SENATE BILL NO. 2363

AN ACT TO AMEND SECTION 37-28-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE CHARTER SCHOOL AUTHORIZER BOARD MAY APPROVE PUBLIC CHARTER SCHOOLS FOR SPECIAL NEEDS STUDENTS WITHOUT APPROVAL OF THE LOCAL SCHOOL BOARD; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-28-7, Mississippi Code of 1972, is amended as follows:

37-28-7. (1) There is created the Mississippi Charter School Authorizer Board as a state agency with exclusive chartering jurisdiction in the State of Mississippi. Unless otherwise authorized by law, no other governmental agency or entity may assume any charter authorizing function or duty in any form.

(2) (a) The mission of the Mississippi Charter School Authorizer Board is to authorize high-quality charter schools, particularly schools designed to expand opportunities for underserved students, consistent with the purposes of this chapter. Subject to the restrictions and conditions prescribed in this subsection, the Mississippi Charter School Authorizer Board...
may authorize charter schools within the geographical boundaries
of any school district.

(b) The Mississippi Charter School Authorizer Board may
approve a maximum of fifteen (15) qualified charter applications
during a fiscal year.

(c) In any school district designated as an "A," "B" or "C" school district by the State Board of Education under the
accreditation rating system, the Mississippi Charter School
Authorizer Board may authorize charter schools only if a majority
of the members of the local school board votes at a public meeting
to endorse the application or to initiate the application on its
own initiative. Provided that the Mississippi Public Charter
School Authorizer Board may approve public charter schools for
special needs students, including, but not limited to, students
with dyslexia or students with disabilities, without approval of
the local school board.

(3) The Mississippi Charter School Authorizer Board shall
consist of seven (7) members, to be appointed as follows:

(a) Three (3) members appointed by the Governor, with
one (1) member being from each of the Mississippi Supreme Court
Districts.

(b) Three (3) members appointed by the Lieutenant
Governor, with one (1) member being from each of the Mississippi
Supreme Court Districts.
(c) One (1) member appointed by the State Superintendent of Public Education.

All appointments must be made with the advice and consent of the Senate. In making the appointments, the appointing authority shall ensure diversity among members of the Mississippi Charter School Authorizer Board.

(4) Members appointed to the Mississippi Charter School Authorizer Board collectively must possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, curriculum and instruction, and public education law. Each member of the Mississippi Charter School Authorizer Board must have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

(5) To establish staggered terms of office, the initial term of office for the three (3) Mississippi Charter School Authorizer Board members appointed by the Governor shall be four (4) years and thereafter shall be three (3) years; the initial term of office for the three (3) members appointed by the Lieutenant Governor shall be three (3) years and thereafter shall be three (3) years; and the initial term of office for the member appointed by the State Superintendent of Public Education shall be two (2) years and thereafter shall be three (3) years. No member may serve more than two (2) consecutive terms. The initial appointments must be made before September 1, 2013.
(6) The Mississippi Charter School Authorizer Board shall meet as soon as practical after September 1, 2013, upon the call of the Governor, and shall organize for business by selecting a chairman and adopting bylaws. Subsequent meetings shall be called by the chairman.

(7) An individual member of the Mississippi Charter School Authorizer Board may be removed by the board if the member's personal incapacity renders the member incapable or unfit to discharge the duties of the office or if the member is absent from a number of meetings of the board, as determined and specified by the board in its bylaws. Whenever a vacancy on the Mississippi Charter School Authorizer Board exists, the original appointing authority shall appoint a member for the remaining portion of the term.

(8) No member of the Mississippi Charter School Authorizer Board or employee, agent or representative of the board may serve simultaneously as an employee, trustee, agent, representative, vendor or contractor of a charter school authorized by the board.

(9) The Mississippi Charter School Authorizer Board shall appoint an individual to serve as the executive director and general counsel of the board. In addition to possessing the qualifications established by the board which are based on national best practices, the executive director and general counsel must be licensed to practice law in the State of Mississippi and must possess an understanding of state and federal
education law. The executive director and general counsel, who shall serve at the will and pleasure of the board, shall devote his full time to the proper administration of the board and the duties assigned to him by the board and shall be paid a salary established by the board, subject to the approval of the State Personnel Board. Subject to the availability of funding, the executive director and general counsel may employ such administrative staff as may be necessary to assist the director and board in carrying out the duties and directives of the Mississippi Charter School Authorizer Board.

(10) The Mississippi Charter School Authorizer Board shall be located, for administrative purposes, within the offices of the State Institutions of Higher Learning, which shall provide meeting space and clerical support for the board.

SECTION 2. This act shall take effect and be in force from and after July 1, 2014.