

By: Representative Warren

To: Education;  
Appropriations

HOUSE BILL NO. 941

1 AN ACT TO CREATE A NEW PROCESS FOR ESTABLISHING CHARTER  
2 SCHOOLS; TO AUTHORIZE A CHARTER SCHOOL TO BE FORMED BY CREATING A  
3 NEW SCHOOL OR BY CONVERSION OF A PUBLIC SCHOOL TO CHARTER STATUS  
4 BY THE LOCAL SCHOOL DISTRICT; TO PRESCRIBE CERTAIN REQUIREMENTS  
5 FOR CHARTER SCHOOLS; TO ESTABLISH ADMISSION REQUIREMENTS AND  
6 POWERS AND DUTIES OF CHARTER SCHOOLS; TO SPECIFY THE TERMS  
7 REQUIRED TO BE INCLUDED IN A SCHOOL'S CHARTER; TO ESTABLISH THE  
8 PROCESS FOR APPLYING FOR CHARTER SCHOOL STATUS; TO REQUIRE THE  
9 AUTOMATIC RENEWAL OF CHARTERS; TO PROVIDE THAT CHARTER SCHOOLS ARE  
10 EXEMPT FROM ALL EDUCATION STATUTES, UNLESS STATED OTHERWISE, AND  
11 RULES AND REGULATIONS OF THE STATE BOARD OF EDUCATION AND LOCAL  
12 SCHOOL DISTRICTS; TO PROVIDE FOR THE EMPLOYMENT OF TEACHERS BY  
13 CHARTER SCHOOLS; TO PROHIBIT UNLAWFUL REPRISALS AGAINST SCHOOL  
14 DISTRICT EMPLOYEES WHO ARE INVOLVED IN AN APPLICATION FOR CHARTER  
15 SCHOOL STATUS; TO PROVIDE FOR STATE AND LOCAL FUNDING OF CHARTER  
16 SCHOOLS; TO AUTHORIZE SCHOOL DISTRICTS TO LEASE SPACE TO CHARTER  
17 SCHOOLS; TO ESTABLISH THE CHARTER SCHOOLS STIMULUS REVOLVING LOAN  
18 FUND IN THE STATE TREASURY TO PROVIDE SUPPORT TO CHARTER SCHOOLS  
19 FOR START-UP COSTS; TO PROVIDE FOR THE ELECTION OF THE BOARD OF  
20 DIRECTORS OF A CHARTER SCHOOL; TO REQUIRE THE STATE DEPARTMENT OF  
21 EDUCATION TO DISSEMINATE INFORMATION ON HOW TO CREATE AND HOW TO  
22 ENROLL STUDENTS IN CHARTER SCHOOLS; TO PROHIBIT CHARTER SCHOOLS  
23 FROM LEVYING TAXES OR ISSUING BONDS SECURED BY TAX REVENUES; TO  
24 BRING FORWARD SECTION 37-28-9, MISSISSIPPI CODE OF 1972, WHICH  
25 PRESCRIBES CERTAIN TERMS THAT MUST BE INCLUDED IN CHARTERS UNDER  
26 THE CURRENT CHARTER SCHOOLS LAW; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** The Legislature declares that the following are  
29 the purposes of this act:

30 (a) To provide increased opportunities in the public  
31 school system for students to learn in an educational environment  
32 that best meets their needs;

33 (b) To provide new forms of accountability for schools;

34 (c) To encourage increased involvement of parents and  
35 teachers in the operation and decision-making of a local public  
36 school;

37 (d) To encourage innovative and effective teaching  
38 methods; and



39           (e) To create new professional opportunities for  
40 teachers.

41           **SECTION 2.** For purposes of this act, the term "charter  
42 school" means a public school that is operating under the terms of  
43 a charter granted by a local school district or the State Board of  
44 Education.

45           **SECTION 3.** (1) A charter school may be formed in one (1) of  
46 the following manners:

47           (a) By the approval of an application for a new charter  
48 school made by any person, group of persons, organization or  
49 public institution; or

50           (b) By the conversion of an existing school to charter  
51 status, which may be accomplished by the local school board  
52 converting the school on its own motion or the approval of a  
53 petition to convert.

54           (2) The organizers of a proposed charter school under  
55 subsection (1)(a) of this section may apply to, and the school may  
56 be sponsored by, the school board of the school district in which  
57 the proposed charter school is to be located or the State Board of  
58 Education.

59           (3) Each local school district shall adopt a policy  
60 detailing the process by which a conversion under subsection  
61 (1)(b) of this section may occur. The process of conversion may  
62 be initiated by parents or teachers at the existing school who  
63 petition the local school district in accordance with the  
64 district's conversion policy or may be initiated by the district  
65 on its own motion. A petition may not be approved unless a  
66 majority of the school's faculty and instructional staff and the  
67 parents of students enrolled in the school who are present at a  
68 meeting called for the specific purpose of deciding whether or not  
69 to convert vote in favor of the conversion.



70           **SECTION 4.** In order for a school to be granted charter  
71 status and to maintain charter status, the school must satisfy the  
72 following requirements:

73           (a) The school may not charge tuition;

74           (b) The school may not discriminate on the basis of  
75 ethnicity, national origin, gender, income level, disabling  
76 condition or athletic ability;

77           (c) The school must meet all applicable health, safety  
78 and civil rights requirements;

79           (d) The school must be subject to financial audits in  
80 the same manner as public school districts;

81           (e) The school must be nonsectarian in its programs,  
82 admission policies and employment practices;

83           (f) The school must be accountable to the chartering to  
84 authority for performance as required under this act; and

85           (g) The school must issue annual reports to parents and  
86 the chartering authority and must make the reports available to  
87 the public. These reports must include a financial statement, a  
88 description of the school's progress in reaching academic goals  
89 and a measure of parental satisfaction. The school shall submit a  
90 copy of the annual report to the State Department of Education.

91           **SECTION 5.** (1) A charter school sponsored by a local school  
92 district must be open to admission to all students residing in  
93 that district. However, in conversion schools, an enrollment  
94 preference may be given to students who reside within the former  
95 attendance area of that school. Students from outside the school  
96 district may be admitted if the chartering district and the  
97 charter school agree to and establish in the school's charter a  
98 procedure for the enrollment and admission of such students. If a  
99 student from outside the school district enrolls in the charter  
100 school, the school district from which the student comes may  
101 submit an amount equal to that student's pro rata share of the  
102 school district's local funds to the charter school.



103           (2) A charter school sponsored by the State Board of  
104 Education must be open to any student residing in the state.

105           (3) A school district may not assign students to a charter  
106 school.

107           (4) A charter school is subject to any desegregation court  
108 orders in effect in the school district in which the charter  
109 school is located.

110           (5) A charter school must enroll an eligible student who  
111 submits a timely application for enrollment unless the number of  
112 applications for enrollment in a program, class, grade level or  
113 school building exceeds the number of applications the school is  
114 prepared to accept in that program, class, grade level or school  
115 building. If an excess number of applications is received by the  
116 charter school, all applicants must have an equal chance of being  
117 admitted under the following guidelines:

118           (a) The school may not limit admission to students on  
119 the basis of intellectual ability, measure of achievement or  
120 aptitude.

121           (b) The school may give preference in enrollment in the  
122 school's first year of operation to children of the founders and  
123 teachers of the charter school. In subsequent years, students  
124 already in attendance at the school may be guaranteed enrollment,  
125 and preference may be given to children of teachers and to  
126 siblings of students who were enrolled at the school during the  
127 previous school year and who will be enrolled in the current  
128 school year.

129           (c) The number of students given preference in  
130 enrollment may not exceed fifty percent (50%) of the enrollment  
131 capacity of a program, class, grade level or school building.

132           (d) Charter schools shall determine enrollment by a  
133 random selection method. An applicant in a preference category is  
134 eligible for inclusion in the general selection process if the  
135 applicant is not selected from the preference category.



136           **SECTION 6.**   (1) A charter school, unless it is a conversion  
137 school, must organize as a nonprofit corporation and must pursue,  
138 with due diligence, tax-exempt status under 501(c)(3) of the  
139 Internal Revenue Code.

140           (2) A charter school may sue and be sued.

141           (3) A charter school may borrow funds and invest funds.  
142 Funds received and earnings from investments on gifts from  
143 nongovernmental entities may be accounted for separately. If a  
144 charter school closes, all unspent government funds, unspent  
145 earnings from those funds and assets purchased with government  
146 funds will revert to the school board that chartered the school.  
147 Unspent funds from nongovernmental sources, unspent earnings from  
148 those funds, assets purchased with those funds and debts of the  
149 school (unless otherwise provided for in the charter or debt  
150 instrument) shall revert to the nonprofit entity created to  
151 operate the school and may be disposed of according to applicable  
152 laws for nonprofit corporations. If a conversion school reverts  
153 to noncharter status, all assets will revert to the school board  
154 that chartered the school. A government entity shall not be  
155 liable for any debt of the charter school unless that entity  
156 explicitly authorized the debt and agreed to be liable for  
157 nonpayment of the debt. A sponsor's approval of a charter school  
158 budget that includes debt does not constitute the sponsor's  
159 liability for that debt.

160           (4) Members of a local school board or the State Board of  
161 Education are immune from civil or criminal liability with respect  
162 to all activities of a charter school approved or sponsored by the  
163 local school board or State Board of Education. The local school  
164 board or the State Board of Education, in its official capacity as  
165 sponsor of a charter school, may be held liable only for matters  
166 with which the respective board has been involved directly.

167           **SECTION 7.**   (1) The term of a charter shall be five (5)  
168 school years.



169 (2) The charter must include the following:

170 (a) Assurances that:

171 (i) The school will not charge tuition or other  
172 fees except in those instances when tuition or fees are allowed by  
173 law to be charged by public school districts;

174 (ii) The school will comply with federal, state  
175 and local rules, regulations and statutes relating to safety,  
176 civil rights and insurance. The State Department of Education  
177 shall publish a list of relevant rules, regulations and statutes  
178 to notify charter schools of their responsibilities under this  
179 item;

180 (iii) The school will be nonsectarian in programs,  
181 admission policies and employment practices;

182 (iv) The school will comply with the same audit  
183 requirements as public school districts and will cooperate fully  
184 in audits conducted under the direction of the State Auditor; and

185 (v) The school will comply with all federal and  
186 state laws relating to the education of children with  
187 disabilities;

188 (b) A description of the governing body that is  
189 responsible for the policy and operational decisions of the  
190 charter school, including the names of that body's initial members  
191 and a description of the method by which subsequent members will  
192 be elected and the method by which fairness and objectivity of  
193 those elections will be assured;

194 (c) A description of the objective method or methods  
195 that will be used to measure student progress. The method or  
196 methods must include the Mississippi Curriculum Test; however, the  
197 State Board of Education may grant an exemption from this  
198 requirement when there is a compelling reason for an exemption  
199 based on the unique circumstances of the school;

200 (d) A description of the school's plan for the  
201 transportation of students;



202 (e) A description of the school's plan for handling  
203 disruptive students. Notwithstanding any law to the contrary, a  
204 local school board may refuse to admit any student who is  
205 suspended or expelled from a charter school due to actions that  
206 would lead to suspension or expulsion from a public school until  
207 the period of suspension or expulsion has expired;

208 (f) A description of the school's plan to provide  
209 reasonable public notice of the existence, nature and application  
210 requirements of the charter school. This notice must include at  
211 least one (1) informational meeting to which the public is  
212 invited. Local school districts shall provide reasonable  
213 assistance, if requested by the charter school, in providing such  
214 notice in their districts. However, the actual expenses incurred  
215 by the districts in providing the requested assistance must be  
216 paid by the charter school;

217 (g) A description of the administrative or other  
218 services, if any, which the district will provide for the charter  
219 school;

220 (h) A description of the method that will be used to  
221 compute per-pupil funding for the school;

222 (i) A description of the types and amounts of insurance  
223 coverage, including bonding insurance for the principal officers  
224 of the school, to be obtained by the charter school;

225 (j) Any other matters required by this act to be  
226 included in a charter; and

227 (k) Any other matters that the sponsor and charter  
228 school agree to include. Failure to agree on such additional  
229 matters shall not constitute grounds for rejection of a charter  
230 application.

231 (3) The charter must include the following attachments:

232 (a) A description of the program of instruction. A  
233 charter school must provide a comprehensive program of instruction  
234 for at least one (1) complete grade level of kindergarten,



235 elementary or secondary education. A school may offer this  
236 program of instruction with an emphasis on a specific learning  
237 philosophy, style or certain subject area. If the school is a  
238 high school, the program of instruction must ensure that in order  
239 to be eligible for graduation, a student must have earned the  
240 minimum number of units required by the State Board of Education  
241 for graduation from public high schools. However, the State Board  
242 of Education may grant an exemption from this requirement when  
243 there is a compelling reason for an exemption based on the unique  
244 circumstances of the school. A school may add grade levels during  
245 any year of the charter, if notice of the additional grade levels  
246 is submitted to the sponsor of the charter school at least six (6)  
247 months before the beginning of the school year in which those  
248 grade levels will be offered; and

249 (b) A budget encompassing all necessary items for  
250 operating the school, based on one or more projections of the  
251 number of students the school anticipates serving in the year for  
252 which the budget is prepared.

253 (4) Provisions of the charter may be amended at any time by  
254 agreement between the charter school and the school board that  
255 approved the charter. The attachments to the charter must be  
256 submitted to the sponsor by the school on an annual basis and may  
257 not be revised by the sponsor unless the information in the  
258 submissions indicates a violation of the charter, this act or any  
259 other law.

260 **SECTION 8.** (1) An application for a charter consists of a  
261 proposed charter and all attachments required under Section 7 of  
262 this act.

263 (2) The State Board of Education or a local school board to  
264 which an application for a charter has been submitted must respond  
265 to the application within forty-five (45) days after receiving the  
266 application. The response may be in the form of approval of the  
267 application as submitted, rejection, or approval of the





268 application subject to negotiation of details, which negotiation  
269 must be conducted in good faith.

270 (3) An application for a charter must be approved unless:

271 (a) The application does not contain all items required  
272 by this act;

273 (b) One or more of the application's provisions are not  
274 in compliance with applicable law; or

275 (c) The sponsor determines that the applicants are  
276 incompetent to carry out one or more of the plans described in the  
277 application, in which case the incompetence must be documented by  
278 the State Board of Education or the local school district to which  
279 the application was submitted.

280 (4) If an application for a charter is rejected, the  
281 chartering authority must provide written notice to the applicant  
282 of the basis for the rejection.

283 (5) The rejection of an application by the State Board of  
284 Education or by a local school district to which the application  
285 was submitted does not bar submission of the same application to  
286 the other chartering authority. The State Board of Education may  
287 provide technical assistance to an applicant whose application has  
288 been rejected.

289 **SECTION 9.** (1) At the end of a charter school's fourth year  
290 of operation, the sponsor of the school must renew the agreement,  
291 with any modifications that are the product of a good faith  
292 negotiation, for an additional five (5) years if the following  
293 conditions have been met:

294 (a) The school substantially has met the requirements  
295 for student performance stated in the agreement; and

296 (b) The school substantially has complied with other  
297 provisions of the charter.

298 (2) A charter issued under this act may be revoked by the  
299 sponsor, and the charter school must be closed, if the sponsor  
300 determines that one or more of the following have occurred:



301 (a) Repeated or substantial failure of the charter  
302 school to maintain applicable safety standards;  
303 (b) Substantial failure of the charter school to meet  
304 auditing or other financial standards as required under this act;  
305 (c) Blatant and recurrent violations of provisions of  
306 the charter; or  
307 (d) The existence of one or more grounds for revocation  
308 as specified in the charter.

309 (3) If a charter is revoked, the charter school must remain  
310 open until the end of the school year in which the revocation  
311 takes effect unless the State Department of Education determines  
312 that an extreme emergency situation that jeopardizes the safety  
313 and security of the students of the school exists.

314 (4) The revocation or nonrenewal of a charter must be  
315 accompanied by a list of specific reasons for the action. The  
316 charter school may seek judicial review of the decision to revoke  
317 or not to renew a charter.

318 **SECTION 10.** (1) Except as otherwise provided under  
319 subsection (2) of this section, all schools chartered under this  
320 act are exempt from those statutes applicable to the public  
321 schools and the rules, regulations, policies and procedures of the  
322 State Board of Education and the local school district. A charter  
323 school must comply with general health and safety standards.

324 (2) Charter schools are not exempt from the following  
325 statutes:

326 (a) Section 37-9-75, which relates to teacher strikes;

327 (b) Section 37-11-20, which prohibits acts of  
328 intimidation intended to keep a student from attending school;

329 (c) Section 37-11-21, which prohibits parental abuse of  
330 school staff;

331 (d) Section 37-11-23, which prohibits the willful  
332 disruption of school and school meetings;



333 (e) Sections 37-11-29 and 37-11-31, which relate to  
334 reporting requirements regarding unlawful or violent acts on  
335 school property; and

336 (f) Section 37-19-53, which prohibits false reporting  
337 of student counts by school officials.

338 **SECTION 11.** (1) A school district may not assign teachers  
339 employed by the district to a charter school. A charter school  
340 may hire the teachers to be employed by the school and negotiate  
341 contracts.

342 (2) The qualifications of the teachers in a charter  
343 school must be disclosed to the students' parents before the  
344 beginning of the school year.

345 (3) The instructional staff of the charter school will  
346 be deemed employees of the local school district for purposes of  
347 providing certain state-funded employee benefits, including  
348 membership in the Public Employees' Retirement System and the  
349 State and School Employees Life and Health Insurance Plan.  
350 Charter schools are public schools, and the employees of charter  
351 schools are public school employees. Employees of a charter  
352 school that elects to become a participating employer under the  
353 Public Employees' Retirement System are teachers for the purpose  
354 of membership in the Public Employees' Retirement System. Charter  
355 schools may pay for all or part of a teacher's health insurance  
356 premiums, including family coverage, as part of the teacher's  
357 compensation package.

358 **SECTION 12.** (1) A school district, school district employee  
359 or any other person who has control over personnel actions may not  
360 take unlawful reprisal against an employee of the school district  
361 because the employee is directly or indirectly involved in an  
362 application to establish a charter school. A school district  
363 employee may not take unlawful reprisal against an educational  
364 program of the school or the school district because an  
365 application to establish a charter school proposes the conversion



366 of all or a portion of the educational program to a charter  
367 school.

368 (2) As used in this section, the term "unlawful reprisal"  
369 means:

370 (a) With respect to a school district employee, an  
371 action that is taken by another school district employee as a  
372 direct result of a lawful application to establish a charter  
373 school and which is adverse to the employee and results in one or  
374 more of the following for the employee:

- 375 (i) Disciplinary or corrective action;
- 376 (ii) Detail, transfer or reassignment;
- 377 (iii) Suspension, demotion or dismissal;
- 378 (iv) An unfavorable performance evaluation;
- 379 (v) A reduction in pay, benefits or awards;
- 380 (vi) Elimination of the employee's position  
381 without a reduction in force by reason of lack of monies or work;  
382 or

383 (vii) Other significant changes in duties or  
384 responsibilities which are inconsistent with the employee's salary  
385 or employment classification; and

386 (b) With respect to an educational program, an action  
387 that is taken by a school district employee as a direct result of  
388 a lawful application to establish a charter school and which is  
389 adverse to the educational program and results in one or more of  
390 the following:

- 391 (i) Suspension or termination of the program;
- 392 (ii) Transfer or reassignment of the program to a  
393 less favorable department;
- 394 (iii) Relocation of the program to a less  
395 favorable site within the school or school district; or
- 396 (iv) Significant reduction or termination of  
397 funding for the program.



398           SECTION 13. (1) A charter school's funding must be based on  
399 the number of students enrolled in and in attendance at the  
400 school.

401           (2) A charter school student must be included in the average  
402 daily attendance reports of the student's home district. The  
403 State Board of Education shall define the means by which a charter  
404 school must verify the residency and attendance of a student at  
405 the school.

406           (3) State funding for a charter school student will be  
407 distributed to the student's home district as if the student were  
408 attending any other public school in that district, including  
409 transportation funds.

410           (4) A charter school chartered by a local district shall  
411 request state and local funds from the district in an amount per  
412 pupil as specified in the charter. Federal funds must be  
413 distributed as dictated by federal law.

414           (5) A charter school chartered by the State Board of  
415 Education shall request state, local and federal funds from the  
416 home school district of each student attending the school. Local  
417 and state per-pupil funding must be equal to the local and state  
418 portion of the per-pupil expenditures in the student's home  
419 district two (2) school years preceding the school year being  
420 funded. Federal funds must be distributed as dictated by federal  
421 law. The charter school also shall send a copy of each request  
422 for funding to the State Department of Education.

423           (6) A school district must remit requested funds in a timely  
424 fashion, as defined by the State Board of Education. When  
425 contributions are not forwarded in a timely manner, the state  
426 shall assess a ten percent (10%) penalty payable to the charter  
427 school for failure to forward the contribution.

428           (7) For a new charter school, pre-enrollment or other  
429 reasonable information shall be the basis for initial funding.  
430 The State Board of Education shall define the types of information



431 that may be used for this purpose, as well as methods of  
432 correcting any discrepancies between the original estimates on  
433 which funding is based and the actual average daily attendance.

434 (8) The charter school may receive gifts and grants from any  
435 public or private sources.

436 **SECTION 14.** (1) A school district may lease space or sell  
437 services to a charter school. A school district must make unused  
438 buildings available to a charter school and must bargain in good  
439 faith over the terms of the lease.

440 (2) A charter school may lease space or secure services from  
441 another public body, nonprofit organization or private  
442 organization or individual.

443 (3) A sponsor may issue a charter to a charter school  
444 applicant before the applicant has secured space, equipment and  
445 personnel if the applicant indicates authorization is necessary  
446 for the school to raise working capital.

447 **SECTION 15.** (1) There is established in the State Treasury  
448 a fund to be known as the "Charter Schools Stimulus Revolving Loan  
449 Fund." The purpose of the fund is to provide financial support to  
450 charter school applicants and charter schools for start-up costs  
451 and costs associated with renovating or remodeling existing  
452 buildings and structures. The fund shall consist of monies  
453 appropriated by the Legislature, repaid loans from borrowers and  
454 grants, gifts, devises and donations from any public or private  
455 source. The State Board of Education shall administer the fund  
456 and may apply for any grants from the federal government or  
457 private sources.

458 (2) The State Board of Education shall adopt rules and  
459 regulations necessary for the implementation of this section,  
460 including application and notification requirements. If  
461 sufficient funds are available for this purpose, monies from the  
462 Charter Schools Stimulus Revolving Loan Fund will be distributed



463 to qualifying charter school applicants and charter schools in the  
464 following manner:

465 (a) Each qualifying charter school applicant or charter  
466 school will be awarded an initial loan of not more than Fifty  
467 Thousand Dollars (\$50,000.00) before or during the first year of  
468 the charter school's operation. This loan must be repaid over a  
469 period of no more than five (5) years. If any applicant for a  
470 charter school receives an initial loan pursuant to this paragraph  
471 and fails to begin operating a charter school within the following  
472 eighteen (18) months, the applicant shall reimburse the Charter  
473 Schools Stimulus Revolving Loan Fund for the amount of the initial  
474 loan plus interest calculated at a rate of ten percent (10%) per  
475 year.

476 (b) Applicants for charter schools and charter schools  
477 that receive initial loans pursuant to paragraph (a) of this  
478 subsection may apply for an additional loan of not more than Fifty  
479 Thousand Dollars (\$50,000.00). This loan must be repaid over a  
480 period of no more than five (5) years. If an applicant for a  
481 charter school receives an additional loan pursuant to this  
482 paragraph and fails to begin operating a charter school within the  
483 following eighteen (18) months, the applicant shall reimburse the  
484 Charter Schools Stimulus Revolving Loan Fund for the amount of the  
485 additional loan, plus interest calculated at a rate of ten percent  
486 (10%) per year. A reimbursement required by this paragraph is in  
487 addition to any reimbursement required under paragraph (a).

488 **SECTION 16.** (1) The initial board of directors of a charter  
489 school will be designated by the applicants who have been granted  
490 the charter. This initial board shall govern the school's first  
491 year of operation.

492 (2) Not less than six (6) months before the beginning of the  
493 charter school's second school year, the school shall hold an  
494 election for members of the school's board of directors. The term  
495 of office for this board shall be set according to the charter.



496 (3) Administrative and instructional personnel of the  
497 charter school and all parents of children enrolled in the school  
498 shall be eligible to participate in any election of members of the  
499 board of directors.

500 (4) Meetings of the charter school's board of directors will  
501 be subject to Sections 25-41-1 through 25-41-17 governing open  
502 meetings.

503 **SECTION 17.** The State Department of Education shall  
504 disseminate information to the public, directly and through  
505 sponsors, on how to form and operate a charter school and how  
506 students can enroll in charter schools once they are created.

507 **SECTION 18.** A charter school may not levy taxes or issue  
508 bonds secured by tax revenues.

509 **SECTION 19.** Section 37-28-9, Mississippi Code of 1972, is  
510 brought forward as follows:

511 37-28-9. The terms of each charter shall include the  
512 following:

513 (a) A mechanism for declaring the charter null and void  
514 if a majority of the faculty, instructional staff of the school,  
515 and parents of students enrolled in the school who are present at  
516 a meeting called for the specific purpose of deciding whether or  
517 not to declare the charter null and void request the State Board  
518 of Education to withdraw the charter;

519 (b) A mechanism for declaring the charter null and void  
520 if, at any time, in the opinion of the State Board of Education,  
521 the school operating under charter status fails to fulfill the  
522 terms of the charter;

523 (c) Clear academic or vocational, or both, performance  
524 based and student achievement based objectives and the means to  
525 measure those objectives on no less than an annual basis;

526 (d) A mechanism for updating the terms of each charter,  
527 agreed to by all parties and subject to the approval of a majority  
528 of the faculty, instructional staff and parents of students





529 enrolled in the school who are present at a meeting called for the  
530 specific purpose of updating the terms of the charter, based upon  
531 the yearly progress reports submitted to the State Board of  
532 Education by the charter school;

533 (e) A provision that the charter school shall not have  
534 any authority to request an ad valorem tax levy independent of  
535 such authority exercised by the school district in which the  
536 charter school is located;

537 (f) A provision that no person shall be denied  
538 admission to the charter school on the basis of race, color, creed  
539 or national origin;

540 (g) A provision to exempt the school from the rules,  
541 regulations, policies and procedures of the State Board of  
542 Education and the local school board and from the provisions of  
543 Title 37 of the Mississippi Code of 1972 which are not included in  
544 this act, unless the code sections are specifically made  
545 applicable to charter schools by the State Board of Education in  
546 the charter;

547 (h) A provision that the performance variables  
548 established by the State Board of Education, acting through the  
549 Commission on School Accreditation, in the performance based  
550 accreditation system are fully applicable to the charter school;  
551 and

552 (i) A provision to exempt the charter school from  
553 process standards.

554 **SECTION 20.** This act shall take effect and be in force from  
555 and after July 1, 2002.

