

By: Representative Brown

To: Education;  
Appropriations

## HOUSE BILL NO. 631

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 REQUIRE CHARTER SCHOOLS TO HAVE A TRANSPORTATION PLAN;  
 18 TO ESTABLISH THE CHARTER SCHOOLS STIMULUS REVOLVING LOAN FUND IN  
 19 THE STATE TREASURY TO PROVIDE SUPPORT TO CHARTER SCHOOLS FOR  
 20 START-UP COSTS; TO PROVIDE FOR THE ELECTION OF THE BOARD OF  
 21 DIRECTORS OF A CHARTER SCHOOL; TO PROHIBIT CHARTER SCHOOLS FROM  
 22 LEVYING TAXES OR ISSUING BONDS SECURED BY TAX REVENUES; TO REQUIRE  
 23 ALL APPLICATIONS FOR CHARTER SCHOOLS TO BE SUBMITTED TO THE STATE  
 24 DEPARTMENT OF EDUCATION NO LATER THAN DECEMBER 1 IN THE SCHOOL  
 25 YEAR PRECEDING THE FIRST SCHOOL YEAR THE CHARTER SCHOOL INTENDS TO  
 26 OPEN; TO PROVIDE THE NUMBER OF APPLICATIONS FOR CHARTER SCHOOLS  
 27 THAT MAY BE APPROVED; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION  
 28 TO DISSEMINATE INFORMATION ON HOW TO CREATE AND HOW TO ENROLL  
 29 STUDENTS IN CHARTER SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF  
 30 EDUCATION TO SUBMIT AN EVALUATION TO THE LEGISLATURE; TO AUTHORIZE  
 31 THE CONTINUED OPERATION OF CHARTER SCHOOLS ESTABLISHED UNDER THE  
 32 ORIGINAL CHARTER SCHOOL STATUTES; TO REPEAL SECTIONS 37-28-1  
 33 THROUGH 37-28-21, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH A  
 34 MEANS FOR EXISTING PUBLIC SCHOOLS TO APPLY FOR CHARTER STATUS; AND  
 35 FOR RELATED PURPOSES.

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

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

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

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

43 (c) To encourage increased involvement of parents and  
44 teachers in the operation and decision-making of a local public  
45 school;

46 (d) To encourage innovative and effective teaching  
47 methods; and

48 (e) To create new professional opportunities for  
49 teachers.

50 **SECTION 2.** For purposes of this act, the following words  
51 shall have the following meanings:

52 (a) "Charter school" means a school that is operating  
53 under the terms of a charter granted by a local school district or  
54 the State Board of Education.

55 (b) "Conversion school" means an existing public school  
56 that has been converted to charter school status.

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

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

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

66 (2) The organizers of a proposed charter school under  
67 subsection (1)(a) of this section may apply to, and the school may  
68 be sponsored by, the school board of the school district in which  
69 the proposed charter school is to be located or the State Board of  
70 Education.

71 (3) Each local school district shall adopt a policy  
72 detailing the process by which a conversion under subsection  
73 (1)(b) of this section may occur. The process of conversion may  
74 be initiated by parents or teachers at the existing school who  
75 petition the local school district in accordance with the

76 district's conversion policy, or may be initiated by the district  
77 on its own motion. A petition may not be approved unless a  
78 majority of the school's faculty and instructional staff and the  
79 parents of students enrolled in the school who are present at the  
80 meeting called for the specific purpose of deciding whether or not  
81 to convert vote in favor of the conversion.

82 **SECTION 4.** In order for a school to be granted charter  
83 status and to maintain charter status, the school must satisfy the  
84 following requirements:

85 (a) The school may not charge tuition;

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

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

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

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

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

97 (g) The school must issue annual reports to parents and  
98 the sponsor and must make the reports available to the public.

99 These reports must include a financial statement, a description of  
100 the school's progress in reaching academic goals and a measure of  
101 parental satisfaction. The school shall submit a copy of the  
102 annual report to the State Department of Education.

103 **SECTION 5.** (1) A charter school sponsored by a local school  
104 district must be open to admission to all students residing in  
105 that district. However, in conversion schools, an enrollment  
106 preference may be given to students who reside within the former  
107 attendance area of that school. Students from outside the school  
108 district may be admitted if the chartering district and the

109 charter school agree to and establish in the school's charter a  
110 procedure for the enrollment and admission of such students. If a  
111 student from outside the school district enrolls in the charter  
112 school, the school district from which the student comes may  
113 submit an amount equal to that student's pro rata share of the  
114 school district's local funds to the charter school.

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

117 (3) A school district may not assign students to a charter  
118 school.

119 (4) A charter school is subject to any desegregation court  
120 orders in effect in the school district in which the charter  
121 school is located.

122 (5) A charter school must enroll an eligible student who  
123 submits a timely application for enrollment, unless the number of  
124 applications for enrollment in a program, class, grade level or  
125 school building exceeds the number of applications the school is  
126 prepared to accept in that program, class, grade level or school  
127 building. If an excess number of applications are received by the  
128 charter school, all applicants must have an equal chance of being  
129 admitted under the following guidelines:

130 (a) The school may not limit admission to students on  
131 the basis of intellectual ability, measure of achievement or  
132 aptitude.

133 (b) The school may give preference in enrollment in the  
134 school's first year of operation to children of the organizers and  
135 teachers of the charter school. In later years, preference may be  
136 given to children of teachers and siblings of students enrolled at  
137 the school during the previous year and who will be enrolled in  
138 the current school year.

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

142 (d) Charter schools shall determine enrollment by a  
143 random selection method. An applicant in a preference category is  
144 eligible for inclusion in the general selection process if the  
145 applicant is not selected from the preference category.

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

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

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

170 (4) Members of a local school board or the State Board of  
171 Education are immune from civil or criminal liability with respect  
172 to all activities of a charter school approved or sponsored by the  
173 local school board or State Board of Education. The local school  
174 board or the State Board of Education, in its official capacity as

175 sponsor of a charter school, may be held liable only for matters  
176 with which the respective board has been involved directly.

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

179 (2) The charter must include the following:

180 (a) Assurances that:

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

184 (ii) The school will comply with federal, state  
185 and local rules, regulations and statutes relating to safety,  
186 civil rights and insurance. The State Department of Education  
187 shall publish a list of relevant rules, regulations and statutes  
188 to notify charter schools of their responsibilities under this  
189 subparagraph (ii);

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

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

195 (v) The school will comply with all federal and  
196 state laws relating to the education of children with  
197 disabilities;

198 (b) A description of the governing body that is  
199 responsible for the policy and operational decisions of the  
200 charter school, including the names of that body's initial members  
201 and a description of the method by which subsequent members will  
202 be elected and the method by which fairness and objectivity of  
203 those elections will be assured;

204 (c) A description of the objective method or methods  
205 that will be used to measure student progress. The method or  
206 methods must include the Mississippi Curriculum Test; however, the  
207 State Board of Education may grant an exemption from this

208 requirement when there is a compelling reason for an exemption  
209 based on the unique circumstances of the school;

210 (d) A description of the school's plan for the  
211 transportation of students;

212 (e) A description of the school's plan for handling  
213 disruptive students. Notwithstanding any law to the contrary, a  
214 local school board may refuse to admit any student who is  
215 suspended or expelled from a charter school due to actions that  
216 would lead to suspension or expulsion from a school in that  
217 district until the period of suspension or expulsion has expired;

218 (f) A description of the school's plan to provide  
219 reasonable public notice of the existence, nature and application  
220 requirements of the charter school. This notice must include at  
221 least one (1) informational meeting to which the public is  
222 invited. Local school districts shall provide reasonable  
223 assistance, if requested by the charter school, in providing such  
224 notice in their districts. However, the actual expenses incurred  
225 by the districts in providing the requested assistance must be  
226 paid by the charter school;

227 (g) A description of the administrative or other  
228 services, if any, that the district will provide for the charter  
229 school;

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

232 (i) A description of the types and amount of insurance  
233 coverage, including bonding insurance for the principal officers  
234 of the school, to be obtained by the charter school;

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

237 (k) Any other matters that the sponsor and charter  
238 school agree to include. Failure to agree on such additional  
239 matters shall not constitute grounds for rejection of a charter  
240 application.

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

242 (a) A description of the program of instruction. A  
243 charter school must provide a comprehensive program of instruction  
244 for at least one (1) complete grade level of kindergarten,  
245 elementary or secondary education. A school may offer this  
246 program of instruction with an emphasis on a specific learning  
247 philosophy, style or certain subject area. If the school is a  
248 high school, the program of instruction must ensure that in order  
249 to be eligible for graduation, a student must have earned the  
250 minimum number of units required for graduation from public high  
251 schools by the State Board of Education. However, the State Board  
252 of Education may grant an exemption from this requirement when  
253 there is a compelling reason for an exemption based on the unique  
254 circumstances of the school. A school may add grade levels during  
255 any year of the charter, if notice of the additional grade levels  
256 is submitted to the sponsor of the charter school at least six (6)  
257 months before the beginning of the school year in which those  
258 grade levels will be offered; and

259 (b) A budget encompassing all necessary items for  
260 operating the school, based on one or more projections of the  
261 number of students the school anticipates serving in the year for  
262 which the budget is prepared.

263 (4) Provisions of the charter may be amended at any time by  
264 agreement between the charter school and the school board that  
265 approved the charter. The attachments must be submitted to the  
266 sponsor by the school on an annual basis and may not be revised by  
267 the sponsor unless the information in the submissions indicates a  
268 violation of the charter, this act or any other law.

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

272 (2) The State Board of Education or a local school board to  
273 which an application for a charter has been submitted must respond



274 to the application within forty-five (45) days after receiving the  
275 application. The response may be in the form of approval of the  
276 application as submitted, rejection, or approval of the  
277 application subject to negotiation of details, which negotiation  
278 must be conducted in good faith.

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

280 (a) The application does not contain all items required  
281 by this act;

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

284 (c) The sponsor determines that the applicants are  
285 incompetent to carry out one or more of the plans described in the  
286 application, in which case the incompetence must be documented by  
287 the State Board of Education or the local school district to which  
288 the application was submitted.

289 (4) If an application for a charter is rejected, the board  
290 to which it was submitted must provide written notice to the  
291 applicant of the basis for the rejection.

292 (5) The rejection of an application by the State Board of  
293 Education or by a local school district to which the application  
294 was submitted does not bar submission of the same application to  
295 the other chartering authority. The State Board of Education must  
296 provide technical assistance to an applicant whose application has  
297 been rejected.

298 **SECTION 9.** (1) No later than January 1 in the charter  
299 school's fifth year of operation, the sponsor of the school must  
300 renew the agreement, with any modifications that are the product  
301 of a good faith negotiation, for an additional five (5) years if  
302 the following conditions have been met:

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

305 (b) The school substantially has complied with other  
306 provisions of the charter.

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

310 (a) Repeated or substantial failure of the charter  
311 school to maintain applicable safety standards;

312 (b) Substantial failure of the charter school to meet  
313 auditing or other financial standards as required under this act;

314 (c) Blatant and recurrent violations of provisions of  
315 the charter; or

316 (d) The existence of one or more grounds for revocation  
317 as specified in the charter.

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

323 (4) The revocation or nonrenewal of a charter must be  
324 accompanied by a list of specific reasons for the action. The  
325 charter school may seek judicial review of the decision to revoke  
326 or not to renew a charter.

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

333 (2) Charter schools are not exempt from the following  
334 statutes:

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

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

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

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

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

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

347 **SECTION 11.** (1) A school district may not assign teachers  
348 employed by the district to a charter school. A charter school  
349 may hire the teachers to be employed by the school and negotiate  
350 contracts.

351 (2) The qualifications of the teachers in a charter school  
352 must be disclosed to the students' parents before the beginning of  
353 the school year.

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

367 **SECTION 12.** (1) A school district, school district employee  
368 or any other person who has control over personnel actions may not  
369 take unlawful reprisal against an employee of the school district  
370 because the employee is directly or indirectly involved in an  
371 application to establish a charter school. A school district  
372 employee may not take unlawful reprisal against an educational

373 program of the school or the school district because an  
374 application to establish a charter school proposes the conversion  
375 of all or a portion of the educational program to a charter  
376 school.

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

379 (a) With respect to a school district employee, an  
380 action that is taken by another school district employee as a  
381 direct result of a lawful application to establish a charter  
382 school and which is adverse to the employee and results in one or  
383 more of the following for the employee:

384 (i) Disciplinary or corrective action;

385 (ii) Detail, transfer or reassignment;

386 (iii) Suspension, demotion or dismissal;

387 (iv) An unfavorable performance evaluation;

388 (v) A reduction in pay, benefits or awards;

389 (vi) Elimination of the employee's position

390 without a reduction in force by reason of lack of monies or work;

391 or

392 (vii) Other significant changes in duties or  
393 responsibilities which are inconsistent with the employee's salary  
394 or employment classification; and

395 (b) With respect to an educational program, an action  
396 that is taken by a school district employee as a direct result of  
397 a lawful application to establish a charter school and which is  
398 adverse to the educational program and results in one or more of  
399 the following:

400 (i) Suspension or termination of the program;

401 (ii) Transfer or reassignment of the program to a  
402 less favorable department;

403 (iii) Relocation of the program to a less

404 favorable site within the school or school district; or

405 (iv) Significant reduction or termination of  
406 funding for the program.

407 **SECTION 13.** (1) A charter school's funding must be based on  
408 the number of students enrolled in and in attendance at the  
409 school.

410 (2) A charter school student must be included in the average  
411 daily attendance reports of the student's home district. The  
412 State Board of Education shall define the means by which a charter  
413 school must verify the residency and attendance of a student at  
414 the school.

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

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

423 (5) A charter school chartered by the State Board of  
424 Education shall request state, local and federal funds from the  
425 home school district of each student attending the school. Local  
426 and state per-pupil funding must be equal to the local and state  
427 portion of the per-pupil expenditures in the student's home  
428 district two (2) school years preceding the school year being  
429 funded. Federal funds must be distributed as dictated by federal  
430 law. The charter school also shall send a copy of each request  
431 for funding to the State Department of Education.

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

437 (7) For a new charter school, pre-enrollment or other  
438 reasonable information shall be the basis for initial funding.  
439 The State Board of Education shall define the types of information  
440 that may be used for this purpose, as well as methods of  
441 correcting any discrepancies between the original estimates on  
442 which funding is based and the actual average daily attendance.

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

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

449 (2) A charter school may lease space or secure services from  
450 another public body, nonprofit organization or private  
451 organization or individual.

452 (3) A sponsor may issue a charter to a charter school  
453 applicant before the applicant has secured space, equipment and  
454 personnel if the applicant indicates authorization is necessary  
455 for the school to raise working capital.

456 **SECTION 15.** (1) There is established in the State Treasury  
457 a fund to be known as the "Charter Schools Stimulus Revolving Loan  
458 Fund." The purpose of the fund is to provide financial support to  
459 charter school applicants and charter schools for start-up costs  
460 and costs associated with renovating or remodeling existing  
461 buildings and structures. The fund shall consist of monies  
462 obtained from grants from the federal government, funds  
463 appropriated by the Legislature, repaid loans from borrowers and  
464 grants, gifts, devises and donations from any public or private  
465 source. The State Board of Education shall administer the fund  
466 and may apply for any grants from the federal government or  
467 private sources.

468 (2) The State Board of Education shall adopt rules and  
469 regulations necessary for the implementation of this section,

470 including application and notification requirements. If  
471 sufficient funds are available for this purpose, monies from the  
472 Charter Schools Stimulus Revolving Loan Fund will be distributed  
473 to qualifying charter school applicants and charter schools in the  
474 following manner:

475 (a) Each qualifying charter school applicant or charter  
476 school will be awarded an initial loan of not more than Fifty  
477 Thousand Dollars (\$50,000.00) before or during the first year of  
478 the charter school's operation. This loan must be repaid over a  
479 period of no more than five (5) years. If any applicant for a  
480 charter school receives an initial loan under this paragraph and  
481 fails to begin operating a charter school within the following  
482 eighteen (18) months, the applicant shall reimburse the Charter  
483 Schools Stimulus Revolving Loan Fund for the amount of the initial  
484 loan plus interest calculated at a rate of ten percent (10%) per  
485 year.

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

499 **SECTION 16.** (1) The initial board of directors of a charter  
500 school must be designated by the applicants who have been granted  
501 the charter. This initial board shall govern the school's first  
502 year of operation.

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

507           (3) Administrative and instructional personnel of the  
508 charter school and all parents of children enrolled in the school  
509 shall be eligible to participate in any election of members of the  
510 board of directors.

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

514           **SECTION 17.** A charter school may not levy taxes or issue  
515 bonds secured by tax revenues.

516           **SECTION 18.** All applications for charter schools shall be  
517 submitted to the State Department of Education no later than  
518 December 1 in the school year preceding the first school year the  
519 charter school intends to open.

520           **SECTION 19.** Not more than five (5) applications for charter  
521 schools shall be approved in the first three (3) years after the  
522 enactment of this act. After the third year, not more than ten  
523 (10) applications shall be approved each year.

524           **SECTION 20.** The State Department of Education shall  
525 disseminate information to the public, directly and through  
526 sponsors, on how to form and operate a charter school and how  
527 students can enroll in charter schools once they are created.  
528 Local school districts shall cooperate in the dissemination of  
529 this information.

530           **SECTION 21.** The State Department of Education shall provide  
531 to the Legislative an evaluation of the charter schools created  
532 under this act. The evaluation shall be presented before the 2010  
533 legislative session.

534           **SECTION 22.** Any charter school that is operating under the  
535 terms of a charter granted under the authority of Sections 37-28-1



536 through 37-28-21 may continue to operate under the terms of that  
537 charter for the duration of its term, notwithstanding the repeal  
538 of Sections 37-28-1 through 37-28-21. Upon the expiration of the  
539 charter, the charter school's sponsor may seek to renew the  
540 school's charter by modifying the charter so that the school fully  
541 complies with the requirements for being awarded, maintaining and  
542 renewing charter status under Sections 1 through 21 of this act.

543         **SECTION 23.** Section 37-28-1 through Section 37-28-21,  
544 Mississippi Code of 1972, which establish a means for existing  
545 public schools to apply for charter status, are repealed.

546         **SECTION 24.** This act shall take effect and be in force from  
547 and after July 1, 2005.