SENATE BILL NO. 2749

AN ACT TO REENACT SECTIONS 37-28-1 THROUGH 37-28-19, MISSISSIPPI CODE OF 1972, WHICH PROVIDE REQUIREMENTS FOR THE OPERATION OF CHARTER SCHOOLS; TO AMEND SECTION 37-28-21, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THOSE STATUTES PROVIDING REQUIREMENTS FOR THE OPERATION OF CHARTER SCHOOLS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-28-1, Mississippi Code of 1972, is reenacted as follows:

37-28-1. It is the intent of the Legislature that this chapter provide a means whereby local public schools may choose to substitute a binding academic or vocational, or both, performance based contract approved by the State Board of Education and the school board of the school district in which the school is located, called a "charter," for rules, regulations, policies and procedures of the State Board of Education and the local school district and, except as otherwise provided, the provisions of Title 37 of the Mississippi Code of 1972 which are applicable to schools and school districts and their employees and students.

SECTION 2. Section 37-28-3, Mississippi Code of 1972, is reenacted as follows:

37-28-3. For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed in this section unless the context clearly indicates otherwise:

(a) "Charter" means an academic or vocational, or both, performance based contract between the State Board of Education, the school board of the local school district, and a local school which exempts the school from rules, regulations, policies and
procedures of the State Board of Education and the local school
district and, except as otherwise provided, the provisions of
Title 37 of the Mississippi Code of 1972 which are applicable to
schools and school districts and their employees and students.
(b) "Charter school" means a school that is operating
under the terms of a charter granted by the State Board of
Education.
(c) "Local school" means a public school in Mississippi
which is under the management and control of the school board of
the school district in which the school is located.
(d) "Petition" means a proposal to enter into an
academic or vocational, or both, performance based contract
between the State Board of Education and a local school whereby
the local school obtains charter school status.

SECTION 3. Section 37-28-5, Mississippi Code of 1972, is
reenacted as follows:

37-28-5. Any local school may submit a petition to the State
Board of Education requesting charter school status. The petition
must:

(a) Be approved by the school board of the school
district in which the school is located;

(b) Be agreed to freely by a majority of the faculty
and instructional staff members, by secret ballot, at the school
initiating the petition;

(c) Be agreed to by a majority of the parents of
students enrolled in the school who are present at a meeting
called for the specific purpose of deciding whether or not to
initiate the petition;

(d) Describe a plan for school improvement that
addresses how the school proposes to work toward improving student
learning and meeting state education goals;

(e) Outline proposed academic or vocational, or both,
performance criteria that will be used during the initial period
of the charter to measure progress of the school in improving student learning and in meeting state education goals;

(f) Describe how the faculty, instructional staff and parents of students enrolled in the school have been involved in developing the petition and will be involved in developing and implementing the improvement plan and identifying academic or vocational, or both, performance criteria; and

(g) Describe how the concerns of faculty, instructional staff and parents of students enrolled in the school will be solicited and addressed in evaluating the effectiveness of the improvement plan.

SECTION 4. Section 37-28-7, Mississippi Code of 1972, is reenacted as follows:

37-28-7. (1) The State Board of Education shall establish rules and regulations for the submission of petitions for charter school status and criteria and procedures for the operation of charter schools. The board shall receive and review petitions for charter school status from local public schools and may approve petitions and grant charter school status, on a pilot program basis, to up to six (6) local schools throughout the state. One (1) local public school in each congressional district, as such districts exist on the effective date of this chapter, and at least one (1) local public school situated in the Delta region of the state shall be granted charter school status by the board, unless there are no petitions submitted from a particular congressional district or the Delta region, as the case may be, which are proper under the terms of this chapter and the rules and regulations established by the board under this subsection. At least three (3) local public schools that are granted charter school status shall be in school districts having an accreditation level of three (3) or below at the time the school submits its initial petition for charter school status unless there are no petitions submitted from such schools which are proper under the
terms of this chapter and the rules and regulations established by
the board. In order to be approved, a petition for charter school
status, in the opinion of the State Board of Education, must
adequately include:

(a) A plan for improvement at the school level for
improving student learning and for meeting state education goals;
(b) A set of academic or vocational, or both,
performance based objectives and student achievement based
objectives for the term of the charter and the means for measuring
those objectives on no less than an annual basis;
(c) An agreement to provide a yearly report to parents,
the community, the school board of the school district in which
the charter school is located, and the State Board of Education
which indicates the progress made by the charter school in the
previous year in meeting the academic or vocational, or both,
performance objectives; and
(d) A proposal to directly and substantially involve
the parents of students enrolled in the school as well as the
faculty, instructional staff and the broader community in the
process of modifying the petition, if necessary for approval, and
carrying out the terms of the charter.

(2) The State Board of Education may allow local schools to
resubmit petitions for charter school status if the original
petition, in the opinion of the board, is deficient in one or more
respects. The State Department of Education may provide technical
assistance to the faculty and instructional staff of local schools
in the creation or modification of the petitions.

SECTION 5. Section 37-28-9, Mississippi Code of 1972, is
reenacted as follows:

37-28-9. The terms of each charter shall include the
following:

(a) A mechanism for declaring the charter null and void
if a majority of the faculty, instructional staff of the school,
and parents of students enrolled in the school who are present at
a meeting called for the specific purpose of deciding whether or
not to declare the charter null and void request the State Board
of Education to withdraw the charter;

(b) A mechanism for declaring the charter null and void
if, at any time, in the opinion of the State Board of Education,
the school operating under charter status fails to fulfill the
terms of the charter;

(c) Clear academic or vocational, or both, performance
based and student achievement based objectives and the means to
measure those objectives on no less than an annual basis;

(d) A mechanism for updating the terms of each charter,
agreed to by all parties and subject to the approval of a majority
of the faculty, instructional staff and parents of students
enrolled in the school who are present at a meeting called for the
specific purpose of updating the terms of the charter, based upon
the yearly progress reports submitted to the State Board of
Education by the charter school;

(e) A provision that the charter school shall not have
any authority to request an ad valorem tax levy independent of
such authority exercised by the school district in which the
charter school is located;

(f) A provision that no person shall be denied
admission to the charter school on the basis of race, color, creed
or national origin;

(g) A provision to exempt the school from the rules,
regulations, policies and procedures of the State Board of
Education and the local school board and from the provisions of
Title 37 of the Mississippi Code of 1972 which are not included in
this act, unless the code sections are specifically made
applicable to charter schools by the State Board of Education in
the charter;
(h) A provision that the performance variables established by the State Board of Education, acting through the Commission on School Accreditation, in the performance based accreditation system are fully applicable to the charter school; and

(i) A provision to exempt the charter school from process standards.

SECTION 6. Section 37-28-11, Mississippi Code of 1972, is reenacted as follows:

37-28-11. Any request for a petition to obtain charter school status sent by a local school to the school board of the school district in which the school is located shall be forwarded by the local school board to the State Board of Education. If a local school board disapproves of a local school's request for a petition, the local school board shall inform the faculty of the local school of the reasons for the disapproval and shall forward a copy of the reasons to the State Board of Education. The State Board of Education, in its discretion, may request a hearing to receive further information from the local school board and the faculty of the local school.

SECTION 7. Section 37-28-13, Mississippi Code of 1972, is reenacted as follows:

37-28-13. Initial charters issued by the State Board of Education shall be on a pilot program basis and for a term of four years. Thereafter, the State Board of Education may renew charters on a one-year or multiyear basis, not to exceed four (4) years, for local schools, if all parties to the original charter approve the renewal with a vote of a majority of the faculty, instructional staff and parents of students enrolled in the school who are present at a meeting called for the specific purpose of deciding whether or not to renew the charter.

SECTION 8. Section 37-28-15, Mississippi Code of 1972, is reenacted as follows:
(1) A charter school may be funded by: federal grants, grants, gifts, devises or donations from any private sources; and state funds appropriated for the support of the charter school; and any other funds that may be received by the school district. Schools applying for charter status and charter schools are encouraged to apply for federal funds appropriated specifically for the support of charter schools under the Omnibus Consolidated Appropriations Act, 1997 (Pub. L. No. 104-208 [H.R. 3610] (1996)).

(2) The State Board of Education may give charter schools special preference when allocating grant funds other than state funds for alternative school programs, classroom technology, school improvement programs, mentoring programs or other grant programs designed to improve local school performance.

SECTION 9. Section 37-28-17, Mississippi Code of 1972, is reenacted as follows:

37-28-17. Employees of a charter school shall be considered employees of the school district in which the charter school is located. Charter school employees shall be entitled to the same rights, privileges and benefits to which all other employees of the school district are entitled.

SECTION 10. Section 37-28-19, Mississippi Code of 1972, is reenacted as follows:

37-28-19. Before January 1, 1999, and each year thereafter, the State Board of Education shall submit a report to the Legislature on the status of the charter school program. This report minimally shall include: (a) a review and compilation of comprehensive reports and evaluations issued by local school boards concerning successes or failures of charter schools and formulated recommendations; (b) a comparison of the academic performance of charter school students with the performance of ethnically and economically comparable groups of students in other public schools who are enrolled in academically comparable
courses; (c) the current and projected impact of charter schools on the delivery of services by the public schools; (d) an assessment of the students' academic progress in the charter school as measured, where available, against the academic year immediately preceding the first year of the charter school's operation; and (e) the best practices resulting from charter school operations.

SECTION 11. Section 37-28-21, Mississippi Code of 1972, is amended as follows:


SECTION 12. This act shall take effect and be in force from and after June 30, 2001.