

By: Representative Warren

To: Education

HOUSE BILL NO. 554  
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 37-28-1 THROUGH 37-28-19,  
2 MISSISSIPPI CODE OF 1972, WHICH ESTABLISH A PROCEDURE FOR LOCAL  
3 PUBLIC SCHOOLS TO APPLY FOR AND BE GRANTED CHARTER SCHOOL STATUS;  
4 TO AMEND SECTION 37-28-21, MISSISSIPPI CODE OF 1972, TO EXTEND THE  
5 REPEALER ON THE CHARTER SCHOOL STATUTES TO JULY 1, 2009; AND FOR  
6 RELATED PURPOSES.

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

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

10 37-28-1. It is the intent of the Legislature that this  
11 chapter provide a means whereby local public schools may choose to  
12 substitute a binding academic or vocational, or both, performance  
13 based contract approved by the State Board of Education and the  
14 school board of the school district in which the school is  
15 located, called a "charter," for rules, regulations, policies and  
16 procedures of the State Board of Education and the local school  
17 district and, except as otherwise provided, the provisions of  
18 Title 37 of the Mississippi Code of 1972 which are applicable to  
19 schools and school districts and their employees and students.

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

22 37-28-3. For purposes of this chapter, the following words  
23 and phrases shall have the meanings respectively ascribed in this  
24 section unless the context clearly indicates otherwise:

25 (a) "Charter" means an academic or vocational, or both,  
26 performance based contract between the State Board of Education,  
27 the school board of the local school district, and a local school  
28 which exempts the school from rules, regulations, policies and  
29 procedures of the State Board of Education and the local school

30 district and, except as otherwise provided, the provisions of  
31 Title 37 of the Mississippi Code of 1972 which are applicable to  
32 schools and school districts and their employees and students.

33 (b) "Charter school" means a school that is operating  
34 under the terms of a charter granted by the State Board of  
35 Education.

36 (c) "Local school" means a public school in Mississippi  
37 which is under the management and control of the school board of  
38 the school district in which the school is located.

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

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

45 37-28-5. Any local school may submit a petition to the State  
46 Board of Education requesting charter school status. The petition  
47 must:

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

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

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

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

60 (e) Outline proposed academic or vocational, or both,  
61 performance criteria that will be used during the initial period

62 of the charter to measure progress of the school in improving  
63 student learning and in meeting state education goals;

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

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

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

75 37-28-7. (1) The State Board of Education shall establish  
76 rules and regulations for the submission of petitions for charter  
77 school status and criteria and procedures for the operation of  
78 charter schools. The board shall receive and review petitions for  
79 charter school status from local public schools and may approve  
80 petitions and grant charter school status, on a pilot program  
81 basis, to up to six (6) local schools throughout the state. One  
82 (1) local public school in each congressional district, as such  
83 districts exist on the effective date of this chapter, and at  
84 least one (1) local public school situated in the Delta region of  
85 the state shall be granted charter school status by the board,  
86 unless there are no petitions submitted from a particular  
87 congressional district or the Delta region, as the case may be,  
88 which are proper under the terms of this chapter and the rules and  
89 regulations established by the board under this subsection. At  
90 least three (3) local public schools that are granted charter  
91 school status shall be in school districts having an accreditation  
92 level of three (3) or below at the time the school submits its  
93 initial petition for charter school status unless there are no  
94 petitions submitted from such schools which are proper under the

95 terms of this chapter and the rules and regulations established by  
96 the board. In order to be approved, a petition for charter school  
97 status, in the opinion of the State Board of Education, must  
98 adequately include:

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

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

105 (c) An agreement to provide a yearly report to parents,  
106 the community, the school board of the school district in which  
107 the charter school is located, and the State Board of Education  
108 which indicates the progress made by the charter school in the  
109 previous year in meeting the academic or vocational, or both,  
110 performance objectives; and

111 (d) A proposal to directly and substantially involve  
112 the parents of students enrolled in the school as well as the  
113 faculty, instructional staff and the broader community in the  
114 process of modifying the petition, if necessary for approval, and  
115 carrying out the terms of the charter.

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

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

124 37-28-9. The terms of each charter shall include the  
125 following:

126 (a) A mechanism for declaring the charter null and void  
127 if a majority of the faculty, instructional staff of the school,

128 and parents of students enrolled in the school who are present at  
129 a meeting called for the specific purpose of deciding whether or  
130 not to declare the charter null and void request the State Board  
131 of Education to withdraw the charter;

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

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

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

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

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

153 (g) A provision to exempt the school from the rules,  
154 regulations, policies and procedures of the State Board of  
155 Education and the local school board and from the provisions of  
156 Title 37 of the Mississippi Code of 1972 which are not included in  
157 this act, unless the code sections are specifically made  
158 applicable to charter schools by the State Board of Education in  
159 the charter;

160 (h) A provision that the performance variables  
161 established by the State Board of Education, acting through the  
162 Commission on School Accreditation, in the performance based  
163 accreditation system are fully applicable to the charter school;  
164 and

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

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

169 37-28-11. Any request for a petition to obtain charter  
170 school status sent by a local school to the school board of the  
171 school district in which the school is located shall be forwarded  
172 by the local school board to the State Board of Education. If a  
173 local school board disapproves of a local school's request for a  
174 petition, the local school board shall inform the faculty of the  
175 local school of the reasons for the disapproval and shall forward  
176 a copy of the reasons to the State Board of Education. The State  
177 Board of Education, in its discretion, may request a hearing to  
178 receive further information from the local school board and the  
179 faculty of the local school.

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

182 37-28-13. Initial charters issued by the State Board of  
183 Education shall be on a pilot program basis and for a term of four  
184 (4) years. Thereafter, the State Board of Education may renew  
185 charters on a one-year or multiyear basis, not to exceed four (4)  
186 years, for local schools, if all parties to the original charter  
187 approve the renewal with a vote of a majority of the faculty,  
188 instructional staff and parents of students enrolled in the school  
189 who are present at a meeting called for the specific purpose of  
190 deciding whether or not to renew the charter.

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

193           37-28-15. (1) A charter school may be funded by: federal  
194 grants, grants, gifts, devises or donations from any private  
195 sources; and state funds appropriated for the support of the  
196 charter school; and any other funds that may be received by the  
197 school district. Schools applying for charter status and charter  
198 schools are encouraged to apply for federal funds appropriated  
199 specifically for the support of charter schools under the Omnibus  
200 Consolidated Appropriations Act, 1997 (Public Law No. 104-208  
201 [H.R. 3610] (1996)).

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

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

209           37-28-17. Employees of a charter school shall be considered  
210 employees of the school district in which the charter school is  
211 located. Charter school employees shall be entitled to the same  
212 rights, privileges and benefits to which all other employees of  
213 the school district are entitled.

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

216           37-28-19. Before January 1, 1999, and each year thereafter,  
217 the State Board of Education shall submit a report to the  
218 Legislature on the status of the charter school program. This  
219 report minimally shall include: (a) a review and compilation of  
220 comprehensive reports and evaluations issued by local school  
221 boards concerning successes or failures of charter schools and  
222 formulated recommendations; (b) a comparison of the academic  
223 performance of charter school students with the performance of  
224 ethnically and economically comparable groups of students in other  
225 public schools who are enrolled in academically comparable

226 courses; (c) the current and projected impact of charter schools  
227 on the delivery of services by the public schools; (d) an  
228 assessment of the students' academic progress in the charter  
229 school as measured, where available, against the academic year  
230 immediately preceding the first year of the charter school's  
231 operation; and (e) the best practices resulting from charter  
232 school operations.

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

235       37-28-21. Sections 37-28-1 through 37-28-21 shall stand  
236 repealed from and after July 1, 2009.

237       **SECTION 12.** This act shall take effect and be in force from  
238 and after July 1, 2007.