

## Senate Amendments to House Bill No. 664

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

15           **SECTION 1.** Section 37-28-1, Mississippi Code of 1972, is  
16 amended as follows:

17           37-28-1. It is the intent of the Legislature that this  
18 chapter provide a means whereby local public schools or other  
19 public entities may choose to substitute a binding academic or  
20 vocational, or both, performance based contract approved by the  
21 State Board of Education or the school board of the school  
22 district in which the school is located, called a "charter," for  
23 rules, regulations, policies and procedures of the State Board of  
24 Education and the local school district and, except as otherwise  
25 provided, the provisions of Title 37 of the Mississippi Code of  
26 1972 which are applicable to schools and school districts and  
27 their employees and students.

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

30           37-28-3. For purposes of this chapter, the following words  
31 and phrases shall have the meanings respectively ascribed in this  
32 section unless the context clearly indicates otherwise:

33           (a) "Charter" means an academic or vocational, or both,  
34 performance based contract between the State Board of Education,  
35 the school board of the local school district, and a local school  
36 which exempts the school from rules, regulations, policies and  
37 procedures of the State Board of Education and the local school  
38 district and, except as otherwise provided, the provisions of  
39 Title 37 of the Mississippi Code of 1972 which are applicable to  
40 schools and school districts and their employees and students.

41           (b) "Charter school" means a school that is operating  
42 under the terms of a charter granted by the State Board of  
43 Education.

44           (c) "Local school" means a public school in Mississippi  
45 which is under the management and control of the school board of  
46 the school district in which the school is located.

47           (d) "Petition" means a proposal to enter into an  
48 academic or vocational, or both, performance based contract  
49 between the State Board of Education and a local school whereby  
50 the local school obtains charter school status.

51           **SECTION 3.** Section 37-28-5, Mississippi Code of 1972, is  
52 amended as follows:

53           37-28-5. Any local school or other public entity may submit  
54 a petition to the State Board of Education or local school board  
55 requesting charter school status. The petition must:

56           (a) Be approved by the school board of the school  
57 district in which the school is located or the State Board of  
58 Education;

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

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

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

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

73           (f) Describe how the faculty, instructional staff and  
74 parents of students enrolled in the school have been involved in  
75 developing the petition and will be involved in developing and

76 implementing the improvement plan and identifying academic or  
77 vocational, or both, performance criteria; \* \* \*

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

82 (h) Describe how the charter school will ensure due  
83 diligence in reflecting the district's demographics.

84 **SECTION 4.** Section 37-28-7, Mississippi Code of 1972, is  
85 amended as follows:

86 37-28-7. (1) The State Board of Education shall establish  
87 rules and regulations for the submission of petitions for charter  
88 school status and criteria and procedures for the operation of  
89 charter schools. The board shall receive and review petitions for  
90 charter school status from local public schools and may approve  
91 petitions and grant charter school status, on a pilot program  
92 basis, to up to twenty (20) local schools throughout the state.  
93 Five (5) local public schools in each congressional district, as  
94 such districts exist on the effective date of this chapter, and at  
95 least one (1) local public school situated in the Delta region of  
96 the state shall be granted charter school status by the board,  
97 unless there are no petitions submitted from a particular  
98 congressional district or the Delta region, as the case may be,  
99 which are proper under the terms of this chapter and the rules and  
100 regulations established by the board under this subsection. At  
101 least three (3) local public schools that are granted charter  
102 school status shall be in school districts having an accreditation  
103 level of three (3) or below at the time the school submits its  
104 initial petition for charter school status unless there are no  
105 petitions submitted from such schools which are proper under the  
106 terms of this chapter and the rules and regulations established by  
107 the board. In order to be approved, a petition for charter school  
108 status, in the opinion of the State Board of Education, must  
109 adequately include:

110 (a) A plan for improvement at the school level for  
111 improving student learning and for meeting state education goals;

112 (b) A set of academic or vocational, or both,  
113 performance based objectives and student achievement based  
114 objectives for the term of the charter and the means for measuring  
115 those objectives on no less than an annual basis;

116 (c) An agreement to provide a yearly report to parents,  
117 the community, the school board of the school district in which  
118 the charter school is located, and the State Board of Education  
119 which indicates the progress made by the charter school in the  
120 previous year in meeting the academic or vocational, or both,  
121 performance objectives; and

122 (d) A proposal to directly and substantially involve  
123 the parents of students enrolled in the school as well as the  
124 faculty, instructional staff and the broader community in the  
125 process of modifying the petition, if necessary for approval, and  
126 carrying out the terms of the charter.

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

133 (3) A Justice Department approved plan, for ensuring the  
134 charter school properly reflects the district's demographics.

135 **SECTION 5.** Section 37-28-9, Mississippi Code of 1972, is  
136 amended as follows:

137 37-28-9. The terms of each charter shall include the  
138 following:

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

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

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

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

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

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

166           (g) A provision to exempt the school from the rules,  
167 regulations, policies and procedures of the State Board of  
168 Education and the local school board and from the provisions of  
169 Title 37 of the Mississippi Code of 1972 which are not included in  
170 this act, unless the code sections are specifically made  
171 applicable to charter schools by the State Board of Education in  
172 the charter;

173           (h) A provision that the performance variables  
174 established by the State Board of Education, acting through the  
175 Commission on School Accreditation, in the performance based  
176 accreditation system are fully applicable to the charter  
177 school; \* \* \*

178           (i) A provision to exempt the charter school from  
179 process standards; and

180           (j) A mechanism for declaring the charter null and void  
181 if the school does not properly represent the district's  
182 demographics.

183           **SECTION 6.** Section 37-28-11, Mississippi Code of 1972, is  
184 amended as follows:

185           37-28-11. Any request for a petition to obtain charter  
186 school status \* \* \* by a local school or public entity shall be  
187 sent to the school board of the school district in which the  
188 school is located \* \* \* or to the State Board of Education. If a  
189 local school board or the State Board of Education disapproves of  
190 a local school's request for a petition, the local school board  
191 shall inform the faculty of the local school or the public entity  
192 of the reasons for the disapproval \* \* \*. The State Board of  
193 Education, in its discretion, may request a hearing to receive  
194 further information from the local school board and the faculty of  
195 the local school.

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

198           37-28-13. Initial charters issued by the State Board of  
199 Education shall be on a pilot program basis and for a term of four  
200 (4) years. Thereafter, the State Board of Education may renew  
201 charters on a one-year or multiyear basis, not to exceed four (4)  
202 years, for local schools, if all parties to the original charter  
203 approve the renewal with a vote of a majority of the faculty,  
204 instructional staff and parents of students enrolled in the school  
205 who are present at a meeting called for the specific purpose of  
206 deciding whether or not to renew the charter.

207           **SECTION 8.** Section 37-28-15, Mississippi Code of 1972, is  
208 reenacted as follows:

209           37-28-15. (1) A charter school may be funded by: federal  
210 grants, grants, gifts, devises or donations from any private  
211 sources; and state funds appropriated for the support of the  
212 charter school; and any other funds that may be received by the  
213 school district. Schools applying for charter status and charter  
214 schools are encouraged to apply for federal funds appropriated

215 specifically for the support of charter schools under the Omnibus  
216 Consolidated Appropriations Act, 1997 (Public Law No. 104-208  
217 [H.R. 3610] (1996)).

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

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

225 37-28-17. Employees of a charter school shall be considered  
226 employees of the school district in which the charter school is  
227 located. Charter school employees shall be entitled to the same  
228 rights, privileges and benefits to which all other employees of  
229 the school district are entitled.

230 **SECTION 10.** Section 37-28-19, Mississippi Code of 1972, is  
231 amended as follows:

232 37-28-19. Before January 1, 2005, and each year thereafter,  
233 the State Board of Education shall submit a report to the  
234 Legislature on the status of the charter school program. This  
235 report minimally shall include: (a) a review and compilation of  
236 comprehensive reports and evaluations issued by local school  
237 boards concerning successes or failures of charter schools and  
238 formulated recommendations; (b) a comparison of the academic  
239 performance of charter school students with the performance of  
240 ethnically and economically comparable groups of students in other  
241 public schools who are enrolled in academically comparable  
242 courses; (c) the current and projected impact of charter schools  
243 on the delivery of services by the public schools; (d) an  
244 assessment of the students' academic progress in the charter  
245 school as measured, where available, against the academic year  
246 immediately preceding the first year of the charter school's  
247 operation; and (e) the best practices resulting from charter  
248 school operations.

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

251           37-28-21. Sections 37-28-1 through 37-28-21 shall stand  
252 repealed from and after July 1, 2006.

253           **SECTION 12.** This act shall take effect and be in force from  
254 and after June 30, 2004.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTIONS 37-28-1, 37-28-5, 37-28-5, 37-28-9,  
2 37-28-11 AND 37-28-19, MISSISSIPPI CODE OF 1972, AND TO REENACT  
3 SECTIONS 37-28-3, 37-28-13, 37-28-15 AND 37-28-17, MISSISSIPPI  
4 CODE OF 1972, RELATING TO THE OPERATION OF CHARTER SCHOOLS, TO  
5 PROVIDE THAT ANY LOCAL SCHOOL BOARD OR OTHER PUBLIC ENTITY MAY  
6 SUBMIT A PETITION TO THE STATE BOARD OF EDUCATION OR TO A LOCAL  
7 SCHOOL BOARD REQUESTING CHARTER SCHOOL STATUS, TO INCREASE THE  
8 NUMBER OF CHARTER SCHOOLS WHICH MAY BE OPERATED ON A PILOT BASIS,  
9 AND TO REQUIRE UNITED STATES JUSTICE DEPARTMENT APPROVAL FOR A  
10 CHARTER SCHOOL PLAN; TO AMEND SECTION 37-28-21, MISSISSIPPI CODE  
11 OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE STATUTES  
12 PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF CHARTER SCHOOLS;  
13 AND FOR RELATED PURPOSES.

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John O. Gilbert  
Secretary of the Senate