

**Adopted
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED
TO**

House Bill No. 664

BY: Senator(s) Nunnelee

**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.