

By: Senator(s) Younger

To: Education

SENATE BILL NO. 2154

1 AN ACT TO AMEND SECTION 37-28-7, MISSISSIPPI CODE OF 1972, TO
2 ESTABLISH STAGGERED INITIAL TERMS OF OFFICE FOR THE MISSISSIPPI
3 CHARTER SCHOOL AUTHORIZER BOARD; TO ESTABLISH THREE-YEAR TERMS OF
4 OFFICE AFTER THE INITIAL TERMS; TO AMEND SECTION 37-28-11,
5 MISSISSIPPI CODE OF 1972, TO ALLOW FOR THE AUTHORIZER BOARD TO
6 RECEIVE UP TO 3% OF ANNUAL PER-PUPIL ALLOCATIONS RECEIVED BY A
7 CHARTER SCHOOL FROM STATE AND LOCAL FUNDS FOR EACH CHARTER SCHOOL
8 IT AUTHORIZES; AND FOR RELATED PURPOSES.

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

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

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

18 (2) (a) The mission of the * * * authorizer * * * is to
19 authorize high-quality charter schools, particularly schools
20 designed to expand opportunities for underserved students,
21 consistent with the purposes of this chapter. Subject to the



22 restrictions and conditions prescribed in this subsection,
23 the * * * authorizer * * * may authorize charter schools within
24 the geographical boundaries of any school district.

25 (b) The * * * authorizer * * * may approve a maximum of
26 fifteen (15) qualified charter applications during a fiscal year.

27 (c) In any school district designated as an "A," "B" or
28 "C" school district by the State Board of Education under the
29 accreditation rating system at the time of application, the * * *
30 authorizer * * * may authorize charter schools only if a majority
31 of the members of the local school board votes at a public meeting
32 to endorse the application or to initiate the application on its
33 own initiative.

34 (3) The * * * authorizer * * * shall consist of seven (7)
35 members, to be appointed as follows:

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

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

42 (c) One (1) member appointed by the State
43 Superintendent of Public Education.

44 All appointments must be made with the advice and consent of
45 the Senate. In making the appointments, the appointing authority



shall ensure diversity among members of the * * *
authorizer * * *.

(4) Members appointed to the * * * authorizer * * * 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 * * * authorizer * * * 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) * * * authorizer * * * members appointed by the Governor shall be * * * staggered, with one (1) member serving a one-year term, one (1) member serving a two-year term, and one (1) member serving a three-year term; the initial term of office for the three (3) members appointed by the Lieutenant Governor shall be * * * staggered, with one (1) member serving a one-year term, one (1) member serving a two-year term, and one (1) member serving a three-year term; and the initial term of office for the member appointed by the State Superintendent of Public Education shall be two (2) years * * *. After the expiration of the initial terms, members of the authorizer shall serve terms of three (3) years. No member may serve more than two (2) consecutive terms. The initial appointments must be made before * * * July 1, 2025.



71 (6) The * * * authorizer * * * shall meet as soon as
72 practical after September 1, 2013, upon the call of the Governor,
73 and shall organize for business by selecting a chairman and
74 adopting bylaws. Subsequent meetings shall be called by the
75 chairman.

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

85 (8) No member of the * * * authorizer * * * or employee,
86 agent or representative of the * * * authorizer may serve
87 simultaneously as an employee, trustee, agent, representative,
88 vendor or contractor of a charter school authorized by the * * *
89 authorizer.

90 (9) The * * * authorizer * * * shall appoint an individual
91 to serve as the executive director of the * * * authorizer * * *.
92 The executive director shall possess the qualifications
93 established by the * * * authorizer which are based on national
94 best practices, and shall possess an understanding of state and
95 federal education law. The executive director, who shall serve at



the will and pleasure of the * * * authorizer, shall devote his full time to the proper administration of the * * * authorizer and the duties assigned to him by the * * * authorizer and shall be paid a salary established by the * * * authorizer, subject to the approval of the State Personnel Board. Subject to the availability of funding, the executive director may employ such administrative staff as may be necessary to assist the director and * * * authorizer in carrying out the duties and directives of the * * * authorizer * * *.

(10) The * * * authorizer * * * is authorized to obtain suitable office space for administrative purposes. In acquiring a facility or office space, the authorizer * * * shall adhere to all policies and procedures required by the Department of Finance and Administration and the Public Procurement Review Board.

SECTION 2. Section 37-28-11, Mississippi Code of 1972, is amended as follows:

37-28-11. (1) To cover the costs of overseeing charter schools in accordance with this chapter, the authorizer shall receive up to three percent (3%) of annual per-pupil allocations received by a charter school from state and local funds for each charter school it authorizes.

(2) The authorizer may receive appropriate gifts, grants and donations of any kind from any public or private entity to carry out the purposes of this chapter, subject to all lawful terms and conditions under which the gifts, grants or donations are given.



121 (3) The authorizer may expend its resources, seek grant
122 funds and establish partnerships to support its charter school
123 authorizing activities.

124 **SECTION 3.** This act shall take effect and be in force from
125 and after July 1, 2025.

