

By: Senator(s) Watson

To: Education

SENATE BILL NO. 2363

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

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

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

8 37-28-7. (1) There is created the Mississippi Charter
9 School Authorizer Board as a state agency with exclusive
10 chartering jurisdiction in the State of Mississippi. Unless
11 otherwise authorized by law, no other governmental agency or
12 entity may assume any charter authorizing function or duty in any
13 form.

14 (2) (a) The mission of the Mississippi Charter School
15 Authorizer Board is to authorize high-quality charter schools,
16 particularly schools designed to expand opportunities for
17 underserved students, consistent with the purposes of this
18 chapter. Subject to the restrictions and conditions prescribed in
19 this subsection, the Mississippi Charter School Authorizer Board



20 may authorize charter schools within the geographical boundaries
21 of any school district.

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

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

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

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

41 (b) Three (3) members appointed by the Lieutenant
42 Governor, with one (1) member being from each of the Mississippi
43 Supreme Court Districts.



44 (c) One (1) member appointed by the State
45 Superintendent of Public Education.

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

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

58 (5) To establish staggered terms of office, the initial term
59 of office for the three (3) Mississippi Charter School Authorizer
60 Board members appointed by the Governor shall be four (4) years
61 and thereafter shall be three (3) years; the initial term of
62 office for the three (3) members appointed by the Lieutenant
63 Governor shall be three (3) years and thereafter shall be three
64 (3) years; and the initial term of office for the member appointed
65 by the State Superintendent of Public Education shall be two (2)
66 years and thereafter shall be three (3) years. No member may
67 serve more than two (2) consecutive terms. The initial
68 appointments must be made before September 1, 2013.



69 (6) The Mississippi Charter School Authorizer Board shall
70 meet as soon as practical after September 1, 2013, upon the call
71 of the Governor, and shall organize for business by selecting a
72 chairman and adopting bylaws. Subsequent meetings shall be called
73 by the chairman.

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

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

87 (9) The Mississippi Charter School Authorizer Board shall
88 appoint an individual to serve as the executive director and
89 general counsel of the board. In addition to possessing the
90 qualifications established by the board which are based on
91 national best practices, the executive director and general
92 counsel must be licensed to practice law in the State of
93 Mississippi and must possess an understanding of state and federal



94 education law. The executive director and general counsel, who
95 shall serve at the will and pleasure of the board, shall devote
96 his full time to the proper administration of the board and the
97 duties assigned to him by the board and shall be paid a salary
98 established by the board, subject to the approval of the State
99 Personnel Board. Subject to the availability of funding, the
100 executive director and general counsel may employ such
101 administrative staff as may be necessary to assist the director
102 and board in carrying out the duties and directives of the
103 Mississippi Charter School Authorizer Board.

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

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

