to superintendent roles, responsibilities, and evaluation are not relevant to charter schools because most charter schools do not have a role identified as a superintendent.⁴ Thus, under the MSIP 6, charter schools will be in a position of constant non-compliance with certain standards.

II. The continuous improvement report undermines the sponsor-school relationship.

For the first time, MSIP 6 includes standards that are to be considered for a continuous improvement report. This report is of particular concern because it incorporates standards that are non-academic. These are standards charter schools are (1) generally exempt from complying with and (2) monitored by the school's sponsor, rather than DESE. Although many of these standards are either actions schools already engage in or are generally a good idea, it is up to the school and sponsor to make decisions about these standards, rather than DESE. Below is a non-exhaustive list of continuous improvement standards of most concern to MCPSA.

- “The local board and superintendent/chief executive officer engage in ongoing professional learning and self-evaluation in order to strengthen governance practices.”⁵
- “The local board adopts, monitors, and annually reviews the implementation and outcomes of the Continuous School Improvement Plan (CSIP) that focuses on district performance and improvement.”⁶
- “The school system gathers school climate and culture data from all stakeholder groups, analyzes and shares the results, and implements strategies for improvement.”⁷
- “School-based collaborative educator teams, inclusive of all educators, are operational and focus on effective practices.”⁸

Again, let me reiterate, **although many of these standards are either actions schools already engage in or are generally a good idea, it is up to the school and sponsor to make decisions about these standards, rather than DESE.**

⁴ 5 CSR 20-100.295

⁵ *Id.* at Appendix A.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

III. Public reports may describe charter schools as out of compliance with non-academic standards

It is not clear what DESE's public reporting with regard to MSIP 6 will look like. There is a concern that a charter school's report card may show that it is not compliant with non-academic performance standards (as well as other non-applicable standards) even if a charter school cannot or is not obligated to comply with those standards. For example, charter schools cannot comply with standards relating to superintendents because charter schools do not have superintendents. But, the public report card for charter schools may show that the school is out of compliance with those standards, rather than those standards as being inapplicable. Without either a separate report card tailored to charter schools or a report card with prominent notations that certain standards are not applicable to charter schools, the public perception will be that charter schools are poor performing.