

By: Representative Busby

To: Education

HOUSE BILL NO. 1043

1 AN ACT TO AMEND SECTION 37-28-47, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE A CHARTER SCHOOL TEACHER TO POSSESS A TEACHING LICENSE
 3 ISSUED BY THE MISSISSIPPI COMMISSION ON TEACHER AND ADMINISTRATOR
 4 EDUCATION, CERTIFICATION AND LICENSURE AND DEVELOPMENT WITHIN
 5 THREE YEARS OF THE TEACHER'S INITIAL EMPLOYMENT WITH THE CHARTER
 6 SCHOOL; TO AMEND SECTION 37-28-9, MISSISSIPPI CODE OF 1972, TO
 7 DELETE REFERENCES TO THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI
 8 CHARTER SCHOOL AUTHORIZER BOARD ALSO SERVING AS GENERAL COUNSEL
 9 FOR THE BOARD IN CONFORMITY WITH THE PROVISIONS OF SECTION 2,
 10 CHAPTER 458, LAWS OF 2014; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-28-47, Mississippi Code of 1972, is
 13 amended as follows:

14 37-28-47. (1) (a) Charter schools must comply with
 15 applicable federal laws, rules and regulations regarding the
 16 qualification of teachers and other instructional staff. No more
 17 than twenty-five percent (25%) of teachers in a charter school may
 18 be exempt from state teacher licensure requirements * * *.

19 Administrators of charter schools are exempt from state
 20 administrator licensure requirements. However, teachers and
 21 administrators must have a bachelor's degree as a minimum
 22 requirement, and teachers must have demonstrated subject-matter



23 competency. Within three (3) years of the date of a teacher's
24 initial * * * employment with a charter school, the teacher must
25 have, at a minimum, alternative licensure approved by the
26 Commission on Teacher and Administrator Education, Certification
27 and Licensure and Development.

28 (b) A charter school may not staff positions for
29 teachers, administrators, ancillary support personnel or other
30 employees by utilizing or otherwise relying on nonimmigrant
31 foreign worker visa programs. However, a charter school may
32 submit a request to the authorizer for an exception allowing the
33 employment of a nonimmigrant foreign worker before the worker is
34 employed. The authorizer may grant permission for the employment
35 of the nonimmigrant foreign worker only if the charter school
36 makes a satisfactory showing of efforts to recruit lawful
37 permanent residents of the United States to fill the position and
38 a lack of qualified applicants to fill the position.

39 (2) Employees in charter schools must have the same general
40 rights and privileges as other public school employees, except
41 such employees are not:

42 (a) Covered under the Education Employment Procedures
43 Law (Section 37-9-103);

44 (b) Subject to the state salary requirements prescribed
45 in Section 37-19-7; and

46 (c) Members of the Public Employees' Retirement System.



47 (3) Employees in charter schools are eligible for
48 participation in retirement and other benefits programs in which
49 the charter school chooses to make available to its employees.

50 **SECTION 2.** Section 37-28-9, Mississippi Code of 1972, is
51 amended as follows:

52 37-28-9. (1) The authorizer is responsible for exercising,
53 in accordance with this chapter, the following powers and duties:

54 (a) Developing chartering policies and maintaining
55 practices consistent with nationally recognized principles and
56 standards for quality charter authorizing in all major areas of
57 authorizing responsibility, including:

58 (i) Organizational capacity and infrastructure;

59 (ii) Solicitation and evaluation of charter
60 applications;

61 (iii) Performance contracting;

62 (iv) Ongoing charter school oversight and
63 evaluation; and

64 (v) Charter renewal decision-making;

65 (b) Approving quality charter applications that meet
66 identified educational needs and promote a diversity of
67 educational choices;

68 (c) Declining to approve weak or inadequate charter
69 applications;

70 (d) Negotiating and executing charter contracts with
71 approved charter schools;



72 (e) Monitoring, in accordance with charter contract
73 terms, the performance and legal compliance of charter schools;

74 (f) Determining whether each charter contract merits
75 renewal, nonrenewal or revocation; and

76 (g) Applying for any federal funds that may be
77 available for the implementation of charter school programs.

78 (2) The authorizer shall carry out all its duties under this
79 chapter in a manner consistent with nationally recognized
80 principles and standards and with the spirit and intent of this
81 act.

82 (3) The authorizer may delegate its duties to the executive
83 director * * *.

84 (4) Regulation by the authorizer shall be limited to those
85 powers and duties prescribed in this section and all others
86 prescribed by law, consistent with the spirit and intent of this
87 chapter.

88 (5) Except in the case of gross negligence or reckless
89 disregard of the safety and well-being of another person, the
90 authorizer, members of the authorizer board in their official
91 capacity, and employees of the authorizer in their official
92 capacity are immune from civil liability with respect to all
93 activities related to a charter school approved by the authorizer.

94 **SECTION 3.** This act shall take effect and be in force from
95 and after July 1, 2016.

