

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2690

1 AN ACT TO AMEND SECTION 37-28-33, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT A CHARTER SHALL BE RENEWED FOR TWO YEARS OR FEWER
 3 IF THE CHARTER SCHOOL, AT THE TIME OF RENEWAL, IS RATED ONE LETTER
 4 GRADE LOWER OR MORE ON THE SCHOOL ACCREDITATION RATING SYSTEM THAN
 5 THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED; TO
 6 PROVIDE THAT THE CHARTER SCHOOL AUTHORIZER MAY NOT RENEW THE
 7 CHARTER OF ANY SCHOOL THAT IS DESIGNATED AS AN "F" SCHOOL FOR
 8 THREE CONSECUTIVE YEARS OR THAT IS DESIGNATED AS AN "F" OR "D"
 9 SCHOOL FOR FIVE CONSECUTIVE YEARS; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-28-33, Mississippi Code of 1972, is
 12 amended as follows:

13 37-28-33. (1) A charter may be renewed for successive
 14 five-year terms of duration. The authorizer may grant renewal
 15 with specific conditions for necessary improvements to a charter
 16 school and may lessen the renewal term based on the performance,
 17 demonstrated capacities and particular circumstances of each
 18 charter school.

19 (2) A charter shall be renewed for two (2) years or fewer if
 20 the charter school, at the time of renewal, is rated one (1)
 21 letter grade lower or more on the school accreditation rating



22 system than the school district in which the charter school is
23 located.

24 (3) Before September 30, the authorizer shall issue a
25 charter school performance report and charter renewal application
26 guidance to any charter school whose charter will expire the
27 following year. The performance report must summarize the charter
28 school's performance record to date, based on the data required by
29 this chapter and the charter contract, and must provide notice of
30 any weaknesses or concerns perceived by the authorizer which may
31 jeopardize the charter school's position in seeking renewal if not
32 timely rectified. The charter school must respond and submit any
33 corrections or clarifications for the performance report within
34 ninety (90) days after receiving the report.

35 (* * *4) The charter renewal application guidance must
36 provide, at a minimum, an opportunity for the charter school to:

37 (a) Present additional evidence, beyond the data
38 contained in the performance report, supporting its case for
39 charter renewal;

40 (b) Describe improvements undertaken or planned for the
41 school; and

42 (c) Detail the school's plans for the next charter
43 term.

44 (* * *5) The charter renewal application guidance must
45 include or refer explicitly to the criteria that will guide the
46 authorizer's renewal decision, which must be based on the



47 performance framework set forth in the charter contract and
48 consistent with this chapter.

49 (* * *6) Before February 1, the governing board of a
50 charter school seeking renewal shall submit a renewal application
51 to the authorizer pursuant to the charter renewal application
52 guidance issued by the authorizer. The authorizer shall adopt a
53 resolution ruling on the renewal application no later than ninety
54 (90) days after the filing of the renewal application.

55 (* * *7) In making each charter renewal decision, the
56 authorizer must:

57 (a) Ground its decision in evidence of the school's
58 performance over the term of the charter contract in accordance
59 with the performance framework set forth in the charter contract;

60 (b) Ensure that data used in making the renewal
61 decision is available to the school and the public; and

62 (c) Provide a public report summarizing the evidence
63 that is the basis for the renewal decision.

64 (* * *8) A charter contract must be revoked at any time or
65 not renewed if the authorizer determines that the charter school
66 has done any of the following or otherwise failed to comply with
67 the provisions of this chapter:

68 (a) Committed a material and substantial violation of
69 any of the terms, conditions, standards or procedures required
70 under this chapter or the charter contract;



71 (b) Failed to meet or make sufficient progress toward
72 the performance expectations set forth in the charter contract;

73 (c) Failed to meet generally accepted standards of
74 fiscal management; or

75 (d) Substantially violated any material provision of
76 law which is applicable to the charter school.

77 (* * *9) The authorizer shall develop revocation and
78 nonrenewal processes that:

79 (a) Provide the governing board of a charter school
80 with a timely notification of the prospect of revocation or
81 nonrenewal and of the reasons for such possible closure;

82 (b) Allow the governing board a reasonable amount of
83 time in which to prepare a response;

84 (c) Provide the governing board with an opportunity to
85 submit documents and give testimony challenging the rationale for
86 closure and in support of the continuation of the school at an
87 orderly proceeding held for that purpose;

88 (d) Allow the governing board access to representation
89 by counsel and to call witnesses on the school's behalf;

90 (e) Permit the recording of such proceedings; and

91 (f) After a reasonable period for deliberation, require
92 a final determination to be made and conveyed in writing to the
93 governing board.

94 (* * *10) Notwithstanding any provision to the contrary, the
95 authorizer may not:



96 (a) Renew the charter of any charter school that,
97 during the school's final operating year under the term of the
98 charter contract, is designated an "F" school under the school
99 accreditation rating system;

100 (b) Renew the charter of any charter school that is
101 designated an "F" school under the school accreditation rating
102 system for three (3) consecutive years in a row; or

103 (c) Renew the charter of any charter school that is
104 designated an "F" or "D" school under the school accreditation
105 rating system for five (5) consecutive years.

106 (* * * 11) If the authorizer revokes or does not renew a
107 charter, the authorizer must state clearly, in a resolution of
108 adopted by the authorizer board, the reasons for the revocation or
109 nonrenewal.

110 (* * * 12) Within ten (10) days after taking action to
111 renew, not renew or revoke a charter, the authorizer shall provide
112 a report to the charter school. The report must include a copy of
113 the authorizer board's resolution setting forth the action taken,
114 reasons for the board's decision and assurances as to compliance
115 with all of the requirements set forth in this chapter.

116 **SECTION 2.** This act shall take effect and be in force from
117 and after July 1, 2024.

