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To: Education

SENATE BILL NO. 2293  
(As Sent to Governor)

1 AN ACT TO CREATE A NEW START SCHOOL PROGRAM TO BE  
2 ADMINISTERED BY THE MISSISSIPPI RECOVERY SCHOOL DISTRICT IN THE  
3 STATE DEPARTMENT OF EDUCATION; TO DEFINE THE TERM "NEW START  
4 SCHOOL"; TO REQUIRE A NEW START SCHOOL TO BE ESTABLISHED IN EACH  
5 PUBLIC SCHOOL THAT, DURING EACH OF THREE CONSECUTIVE SCHOOL YEARS,  
6 IS CONSIDERED FAILING; TO AUTHORIZE THE STATE BOARD OF EDUCATION  
7 TO GRANT A ONE-YEAR DELAY IN TRANSFORMING A SCHOOL INTO A NEW  
8 START SCHOOL WHEN MERITED; TO REQUIRE THE DEPUTY SUPERINTENDENT OF  
9 EDUCATION TO PROVIDE NOTICE TO THE PUBLIC AND ALL EMPLOYEES OF A  
10 FAILING SCHOOL OF ITS POTENTIAL TO BE TRANSFORMED INTO A NEW START  
11 SCHOOL; TO REQUIRE THE EVALUATION OF ALL LICENSED AND NONLICENSED  
12 EMPLOYEES IN A FAILING SCHOOL THAT IS TRANSFORMED INTO A NEW START  
13 SCHOOL BEFORE THE TERMINATION OF SUCH EMPLOYEES; TO REQUIRE THE  
14 STATE BOARD OF EDUCATION TO ADOPT RULES AND REGULATIONS RELATING  
15 TO THE NEW START SCHOOL PROGRAM; TO RESTRICT THE TRAVEL OF  
16 SUPERINTENDENTS AND MEMBERS OF LOCAL SCHOOL BOARDS HAVING A  
17 FAILING SCHOOL IN THEIR SCHOOL DISTRICTS; TO REDUCE THE AMOUNT OF  
18 THE PER DIEM RECEIVED BY MEMBERS OF LOCAL SCHOOL BOARDS HAVING A  
19 FAILING SCHOOL IN THEIR SCHOOL DISTRICTS BY ONE-HALF; TO AMEND  
20 SECTIONS 37-9-103 AND 37-9-3, MISSISSIPPI CODE OF 1972, IN  
21 CONFORMITY THERETO; TO CREATE THE "CONVERSION CHARTER SCHOOL ACT  
22 OF 2010"; TO ESTABLISH A PROCESS BY WHICH CHRONICALLY  
23 UNDER-PERFORMING PUBLIC SCHOOLS MAY BE CONVERTED TO CONVERSION  
24 CHARTER SCHOOL STATUS UPON A PETITION APPROVED BY MORE THAN 50% OF  
25 THE PARENTS OR GUARDIANS OF STUDENTS IN THOSE SCHOOLS, SUBJECT TO  
26 THE APPROVAL OF THE STATE BOARD OF EDUCATION; TO REQUIRE THAT A  
27 SCHOOL BE DESIGNATED LOW-PERFORMING, AT-RISK OF FAILING OR FAILING  
28 FOR THREE CONSECUTIVE YEARS BEFORE A PETITION MAY BE SUBMITTED  
29 REQUESTING CONVERSION; TO PRESCRIBE CERTAIN REQUIREMENTS FOR  
30 PETITIONS FOR THE CONVERSION OF PUBLIC SCHOOLS TO CONVERSION  
31 CHARTER SCHOOL STATUS; TO REQUIRE THE SPONSORS OF A PETITION TO  
32 CONDUCT A PUBLIC HEARING IN THE LOCAL SCHOOL DISTRICT IN WHICH THE  
33 PROPOSED SCHOOL TO BE CONVERTED TO CONVERSION CHARTER SCHOOL  
34 STATUS IS LOCATED BEFORE APPROVAL OF THE PETITION BY THE STATE  
35 BOARD OF EDUCATION; TO PROVIDE FOR A LOCAL MANAGEMENT BOARD OF A  
36 CONVERSION CHARTER SCHOOL AND FOR THE SELECTION OF ITS MEMBERS; TO  
37 REQUIRE THAT THE SELECTION OF MEMBERS TO THE LOCAL MANAGEMENT  
38 BOARD BE PERFORMED IN ACCORDANCE WITH RULES AND REGULATIONS  
39 PROMULGATED BY THE STATE BOARD OF EDUCATION FOR SUCH PURPOSES; TO  
40 PRESCRIBE THE POWERS AND DUTIES OF THE LOCAL MANAGEMENT BOARD AS  
41 THEY RELATE TO THE GOVERNANCE OF A CONVERSION CHARTER SCHOOL; TO  
42 PROVIDE THAT ALL ACADEMIC FUNCTIONS AND DECISIONS OF THE LOCAL  
43 MANAGEMENT BOARD IMPACTING THE CONVERSION CHARTER SCHOOL SHALL BE  
44 SUBJECT TO THE REVIEWING AND APPROVAL AUTHORITY OF THE STATE BOARD  
45 OF EDUCATION; TO PROVIDE THAT ALL ADMINISTRATIVE FUNCTIONS AND  
46 DECISIONS OF THE LOCAL MANAGEMENT BOARD IMPACTING THE CONVERSION



47 CHARTER SCHOOL SHALL BE SUBJECT TO THE REVIEWING AND APPROVAL  
48 AUTHORITY OF THE LOCAL SCHOOL BOARD; TO PROVIDE CERTAIN IMMUNITY  
49 TO THE LOCAL MANAGEMENT BOARD, LOCAL SCHOOL BOARD AND STATE BOARD  
50 OF EDUCATION; TO REQUIRE THE LOCAL SCHOOL BOARD TO PROVIDE THE  
51 LOCAL MANAGEMENT BOARD WITH THE SAME LEGAL REPRESENTATION AS IS  
52 PROVIDED TO THE LOCAL SCHOOL BOARD; TO PRESCRIBE THE POWERS AND  
53 DUTIES OF THE STATE BOARD OF EDUCATION AS THEY RELATE TO THE  
54 ADMINISTRATION OF THIS ACT; TO PRESCRIBE THE PERIOD OF TIME IN  
55 WHICH THE STATE BOARD OF EDUCATION HAS TO REVIEW AND APPROVE OR  
56 DENY AN APPLICATION FOR CONVERSION CHARTER SCHOOL STATUS; TO  
57 PRESCRIBE CERTAIN PROCEDURES TO BE FOLLOWED BY THE STATE BOARD OF  
58 EDUCATION UPON REJECTION OF AN APPLICATION; TO PERMIT THE STATE  
59 BOARD OF EDUCATION TO EXERCISE THE OPTION TO TRANSFORM A FAILING  
60 SCHOOL INTO A NEW START SCHOOL IF THE PETITION FOR CONVERSION TO  
61 CONVERSION CHARTER SCHOOL STATUS IS REJECTED; TO PROVIDE THAT A  
62 CONVERSION CHARTER SCHOOL SHALL CONTINUE TO BE CONSIDERED A PUBLIC  
63 SCHOOL UNDER THE AUTHORITY OF THE LOCAL SCHOOL DISTRICT FOR  
64 CERTAIN FUNDING AND SERVICE PURPOSES; TO PROVIDE THAT STUDENTS  
65 WITHIN THE ATTENDANCE ZONE OF A PUBLIC SCHOOL CONVERTED TO  
66 CONVERSION CHARTER SCHOOL STATUS WHEN THE PETITION IS MADE FOR  
67 CONVERSION CHARTER SCHOOL STATUS SHALL BE ELIGIBLE FOR ENROLLMENT  
68 IN THE CONVERSION CHARTER SCHOOL; TO PROHIBIT THE ENROLLMENT OF  
69 TRANSFER STUDENTS; TO REQUIRE THAT STUDENTS WITHIN THE ATTENDANCE  
70 ZONE NOT ELECTING TO ATTEND THE CONVERSION CHARTER SCHOOL BE  
71 ALLOWED TO ATTEND ANOTHER PUBLIC SCHOOL IN THE LOCAL SCHOOL  
72 DISTRICT; TO PROVIDE THAT AN APPROVED CONTRACT FOR THE CONVERSION  
73 OF A PUBLIC SCHOOL TO CONVERSION CHARTER SCHOOL STATUS SHALL BE  
74 VALID FOR AN INITIAL MINIMUM TERM OF THREE SCHOOL YEARS; TO  
75 PROVIDE THE PROCESS BY WHICH A SCHOOL MAY BE REMOVED FROM  
76 CONVERSION CHARTER SCHOOL STATUS; TO PROVIDE THAT EMPLOYEES OF THE  
77 CONVERSION CHARTER SCHOOL ARE EMPLOYEES OF THE LOCAL SCHOOL  
78 DISTRICT FOR PURPOSES OF RECEIVING CERTAIN BENEFITS; TO LIMIT THE  
79 NUMBER OF CONVERSION CHARTER SCHOOLS TO THREE PER CONGRESSIONAL  
80 DISTRICT; TO PROHIBIT UNLAWFUL REPRISAL AGAINST SCHOOL DISTRICT  
81 EMPLOYEES WHO ARE INVOLVED IN A PETITION FOR THE CONVERSION OF A  
82 PUBLIC SCHOOL TO CONVERSION CHARTER SCHOOL STATUS; TO PROVIDE AN  
83 EXEMPTION TO THE EDUCATION EMPLOYMENT PROCEDURES LAW FOR  
84 CONVERSION CHARTER SCHOOLS DURING A SCHOOL'S FIRST YEAR; TO  
85 PRESCRIBE THE VARIOUS SOURCES OF FUNDING WHICH A CONVERSION  
86 CHARTER SCHOOL IS ELIGIBLE TO APPLY FOR AND ACCEPT; TO PROVIDE FOR  
87 THE REPEAL OF SECTIONS 1 THROUGH 16 OF THIS ACT; AND FOR RELATED  
88 PURPOSES.

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

90 **SECTION 1.** (1) This section applies only to those public  
91 schools in the State of Mississippi which, during each of three  
92 (3) consecutive school years, are considered failing, as  
93 determined by the State Department of Education.

94 For purposes of this section, the term "new start school"  
95 means the successor school to a public school in the State of  
96 Mississippi which, during each of three (3) consecutive school



97 years, is considered failing, as determined by the State  
98 Department of Education.

99 (2) There is established the New Start School Program for  
100 the purpose of transforming certain failing schools into quality  
101 educational options. Under the program, a new start school must  
102 be established in each public school that, during each of three  
103 (3) consecutive school years, is considered failing, as determined  
104 by the State Department of Education. The New Start School  
105 Program shall be under the administration of the Mississippi  
106 Recovery School District established under Section 37-17-6(11)(f).

107 (3) (a) Whenever a school is classified by the State  
108 Department of Education as a failing school for two (2) or more  
109 consecutive years, the Mississippi Recovery School District shall  
110 provide written notice to the principal and each licensed and  
111 nonlicensed employee in the school that if the school receives a  
112 classification of failing for the succeeding school year, the  
113 school will be transformed into a new start school and the  
114 person's employment with the local school district shall be  
115 terminated. The notice shall be sent by the deputy superintendent  
116 responsible for the Mississippi Recovery School District as soon  
117 as practicable after the school is classified as failing.

118 (b) In addition to the notice required under paragraph  
119 (a) of this subsection (3), the Mississippi Recovery School  
120 District shall provide notice to the public in a newspaper of  
121 general circulation in the local county that if the school  
122 receives a classification of failing for the succeeding school  
123 year, the school will be transformed into a new start school. The  
124 advertisement may not be placed in any portion of the newspaper  
125 where legal notices and classified advertisements appear. The  
126 advertisement shall appear in a newspaper that is published at  
127 least five (5) days a week, unless the only newspaper in the  
128 county is published less than five (5) days a week, in such case,  
129 the advertisement shall be published once a week for three (3)



130 consecutive weeks. The newspaper selected must be one of general  
131 interest, readership and circulation in all areas of the  
132 community.

133 (4) If a school that has been classified by the State  
134 Department of Education as a failing school for two (2) or more  
135 consecutive years is determined to be a failing school during the  
136 next succeeding school year, the Mississippi Recovery School  
137 District shall take such steps as may be necessary to facilitate  
138 the transformation of the failing school into a new start school.  
139 However, the school board of the local school district in which  
140 such a school is located may appeal to the State Board of  
141 Education for an additional year before the school must be  
142 transformed into a new start school. The State Board of  
143 Education, in its discretion, may grant a one-year delay if it  
144 determines circumstances merit giving the school an additional  
145 year to achieve academic improvement. If, during the additional  
146 year, the school is classified again as a failing school, the  
147 Mississippi Recovery School District shall proceed to transform  
148 the failing school into a new start school.

149 (5) The State Board of Education shall adopt rules and  
150 regulations governing the transformation of chronically failing  
151 schools into new start schools. The State Board of Education  
152 shall adopt rules and regulations that ensure that all students  
153 who were enrolled in, in attendance at and residing in the  
154 attendance zone of the public school before a new start school is  
155 instituted shall continue being eligible for and shall be deemed  
156 to be enrolled in the new start school without any required  
157 application process for the school. The rules and regulations  
158 must include, but not necessarily be limited to, the following  
159 provisions:

160 (a) The State Board of Education shall adopt rules and  
161 regulations to evaluate the performance of all licensed and  
162 nonlicensed employees in schools that are to be transformed into a



163 new start school. The performance evaluation shall be conducted  
164 by the State Department of Education at the conclusion of the  
165 second consecutive year in which a school is classified as  
166 failing. For all licensed employees the said rules and  
167 regulations shall use qualitative and quantitative data, which  
168 shall include using the measures of student achievement, to assess  
169 the effectiveness of the educator. Any employee that receives an  
170 unsatisfactory evaluation may be terminated by the school district  
171 in which the school is located. Upon completion of an improvement  
172 plan, a person employed other than as a teacher who is terminated  
173 may apply for a position at the new start school or at another  
174 location in the school district; however, the school district may  
175 exercise its discretion in determining whether or not the person  
176 will be offered continued employment with the district. Upon  
177 completion of an improvement plan, a teacher terminated under this  
178 paragraph (a) may apply for employment in the new start school or  
179 for a position at another location in the school district. A  
180 teacher terminated under this paragraph (a) may be reemployed by  
181 the school district in the new start school, subject to the  
182 approval of that teacher's reemployment by the deputy  
183 superintendent responsible for the Mississippi Recovery School  
184 District.

185           (b) The deputy superintendent responsible for the  
186 Mississippi Recovery School District, with the assistance of an  
187 advisory committee of parents, guardians and community leaders,  
188 shall select a person to be employed as the principal of the new  
189 start school. Upon the request of the deputy superintendent, the  
190 superintendent of the school district in which the new start  
191 school is located shall enter into a contract with the person  
192 selected to be the principal in the same manner that contracts  
193 with principals are executed under Section 37-9-23. The principal  
194 of the new start school shall be an employee of the school  
195 district but shall report and be accountable directly to the



196 deputy superintendent responsible for the Mississippi Recovery  
197 School District. All decisions impacting the academic, finance or  
198 any other managerial or operational functions of the new start  
199 school shall be subject to the review and approval of the  
200 Mississippi Recovery School District.

201 (c) The principal of the new start school, chosen by  
202 the deputy superintendent under paragraph (b) of this subsection  
203 (5), shall select and recommend for employment all licensed and  
204 nonlicensed personnel for the school in the same manner as  
205 provided for other schools. The principal shall endeavor to  
206 select only the most qualified applicants for employment in the  
207 new start school. Each teacher recommended for employment in the  
208 new start school must be approved by the Deputy Superintendent of  
209 the Mississippi Recovery School District before a contract for  
210 employment may be executed with the teacher.

211 (d) The State Board of Education shall develop  
212 professional development courses of training specifically designed  
213 for licensed personnel in a new start school. All licensed  
214 employees of the new start school shall be required to participate  
215 in the professional development courses.

216 (e) The principal of a new start school shall establish  
217 an advisory council to assist in the transformation of the new  
218 start school. The advisory council may be composed of parents,  
219 students, educators and other community members who are interested  
220 in the success of the new start school.

221 (f) Subject to the availability of funds for such  
222 purposes, the campus of the new start school may be refurbished in  
223 efforts to distinguish the new start school from the failing  
224 school it is replacing. A new start school may receive donations  
225 or grants from any public or private source for making  
226 improvements to the new start school.

227 (g) The State Board of Education shall prescribe the  
228 circumstances under which a new start school shall cease to be



229 designated a new start school subject to the requirements of this  
230 section and the rules and regulations of the State Board of  
231 Education relating to new start schools.

232 (6) The 2009-2010 school year shall be the first year that a  
233 school's classification may be considered for purposes of this  
234 section, and a classification as a failing school in any year  
235 preceding the 2009-2010 school year may not be considered in  
236 determining if a particular school must be transformed into a new  
237 start school.

238 (7) If a local school district has one or more schools  
239 designated as failing for two (2) or more consecutive years as  
240 determined by the performance classifications of the state  
241 accountability rating system, as defined and adopted by the State  
242 Board of Education, the superintendent of that local school  
243 district shall be restricted only to travel that is mandated by  
244 law or prescribed by the State Department of Education.

245 (8) If a local school district has one or more schools  
246 designated as failing for two (2) or more consecutive years as  
247 determined by the performance classifications of the state  
248 accountability rating system, as defined and adopted by the State  
249 Board of Education, the members of the local school board of that  
250 school district shall be restricted only to travel that is  
251 mandated by law or prescribed by the State Department of  
252 Education, and shall have the amount of their per diem reduced by  
253 one-half (1/2).

254 **SECTION 2.** Section 37-9-103, Mississippi Code of 1972, is  
255 amended as follows:

256 37-9-103. (1) As used in Sections 37-9-101 through  
257 37-9-113, the word "employee" shall include:

258 (a) Any teacher, principal, superintendent or other  
259 professional personnel employed by the local school district for a  
260 continuous period of two (2) years with that district and required



261 to have a valid license issued by the State Department of  
262 Education as a prerequisite of employment; or

263 (b) Any teacher, principal, superintendent or other  
264 professional personnel who has completed a continuous period of  
265 two (2) years of employment in a Mississippi public school  
266 district and one (1) full year of employment with the school  
267 district of current employment, and who is required to have a  
268 valid license issued by the State Department of Education as a  
269 prerequisite of employment.

270 (2) (a) The Education Employment Procedures Law shall not  
271 apply to any category of employee as defined in this section  
272 employed in any school district after the Governor declares a  
273 state of emergency under the provisions of Section 37-17-6(11).  
274 The Education Employment Procedures Law shall not be applicable in  
275 any school district for the full period of time that those  
276 conditions, as defined in Section 37-17-6(11), exist.

277 (b) The Education Employment Procedures Law shall not  
278 apply to any category of employee as defined in this section  
279 employed in any school that is a new start school, as provided for  
280 under Section 1 of this act.

281 (3) For purposes of Sections 37-9-101 through 37-9-113, the  
282 term "days" means calendar days.

283 **SECTION 3.** Section 37-9-3, Mississippi Code of 1972, is  
284 amended as follows:

285 37-9-3. Except as otherwise provided in Section 1 of this  
286 act, within the limits of the available funds, the superintendent  
287 of schools of a school district shall recommend to the school  
288 board thereof all noninstructional employees to be employed and  
289 may prescribe the duties thereof. Compensation for such employees  
290 may be paid from any lawful funds.

291 **SECTION 4.** Sections 4 through 16 of this act shall be known  
292 and may be cited as the "Conversion Charter School Act of 2010."





293           **SECTION 5.** It is the intent of the Legislature that Sections  
294 4 through 16 of this act provide a means whereby the parents or  
295 guardians of students enrolled in eligible local public schools  
296 may choose to enter into a binding academic or vocational, or  
297 both, performance-based contract approved by the State Board of  
298 Education, called a "contract."

299           **SECTION 6.** For purposes of Sections 4 through 16 of this  
300 act, the following words and phrases shall have the meanings  
301 respectively ascribed in this section unless the context clearly  
302 indicates otherwise:

303           (a) "Conversion charter school" means a public school  
304 that has converted to operating under the terms of a contract  
305 entered into between the local management board of a conversion  
306 charter school and the State Board of Education.

307           (b) "Local school" means a public school in Mississippi  
308 which is under the management and control of the school board of  
309 the school district in which the school is located.

310           (c) "Petition" means a proposal to enter into an  
311 academic or vocational, or both, performance-based contract  
312 between the State Board of Education and the sponsors of a local  
313 school whereby the local school obtains a conversion charter  
314 school status.

315           (d) "Sponsor" means the group of parents or guardians  
316 of students enrolled in a public school rated as Low-Performing,  
317 At-Risk of Failing or Failing or an organization selected or  
318 appointed by the sponsoring group of parents or guardians to  
319 represent those parents or guardians submitting a petition to the  
320 State Board of Education for the conversion of a chronically  
321 under-performing public school into a conversion charter school,  
322 provided that during the petitioning process and the subsequent  
323 approval of a contract, that group of parents or guardians shall  
324 remain the sponsor of the conversion charter school.



325 (e) "Chronically under-performing public school" means  
326 a public school that, during each of three (3) consecutive school  
327 years, is rated as Low-Performing, At-Risk of Failing or Failing,  
328 as determined by the State Department of Education. For the  
329 purposes of Sections 4 through 16 of this act, the 2009-2010  
330 school year shall be the first year that a school's classification  
331 may be considered.

332 (f) "Board" means the State Board of Education.

333 (g) "Department" means the State Department of  
334 Education.

335 (h) "Local management board" means the five-member  
336 governing board of a conversion charter school composed of the  
337 parents or guardians of students enrolled in the conversion  
338 charter school responsible for the academic and administrative  
339 functions and decisions of the conversion charter school. The  
340 academic responsibilities are subject to the authority of the  
341 State Board of Education and the administrative responsibilities  
342 are subject to the authority of the local school board.

343 **SECTION 7.** (1) The provisions of Sections 4 through 16 of  
344 this act shall be applicable to only those chronically  
345 under-performing public schools in the State of Mississippi which  
346 seek to be converted, and ultimately may be converted, to  
347 conversion charter schools upon approval of a petition for  
348 conversion charter school status by the State Board of Education.

349 (2) The State Board of Education, subject to the  
350 requirements of the Mississippi Administrative Procedures Law,  
351 shall establish rules and regulations for the submission of  
352 petitions for the conversion of a public school to conversion  
353 charter school status and criteria and procedures for the  
354 operation of conversion charter schools. The board shall receive  
355 and review each petition for the conversion of a public school to  
356 conversion charter school status from the school's sponsors and,



357 in its discretion, may approve the petition and grant conversion  
358 charter school status.

359 (3) In order to be approved, a petition for conversion  
360 charter school status must adequately include:

361 (a) A plan for improvement at the school level for  
362 improving student learning and achieving a Successful rating or  
363 higher under the State Accountability Model;

364 (b) A set of academic or vocational, or both,  
365 performance-based objectives and student achievement-based  
366 objectives for the term of the contract and the means for  
367 measuring those objectives on no less than an annual basis;

368 (c) An agreement to provide a yearly report to parents,  
369 the school board of the school district in which the conversion  
370 charter school is located, and the State Board of Education which  
371 indicates the progress made by the conversion charter school in  
372 the previous year in meeting the academic or vocational, or both,  
373 performance objectives;

374 (d) An agreement that the conversion charter school  
375 shall be nonsectarian;

376 (e) An agreement that the conversion charter school  
377 shall not charge tuition; and

378 (f) An agreement requiring the conversion charter  
379 school to be subject to financial audits in the same manner as  
380 public school districts.

381 (4) The procedures and process for the conversion of a  
382 public school to conversion charter school status shall be as  
383 follows:

384 (a) A petition shall be developed by a sponsor or its  
385 appointed representative and shall be made available to all  
386 parents or guardians of students enrolled in a public school that  
387 is chronically Low-Performing, At-Risk of Failing or Failing, as  
388 determined by the State Department of Education, with a copy of



389 the proposed conversion plan attached to the petition for their  
390 inspection and signing;

391 (b) The petition and conversion plan must be approved  
392 by more than fifty percent (50%) of the families of the students  
393 enrolled in a chronically under-performing public school during  
394 the third consecutive year in which the school has been designated  
395 as Low-Performing, At-Risk of Failing or Failing, as determined by  
396 the State Department of Education. The family of a student  
397 enrolled in a chronically under-performing public school proposed  
398 to be converted to conversion charter school status shall be  
399 entitled to one (1) vote per family without regard to the number  
400 of children a family may have enrolled as students at the school.  
401 The group of parents or guardians submitting or having the  
402 petition submitted on their behalf shall be considered the sponsor  
403 of the conversion charter school;

404 (c) The sponsor shall prepare and submit the petition  
405 and the conversion plan for conversion charter school status  
406 approved by the parents or guardians of students enrolled in a  
407 chronically under-performing public school to the State Board of  
408 Education upon forms prescribed by or in a format specified by the  
409 board;

410 (d) Before the petition for conversion granting a  
411 public school conversion charter school status is submitted to the  
412 State Board of Education for approval, the sponsor shall conduct a  
413 public hearing in the local school district in which the school  
414 proposed for conversion is located to allow the parents or  
415 guardians of students enrolled in the chronically under-performing  
416 public school affected by the conversion to be informed of the  
417 conversion process and to address any concerns relating to the  
418 process and subsequent operation of the conversion charter school;  
419 and

420 (e) After the State Board of Education approves a  
421 petition for conversion charter school status, the parents or



422 guardians of the students enrolled in the conversion charter  
423 school shall select members to serve on the conversion charter  
424 school's local management board, which members shall be selected  
425 in accordance with the rules and regulations promulgated by the  
426 State Board of Education for the selection of conversion charter  
427 school local management board members.

428 (5) The conversion plan to be attached to the petition must  
429 include the following:

430 (a) A description of the plan for school improvement  
431 that addresses how the school proposes to work toward improving  
432 student learning and achieving a Successful rating or higher under  
433 the State Accountability Model;

434 (b) An outline of proposed academic or vocational, or  
435 both, performance criteria to be used during the initial period of  
436 the contract to measure progress of the school in improving  
437 student learning and achieving a Successful rating or higher under  
438 the State Accountability Model requiring that:

439 (i) Academic performance criteria must include  
440 specific and measureable benchmarks of academic performance on  
441 state assessments; and

442 (ii) Academic performance criteria include a  
443 requirement that conversion charter schools not miss adequate  
444 yearly progress for any two (2) consecutive years, as defined by  
445 the No Child Left Behind Act of 2001, or other future federal  
446 school accountability requirements;

447 (c) A provision requiring the conversion charter school  
448 to comply with all rules, regulations, policies and procedures of  
449 the State Board of Education and the local school board and the  
450 provisions of the Mississippi Code of 1972 relating to the  
451 elementary and secondary education of students, except those  
452 rules, regulations, policies or procedures from which the  
453 conversion charter school specifically requests to be exempted and  
454 which have been agreed upon by the State Board of Education as



455 specified in the school's contract. Conversion charter schools  
456 must comply with general health and safety standards, state test  
457 assessments and accountability requirements, financial  
458 accountability and auditing requirements, and all reporting and  
459 data collecting requirements in the same manner as public schools  
460 in the local school district;

461 (d) The local management board shall not directly or  
462 indirectly communicate to a parent or guardian that the conversion  
463 charter school is unable to meet the needs of a child, but shall  
464 provide a free and public education to every student in the  
465 attendance zone;

466 (e) Conversion charter schools may not be exempted from  
467 the following statutes:

468 (i) Section 37-9-75, which relates to teacher  
469 strikes;

470 (ii) Section 37-11-20, which prohibits acts of  
471 intimidation intended to keep a student from attending school;

472 (iii) Section 37-11-21, which prohibits abuse of  
473 school staff;

474 (iv) Section 37-11-23, which prohibits the willful  
475 disruption of school and school meetings;

476 (v) Sections 37-11-29 and 37-11-31, which relate  
477 to reporting requirements regarding unlawful or violent acts on  
478 school property;

479 (vi) Section 37-151-107, which prohibits false  
480 reporting of student counts by school officials;

481 (vii) Applicable State Department of Health  
482 regulations;

483 (viii) Applicable federal No Child Left Behind  
484 requirements and any additional federal education programs; and

485 (ix) Applicable federal and state requirements for  
486 special education, gifted education and vocational education  
487 programs;



488 (f) A detailed budget and a clear business plan,  
489 including any projected costs that extend beyond the regular  
490 operational costs of the conversion charter school;

491 (g) A plan of governance and the process by which the  
492 members of the local management board of the conversion charter  
493 school shall be selected to serve as the governing administrative  
494 authority, provided that:

495 (i) The local management board shall be composed  
496 of parents or guardians of students enrolled in and in attendance  
497 at the conversion charter school, selected by other parents or  
498 guardians of students enrolled in and in attendance at that  
499 school;

500 (ii) Members of the local management board may  
501 serve a term of three (3) years; however, a member's term of  
502 service on the local management board is contingent upon that  
503 member having a child continuously enrolled as a student at the  
504 conversion charter school during each school year that the member  
505 serves on the board. If a student no longer attends the  
506 conversion charter school and the board member has no other child  
507 enrolled in and attending the school, the term of the  
508 member-parent or guardian shall expire immediately and a new  
509 member selected. If a student is promoted and the board member  
510 has no other child enrolled in and attending the conversion  
511 charter school, the term of the member-parent or guardian shall  
512 expire immediately and a new member selected, unless the  
513 member-parent or guardian has another child who will be enrolled  
514 in the conversion charter school in the next succeeding scholastic  
515 year;

516 (iii) Members of the local management board shall  
517 serve without compensation;

518 (iv) No member of the local school board of any  
519 public or private school district may serve on the local  
520 management board of a conversion charter school;



521 (v) Procedures for the subsequent selection of  
522 members and filling vacancies that occur on the local management  
523 board are included; and

524 (vi) The selection of members to the local  
525 management board of conversion charter schools shall be performed  
526 in accordance with the rules and regulations promulgated by the  
527 State Board of Education for the selection of conversion charter  
528 school local management board members;

529 (h) An agreement to provide an annual academic  
530 achievement report to parents, the local school board of any  
531 school district from which the conversion charter school draws  
532 students and the State Board of Education, which indicates the  
533 progress made by the conversion charter school during the previous  
534 year in meeting its academic or vocational performance objectives.  
535 The report shall include, but not be limited to, the following  
536 information:

537 (i) Student progress concerning academic  
538 achievement;

539 (ii) Student attendance;

540 (iii) Student grades and scores on assessment  
541 instruments;

542 (iv) Incidents involving student discipline;

543 (v) Student socioeconomic data; and

544 (vi) Parent satisfaction with the schools;

545 (i) An agreement to provide a yearly financial report  
546 to parents, the local school board of any school district from  
547 which the conversion charter school draws students and the State  
548 Board of Education, which discloses all public and private funds  
549 received by the conversion charter school, and how those funds  
550 were expended;

551 (j) An agreement requiring all student records,  
552 financial documentation, and all other pertinent records of





553 student and school data shall be accessible by the local school  
554 board;

555 (k) An agreement requiring members of the local  
556 management board of a conversion charter school to attend the  
557 training required under Section 37-3-4, provided by the  
558 Mississippi School Boards Association for local school board  
559 members and public school superintendents of this state, in order  
560 for those individuals to carry out their duties more effectively.  
561 Members of the local management board shall be reimbursed for the  
562 necessary expenses and mileage in attending any required training  
563 and shall be paid a per diem for each day in attendance at the  
564 training by the local school district in the amount authorized by  
565 Section 37-6-13 for members of the local school board;

566 (l) A transcript of the public hearing required under  
567 subsection (4) (d) of this section; and

568 (m) A description of the discipline policy to be  
569 adopted by the local management board, or alternatively, an  
570 agreement that the local management board shall adhere to the  
571 discipline policy implemented for the school district by the local  
572 school board.

573 (6) If a petition for the conversion of a public school to  
574 conversion charter school status is approved, the local management  
575 board, subject to the utilization of any available resources, may:

576 (a) Extend the school day or length of the scholastic  
577 year;

578 (b) Develop and establish a curriculum that is  
579 consistent with the Mississippi Curriculum Framework which  
580 provides courses that promote postsecondary education and  
581 vocational preparation and/or admission;

582 (c) Select, purchase and use textbooks, literature and  
583 other instructional materials that would improve educational  
584 attainment by students in the school, subject to the approval of  
585 the State Board of Education;



586           (d) Select a person to be employed as the principal of  
587 the conversion charter school or may contract with a profit or  
588 nonprofit organization which has operated a successful public  
589 school in any state or the District of Columbia for the daily  
590 administrative management of the conversion charter school,  
591 provided that daily administrative management shall not include  
592 the authority to employ or terminate conversion charter school  
593 administrators, teachers or other personnel, establish curriculum  
594 or adopt a budget. The person selected by the local management  
595 board to serve as principal of the conversion charter school must  
596 attend or must have attended a principal leadership program  
597 approved by the State Department of Education. If the local  
598 management board contracts with a profit or nonprofit organization  
599 for daily administrative management functions, that contract shall  
600 not abrogate or preempt any provisions of the contract entered  
601 into between the local management board and the State Board of  
602 Education for the conversion of the public school to conversion  
603 charter school status; and

604           (e) Select licensed teachers who are highly qualified  
605 under the No Child Left Behind Act for employment in the  
606 conversion charter school and determine the salaries of those  
607 teachers employed. The minimum salaries for licensed teachers  
608 employed in the conversion charter school shall be in accordance  
609 with the scale for teachers' salaries provided under the Teacher  
610 Opportunity Program, as established under Section 37-19-7.

611           (7) (a) All functions and decisions of the local management  
612 board impacting the academic curriculum, student progress and  
613 assessment, and the accountability standards of a conversion  
614 charter school shall be subject to the reviewing and approval  
615 authority of the State Board of Education.

616           (b) All administrative functions and decisions of the  
617 local management board impacting the financial or any other  
618 managerial or operational functions of a conversion charter school



619 shall be subject to the reviewing and approval authority of the  
620 local school board.

621 (8) Meetings of the local management board shall be subject  
622 to the requirements of Sections 25-41-1 through 25-41-17 governing  
623 open meetings.

624 (9) Nothing in Sections 4 through 16 of this act prohibits  
625 conversion charter schools from offering virtual service pursuant  
626 to state law and regulations defining virtual schools.

627 **SECTION 8.** (1) Members of the local management board, local  
628 school board and the State Board of Education are immune from  
629 civil and criminal liability with respect to all activities of a  
630 conversion charter school approved by the State Board of  
631 Education; however, the local management board, local school board  
632 or the State Board of Education, in its official capacity, may be  
633 held liable only for matters with which the respective board has  
634 been involved directly, including the misappropriation of funds,  
635 the appropriation of funds beyond the scope of its authority,  
636 abridging the due process rights of a student attending the  
637 conversion charter school, gross negligence, intentional and  
638 willful misconduct, malfeasance and nonfeasance.

639 (2) The local school board shall provide the local  
640 management board of a conversion charter school with the same  
641 legal representation as is provided to the local school board.

642 **SECTION 9.** (1) The State Board of Education shall establish  
643 a time line for accepting petitions requesting the conversion of a  
644 public school to conversion charter school status. The board and  
645 the Commission on School Accreditation shall review and rate all  
646 petitions for a conversion charter school.

647 (2) After initial review and rating, the board, with the  
648 advice of the Commission on School Accreditation, may approve or  
649 deny a petition based on criteria adopted by the board, which  
650 shall include criteria relating to improving student performance  
651 and encouraging new and innovative programs. The board must



652 provide a written response to each sponsor submitting a petition  
653 in writing within forty-five (45) days after the closing date for  
654 receiving petitions in the form of an approval or rejection. The  
655 response to rejected petitions shall include notification to the  
656 sponsors of the reasons for rejection.

657 (3) The board shall allow each sponsor, who submits a  
658 petition for a conversion charter school within thirty (30) days  
659 before the closing date for receiving petitions to resubmit the  
660 petition, if the original petition was found to be deficient by  
661 the board, after the sponsor has corrected any deficiencies.

662 (4) If a public school has been designated as a chronically  
663 failing school for three (3) consecutive years, as determined by  
664 the State Department of Education, and the petition for conversion  
665 to conversion charter school status is rejected by the State Board  
666 of Education, the board, on its own motion, may initiate the  
667 procedure to transform the failing school into a new start school  
668 under the New Start School Program authorized under Section 1 of  
669 this act.

670 **SECTION 10.** (1) A public school converted to conversion  
671 charter school status, upon approval by the State Board of  
672 Education, shall continue to be considered a public school under  
673 the authority of the local school district for purposes of  
674 receiving transportation services and funding, state funding for  
675 students based on per-pupil expenditures, classroom supplies  
676 resources, other adequate education program funds, including  
677 at-risk funding and any additional operational services provided  
678 to local schools by the district.

679 (2) The local school board, when providing transportation  
680 services to students enrolled in and attending a conversion  
681 charter school, shall comply with all statutes governing the  
682 transportation of students required of public school districts  
683 under Chapter 41, Title 37, Mississippi Code of 1972.



684 (3) All students enrolled in, in attendance at and residing  
685 in the attendance zone of a public school when a petition is  
686 submitted for conversion charter school status shall be deemed to  
687 be enrolled in the conversion charter school when the petition is  
688 approved by the State Board of Education without any required  
689 application process for the school. Enrollment in a conversion  
690 charter school is limited to those students residing in the  
691 attendance zone of the conversion charter school, and shall not be  
692 open for the enrollment of transfer students unless any openings  
693 are available, at which time students within the local public  
694 school district may apply for admission into the conversion  
695 charter school. A conversion charter school is subject to any  
696 desegregation court orders in effect in the school district in  
697 which the conversion charter school is located. In the event that  
698 openings are available in a conversion charter school, the local  
699 management board, with the approval of the State Board of  
700 Education, shall establish an application process for students in  
701 the local school district, who reside outside of the attendance  
702 zone of the public school granted conversion charter school  
703 status, to seek enrollment in the conversion charter school,  
704 provided that the process is in compliance with rules and  
705 regulations promulgated by the State Board of Education. The  
706 parent of any student granted admission to the conversion charter  
707 school who resides outside the attendance zone of the school shall  
708 be responsible for transporting the student to and from the  
709 school.

710 (4) Any student enrolled in a public school converted to  
711 conversion charter school status who elects not to attend the  
712 conversion charter school shall be permitted by the local school  
713 board to attend another public school in the local school district  
714 that the student otherwise would be eligible to attend if not  
715 enrolled at the conversion charter school. If there is not  
716 another public school in the local school district that the



717 student would be eligible to attend serving the student's current  
718 grade level, the local school board shall grant the student a  
719 release to seek enrollment in another school district.

720 **SECTION 11.** (1) The initial contract issued by the State  
721 Board of Education for a public school converted to conversion  
722 charter school status shall be for a minimum term of three (3)  
723 years. Thereafter, the State Board of Education may renew the  
724 contract for a conversion charter school on a one-year or  
725 multiyear basis, not to exceed three (3) years, if all parties to  
726 the original contract approve the renewal with a vote of a  
727 majority of the parents or guardians of students enrolled in the  
728 conversion charter school.

729 (2) After a school has been in conversion charter school  
730 status for three (3) years, the parents or guardians of students  
731 enrolled in the conversion charter school may request removal from  
732 conversion charter school status upon the submission of a petition  
733 of more than fifty percent (50%) of those parents or guardians to  
734 the State Board of Education.

735 (3) The State Board of Education shall prescribe the  
736 circumstances under which a conversion charter school shall cease  
737 to be designated a conversion charter school subject to the rules  
738 and regulations of the State Board of Education relating to  
739 conversion charter schools.

740 **SECTION 12.** All employees of a conversion charter school  
741 shall be deemed employees of the local school district for  
742 purposes of receiving certain state-funded employee benefits,  
743 including membership in the Public Employees' Retirement System  
744 and the State and School Employees Life and Health Insurance Plan.  
745 Conversion charter schools are public schools, and the employees  
746 of conversion charter schools are public school employees.

747 **SECTION 13.** The State Board of Education with the advice of  
748 the Commission on School Accreditation may approve up to twelve  
749 (12) conversion charter schools during a period of six (6) years,



750 under the authority provided under Section 9 of this act, which  
751 such conversion charter schools shall not begin operations before  
752 July 1, 2013; however, no more than three (3) petitions for  
753 conversion charter school status in each of the four (4)  
754 congressional districts may be approved. After the sixth year,  
755 the board shall evaluate the existing process of converting public  
756 schools to conversion charter school status and shall make a  
757 recommendation to the Legislature on the feasibility of increasing  
758 the number of conversion charter schools in the state.

759 **SECTION 14.** A school district, school district employee or  
760 any other person who has control over personnel actions may not  
761 take unlawful reprisal against an employee of the school district  
762 because the employee is directly or indirectly involved in a  
763 petition to convert a public school to conversion charter school  
764 status. As used in this section, the term "unlawful reprisal"  
765 means an action that is taken by another school district employee  
766 as a direct result of a lawful application to convert a public  
767 school to conversion charter school status and which is adverse to  
768 the employee and results in one or more of the following for the  
769 employee:

- 770 (a) Disciplinary or corrective action;
- 771 (b) Detail, transfer or reassignment;
- 772 (c) Suspension, demotion or dismissal;
- 773 (d) An unfavorable performance evaluation;
- 774 (e) A reduction in pay, benefits or awards;
- 775 (f) Elimination of the employee's position without a  
776 reduction in force by reason of lack of monies or work; or
- 777 (g) Other significant changes in duties or  
778 responsibilities which are inconsistent with the employee's salary  
779 or employment classification.

780 **SECTION 15.** The Education Employment Procedures Law shall  
781 not apply to any category of employee employed in any school that



782 is converted to a conversion charter school under Sections 4  
783 through 16 of this act.

784       **SECTION 16.** In addition to receiving state funds for  
785 operations, public schools converted to conversion charter school  
786 status may accept bequests, devises, donations and grants from any  
787 public or private source and may apply for federal funding under  
788 the federal "Race to the Top" program. It is the intent of the  
789 Legislature that in accordance with the conditions of federal  
790 funding under the federal "Race to the Top" program, public  
791 schools converted to conversion charter school status in  
792 Mississippi are authorized to operate conversion charter and  
793 autonomous public school programs that are high-performing. It is  
794 further the intent of the Legislature that public schools  
795 converted to conversion charter school status receive equitable  
796 state and federal funding compared to traditional public schools,  
797 as required by the federal "Race to the Top" program, and that the  
798 state shall not impose any school facility-related requirements on  
799 conversion charter schools which are more restrictive than those  
800 applied to traditional public schools.

801       **SECTION 17.** Sections 1 through 16 of this act shall stand  
802 repealed on July 1, 2016.

803       **SECTION 18.** This act shall take effect and be in force from  
804 and after July 1, 2010.

