

Senate Amendments to House Bill No. 238

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

41 **SECTION 1. Legislative intent.** It is the intent of the
42 Legislature that this act provide a means whereby the State Board
43 of Education may enter into a binding academic or vocational, or
44 both, performance-based contract (a "charter") with an existing
45 public school or a newly created school in exchange for exempting
46 the school from significant rules, regulations, policies and
47 procedures of the State Board of Education and the local school
48 district and, except as otherwise provided, from the provisions of
49 Title 37, Mississippi Code of 1972, which are applicable to public
50 schools and school districts and their employees and students, in
51 order to accomplish the following objectives:

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

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

56 (c) To encourage increased involvement of parents and
57 teachers in the operation and decision-making of a local public
58 school;

59 (d) To encourage innovative and effective teaching
60 methods; and

61 (e) To create new professional opportunities for
62 teachers.

63 **SECTION 2. Definitions.** For purposes of this act, the
64 following terms shall have the following meanings:

65 (a) "Charter" means an academic or vocational, or both,
66 performance-based contract between the State Board of Education

67 and an existing public school or a newly created school which
68 exempts the school from significant rules, regulations, policies
69 and procedures of the State Board of Education and the local
70 school district and, except as otherwise provided, from the
71 provisions of Title 37, Mississippi Code of 1972, which are
72 applicable to public schools and school districts and their
73 employees and students.

74 (b) "Charter school" means a public school that is
75 operating under the terms of a charter granted by the State Board
76 of Education, which in addition to other requirements of this act,
77 provides that the school:

78 (i) Is exempt from significant rules, regulations,
79 policies and procedures of the State Board of Education and the
80 local school district and, except as otherwise provided, from the
81 provisions of Title 37, Mississippi Code of 1972, which are
82 applicable to public schools and school districts and their
83 employees and students;

84 (ii) Is created by a developer as a public school,
85 or is adapted by a developer from an existing public school, and
86 is operated under approval from the State Board of Education;

87 (iii) Operates in pursuit of a specific set of
88 educational objectives determined by the school's developer and
89 agreed to by the State Board of Education;

90 (iv) Provides a program of elementary or secondary
91 education, or both;

92 (v) Is nonsectarian in its programs, admissions
93 policies, employment practices, and all other operations, and is
94 not affiliated with a sectarian school or religious institution or
95 organization;

96 (vi) Does not charge tuition and fees, except as
97 otherwise permitted under state and/or federal law;

98 (vii) Complies with the Age Discrimination Act of
99 1975, Title VI of the Civil Rights Act of 1964, Title IX of the
100 Education Amendments of 1972, Section 504 of the Rehabilitation

101 Act of 1973, and Part B of the Individuals with Disabilities
102 Education Act;

103 (viii) Is a school to which parents choose to send
104 their children, and that admits students on the basis of a
105 lottery, if more students apply for admission than can be
106 accommodated;

107 (ix) Agrees to comply with the same state and
108 federal audit requirements as do other public schools in the
109 state;

110 (x) Meets all applicable federal, state and local
111 health and safety requirements;

112 (xi) Has a written performance contract with the
113 State Board of Education that includes a description of how
114 student performance will be measured in the charter school
115 pursuant to the same state assessments that are required of other
116 public schools and any other assessments mutually agreed upon by
117 the charter school and the State Board of Education.

118 (c) "Conversion school" means an existing public
119 school, operating under the authority of a local school board and
120 not under the direct authority of the State Board of Education,
121 that has been converted to charter school status.

122 (d) "Start-up school" means a school that is not an
123 existing public or private school, but is a school sponsored by a
124 developer that is a newly created public school and is not a
125 continuation of a private school under a different guise.

126 (e) "Developer" means an individual or group of
127 individuals (including a public or nonprofit organization), which
128 may include teachers, administrators and other school staff,
129 parents, or other members of the local community in which a
130 charter school is to be located.

131 (f) "Petition" means a proposal to enter into an
132 academic or vocational, or both, performance-based contract
133 between the State Board of Education and either an existing public
134 school or a newly created school whereby such school becomes a
135 charter school.

136 (g) "Petitioner" means a developer that is submitting a
137 proposal to enter into an academic or vocational, or both,
138 performance-based contract between the State Board of Education
139 and an existing public school or a newly created school whereby
140 such school becomes a charter school.

141 **SECTION 3. Formation of a charter school.** (1) A charter
142 school may be formed in one (1) of the following manners:

143 (a) By the approval of a petition for a start-up school
144 made by a developer; or

145 (b) By the conversion of an existing school to charter
146 status, which may be initiated by the local school board on its
147 own motion to petition the State Board of Education to convert the
148 school or the approval of a petition to convert.

149 (2) The developers of a proposed charter school under
150 subsection (1)(a) of this section may apply to, and the school may
151 be sponsored by, the State Board of Education.

152 (3) The process of conversion may be initiated by parents or
153 teachers at the existing school or may be initiated by the
154 district on its own motion. A petition may not be approved unless
155 a majority of the school's instructional staff and a majority of
156 the parents of students enrolled in the school that are present at
157 a meeting called for the specific purpose of deciding whether or
158 not to convert vote in favor of the conversion.

159 (4) Petitions for a start-up school and a conversion school
160 must be submitted to and approved by the State Board of Education.

161 **SECTION 4. Requirements for charter schools.** In addition to
162 all other requirements provided in state and federal law and in
163 the regulations established by the State Board of Education, the
164 following requirements shall be provided for in the charter
165 agreement:

166 (a) The school may not discriminate on the basis of
167 race, ethnicity, national origin, gender, income level,
168 intellectual ability, measure of achievement or aptitude,
169 disabling condition or athletic ability;

170 (b) The school must be accountable to the State Board
171 of Education for performance pursuant to the same system of
172 statewide testing as regular public schools as required under this
173 act;

174 (c) The school must issue an annual report to parents
175 and to the State Board of Education and the State Board of
176 Education must make the reports available to the public. The
177 report must include a financial statement, a description of the
178 school's progress in reaching academic goals and a measure of
179 parental satisfaction;

180 (d) The term of a charter shall be five (5) school
181 years;

182 (e) The charter school will comply with all applicable
183 state and federal rules and regulations relating to providing
184 education services to students with disabilities;

185 (f) Any other matters required by this act or by the
186 State Board of Education to be included in the charter; and

187 (g) Any other matters that the sponsor and charter
188 school agree to include. Failure to agree on such additional
189 matters shall not constitute grounds for rejection of a charter
190 application.

191 **SECTION 5. Admissions.** (1) For conversion schools, an
192 enrollment preference shall be given to students who reside within
193 the former attendance area of that school. Students from outside
194 the school district may be admitted if the State Board of
195 Education and the charter school agree to and establish in the
196 school's charter a procedure for the enrollment and admission of
197 such students. If a student from outside the school district
198 enrolls in the charter school, the school district from which the
199 student comes may submit an amount equal to that student's pro
200 rata share of the school district's local funds to the charter
201 school or the charter school may charge tuition in a manner
202 similar to that which may be charged by the regular public schools
203 under applicable state and/or federal law.

204 (a) The Mississippi School for Mathematics and Science,
205 as defined in Sections 37-139-1 through 37-139-13, is exempt from
206 the admission requirements of this section.

207 (b) The Mississippi School of the Arts, as defined in
208 Sections 37-140-1 through 37-140-15, is exempt from the admissions
209 requirements of this section.

210 (2) A school district may not assign students to a charter
211 school unless the provisions for such assignment is agreed upon by
212 the district, the school and the State Board of Education and is
213 stated in the charter.

214 (3) A charter school is subject to any desegregation court
215 orders in effect in the school district in which the charter
216 school is located.

217 (4) A charter school must enroll an eligible student who
218 submits a timely application for enrollment, unless the number of
219 applications for enrollment in a program, class, grade level or
220 school building exceeds the number of applications the school is
221 prepared to accept in that program, class, grade level or school
222 building. If the charter school receives an excess number of
223 applications, all applicants must have an equal chance of being
224 admitted under the following guidelines:

225 (a) The school may not limit admission to students on
226 the basis of intellectual ability, measure of achievement or
227 aptitude.

228 (b) The school may give preference in enrollment in the
229 school's first year of operation to children of the organizers and
230 teachers of the charter school. In later years, preference may be
231 given to children of teachers and siblings of students enrolled at
232 the school during the previous year and who will be enrolled in
233 the current school year.

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

237 (d) Charter schools shall determine enrollment by a
238 lottery. An applicant in a preference category is eligible for

239 inclusion in the general selection process if the applicant is not
240 selected from the preference category.

241 (e) The Mississippi School for Mathematics and Science,
242 as defined in Sections 37-139-1 through 37-139-13, is exempt from
243 the admission requirements of this section.

244 (f) The Mississippi School of the Arts, as defined in
245 Sections 37-140-1 through 37-140-15, is exempt from the admissions
246 requirements of this section.

247 (5) The charter school shall not discriminate on the basis
248 of race, ethnicity, national origin, gender, income level,
249 intellectual ability, disabling condition or athletic ability and
250 shall comply with the Age Discrimination Act of 1975, Title VI of
251 the Civil Rights Act of 1964, Title IX of the Education Amendments
252 of 1972, Section 504 of the Rehabilitation Act of 1973, and Part B
253 of the Individuals with Disabilities Education Act.

254 (6) The racial composition of the charter school's
255 enrollment must differ by no more than twenty percent (20%) from
256 the racial composition of the school district in which the charter
257 school is located. In the event that the racial composition of
258 the charter school's enrollment differs by more than twenty
259 percent (20%) from the racial composition of the school district
260 in which the charter school is located, the State Board of
261 Education shall consider the charter school's recruitment efforts
262 and racial composition of the applicant pool in determining
263 whether the charter school is operating in a nondiscriminatory
264 manner. A finding by the State Board of Education that the
265 charter school is operating in a racially discriminatory manner
266 may justify the denial of a charter school petition or the
267 revocation of the charter school's charter agreement. A finding
268 by the State Board of Education that the charter school is not
269 operating in a racially discriminatory manner shall justify
270 approval of the charter petition or continuation of the charter
271 agreement without regard to the racial percentage requirement,
272 provided that all other applicable regulations are satisfied.

273 **SECTION 6. Organization.** (1) A charter school, unless it
274 is a conversion school that wishes to remain under the authority
275 of the local school district, must organize as a nonprofit
276 corporation and must obtain tax-exempt status under Section
277 501(c)(3) of the Internal Revenue Code.

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

279 (3) A charter school may borrow funds and invest nonpublic
280 funds. Funds received and earnings from investments on gifts from
281 nonpublic entities shall be accounted for separately. If a
282 charter school closes, all unspent public funds, unspent earnings
283 from those funds and assets purchased with public funds will
284 revert to the school board that chartered the school. Unspent
285 funds from nonpublic sources, unspent earnings from those funds,
286 assets purchased with those funds and debts of the school (unless
287 otherwise provided for in the charter or debt instrument) shall
288 revert to the nonprofit entity created to operate the school and
289 may be disposed of according to applicable laws for nonprofit
290 corporations. If a conversion school reverts to noncharter
291 status, then all assets will revert to the local school board. A
292 government entity shall not be liable for any debt of the charter
293 school unless that entity explicitly agreed to be liable for
294 nonpayment of the debt. The State Board of Education's approval
295 of a charter school budget that includes debt does not constitute
296 the State Board of Education's liability for that debt.

297 (4) Members of the State Board of Education are immune from
298 civil or criminal liability with respect to all activities of a
299 charter school approved or sponsored by the State Board of
300 Education.

301 **SECTION 7. Petition.** (1) In addition to providing a
302 description of how the charter school will satisfy the
303 requirements of this act, the developer's petition must also
304 provide:

305 (a) A description of the governing body that is
306 responsible for the policy and operational decisions of the
307 charter school, including the names of that body's initial members

308 and a description of the method by which subsequent members will
309 be elected and the method by which fairness and objectivity of
310 those elections will be assured;

311 (b) A description of the objective method or methods
312 that will be used to measure student progress. The method or
313 methods must include the same tests required of regular public
314 schools by the State Board of Education; however, to the extent
315 allowed by federal law, the State Board of Education may grant an
316 exemption from this requirement when there is a compelling reason
317 for an exemption based on the unique circumstances of the school;

318 (c) A description of the school's plan for the
319 transportation of students;

320 (d) A description of the school's plan for handling
321 disruptive students. Notwithstanding any law to the contrary, a
322 local school board may refuse to admit any student who is
323 suspended or expelled from a charter school due to actions that
324 would lead to suspension or expulsion from a school in that
325 district until the period of suspension or expulsion has expired;

326 (e) A description of the school's plan to provide
327 reasonable public notice of the existence, nature and application
328 requirements of the charter school. This notice must include at
329 least one (1) informational meeting to which the public is
330 invited. Local school districts shall provide reasonable
331 assistance, if requested by the charter school, in providing such
332 notice in their districts. However, the actual expenses incurred
333 by the districts in providing the requested assistance must be
334 paid by the charter school;

335 (f) A description of the administrative or other
336 services, if any, that the local school district will provide for
337 the charter school;

338 (g) A description of the method that will be used to
339 compute per-pupil funding for the school;

340 (h) A description of the types and amount of insurance
341 coverage, including bonding insurance for the principal officers
342 of the school, to be obtained by the charter school;

343 (i) A description of the program of instruction. A
344 charter school must provide a comprehensive program of instruction
345 for at least one (1) complete grade level of kindergarten,
346 elementary or secondary education. A school may offer this
347 program of instruction with an emphasis on a specific learning
348 philosophy, style or certain subject area. If the school is a
349 high school, the program of instruction must ensure that in order
350 to be eligible for graduation, a student must have earned the
351 minimum number of units required for graduation from public high
352 schools by the State Board of Education. However, the State Board
353 of Education may grant an exemption from this requirement when
354 there is a compelling reason for an exemption based on the unique
355 circumstances of the school. A school may add grade levels during
356 any year of the charter, if notice of the additional grade levels
357 is submitted to the State Board of Education at least six (6)
358 months before the beginning of the school year in which those
359 grade levels will be offered;

360 (j) A budget encompassing all necessary items for
361 operating the school, based on one or more projections of the
362 number of students the school anticipates serving in the year for
363 which the budget is prepared; and

364 (k) If the school district in which the charter school
365 is located is under a consent decree or desegregation order, then
366 the petition must include a statement of preclearance that the
367 United States Department of Justice or other appropriate federal
368 agency has no objection to the creation of the charter school. If
369 the charter school is a conversion school and will serve a similar
370 group of students, the State Board of Education may waive this
371 requirement.

372 (2) Provisions of the charter may be amended at any time by
373 agreement between the charter school and the State Board of
374 Education. The attachments must be submitted to the State Board
375 of Education on an annual basis and may not be revised by the
376 State Board of Education unless the information in the submissions

377 indicates a violation of the charter, this act or any other law or
378 regulation.

379 **SECTION 8. Deadlines and approval of charter petitions.** (1)

380 All petitions for charter schools shall be submitted to the State
381 Board of Education no later than November 1 in the school year
382 preceding the first school year the charter school intends to
383 open. A petition for a charter consists of a proposed charter and
384 all attachments required under Section 7 of this act.

385 (2) The State Board of Education to which a petition for a
386 charter has been submitted must respond to the petition prior to
387 December 31 of each year. The response may be in the form of
388 approval of the petition as submitted, rejection of the petition,
389 or approval of the petition subject to negotiation of details,
390 which negotiation must be conducted in good faith.

391 (3) The State Board of Education shall establish rules and
392 regulations for the submission of petitions to establish a charter
393 school and for the review and evaluation of such petitions
394 received by the board.

395 (4) If a petition for a charter is rejected, the State Board
396 of Education must provide written notice to the petitioner of the
397 basis for the rejection.

398 (5) The State Board of Education may provide technical
399 assistance to a petitioner whose petition has been rejected.

400 **SECTION 9. Renewals and revocations.** (1) Charter renewal

401 petitions shall be submitted no later than November 1 in the
402 charter school's fifth year of operation. Renewal may be in the
403 affirmative if the following minimum conditions have been met:

404 (a) The school has met the requirements for student
405 performance stated in the original charter agreement;

406 (b) The school has complied with other provisions of
407 the charter;

408 (c) The school has demonstrated sound financial
409 management; and

410 (d) The school has maintained a minimum average of a
411 Level 3 as defined by the State Board of Education's
412 performance-based accreditation system.

413 (2) A charter issued under this act may be revoked by the
414 State Board of Education, and the charter school shall be closed,
415 if the State Board of Education determines that one or more of the
416 following have occurred:

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

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

421 (c) Blatant and recurrent violations of provisions of
422 the charter; or

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

425 (3) If a charter is revoked, the charter school must remain
426 open until the end of the school year in which the revocation
427 takes effect, unless the State Board of Education determines that
428 an extreme emergency situation that jeopardizes the best interests
429 and well-being of the students of the school exists.

430 (4) The revocation or nonrenewal of a charter must be
431 accompanied by a list of specific reasons for the action. The
432 charter school may seek judicial review of the decision to revoke
433 or not to renew a charter in the Chancery Court of Hinds County,
434 Mississippi.

435 **SECTION 10. Exemptions.** (1) Except as otherwise provided
436 under this act, all schools chartered under this act are exempt
437 from those statutes applicable to the public schools and the
438 rules, regulations, policies and procedures of the State Board of
439 Education and the local school district unless specifically
440 described in the charter agreement.

441 (2) Charter schools are not exempt from the following
442 statutes:

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

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

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

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

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

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

455 **SECTION 11. Charter school employees.** (1) A school
456 district may not assign teachers or other licensed and nonlicensed
457 employees employed by the district to a charter school. A charter
458 school may hire the teachers and other licensed and nonlicensed
459 employees to be employed by the school and negotiate contracts.

460 (2) The qualifications of the teachers and other licensed
461 employees in a charter school must be disclosed to the students'
462 parents before the beginning of the school year.

463 (3) The instructional staff of the charter school will be
464 deemed employees of the local school district for purposes of
465 providing certain state-funded employee benefits, including
466 membership in the Public Employees' Retirement System and the
467 State and School Employees Life and Health Insurance Plan.
468 Charter schools are public schools, and the employees of charter
469 schools are public school employees. Employees of a charter
470 school that elects to become a participating employer under the
471 Public Employees' Retirement System are teachers for the purpose
472 of membership in the Public Employees' Retirement System. Charter
473 schools may pay for all or part of an employee's health insurance
474 premiums as part of the employee's compensation package.

475 (4) All employees of charter schools are required to undergo
476 criminal records background checks and child abuse registry checks
477 similar to employees of public schools under the provisions of
478 Section 37-9-17, Mississippi Code 1972.

479 **SECTION 12. Prohibition against unlawful reprisals.** (1) A
480 school district, school district employee or any other person who
481 has control over personnel actions may not take unlawful reprisal
482 against an employee of the school district because the employee is
483 directly or indirectly involved in an application to establish a
484 charter school. A school district employee may not take unlawful
485 reprisal against an educational program of the school or the
486 school district because an application to establish a charter
487 school proposes the conversion of all or a portion of the
488 educational program to a charter school.

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

491 (a) With respect to a school district employee, an
492 action that is taken by another school district employee as a
493 direct result of a lawful application to establish a charter
494 school and which is adverse to the employee and results in one or
495 more of the following for the employee:

- 496 (i) Disciplinary or corrective action;
- 497 (ii) Detail, transfer or reassignment;
- 498 (iii) Suspension, demotion or dismissal;
- 499 (iv) An unfavorable performance evaluation;
- 500 (v) A reduction in pay, benefits or awards;
- 501 (vi) Elimination of the employee's position
502 without a reduction in force by reason of lack of monies or work;
503 or

504 (vii) Other significant changes in duties or
505 responsibilities which are inconsistent with the employee's salary
506 or employment classification; and

507 (b) With respect to an educational program, an action
508 that is taken by a school district employee as a direct result of
509 a lawful application to establish a charter school and which is
510 adverse to the educational program and results in one or more of
511 the following:

- 512 (i) Suspension or termination of the program;

513 (ii) Transfer or reassignment of the program to a
514 less favorable department;

515 (iii) Relocation of the program to a less
516 favorable site within the school or school district; or

517 (iv) Significant reduction or termination of
518 funding for the program.

519 **SECTION 13. Funding.** (1) A charter school's funding shall
520 be based on the number of students enrolled in and in attendance
521 at the school.

522 (2) A charter school student must be included in the average
523 daily attendance reports of the student's home district. The
524 State Board of Education shall define the means by which a charter
525 school must verify the residency and attendance of a student at
526 the school.

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

531 (4) A charter school shall request state, local and federal
532 funds from the home school district of each student attending the
533 school. Local and state per-pupil funding must be equal to the
534 local and state portion of the per-pupil expenditures in the
535 student's home district in the current year being funded, but not
536 to exceed the per-pupil funding two (2) school years preceding the
537 school year being funded. Federal funds must be distributed as
538 dictated by federal law. The charter school also shall send a
539 copy of each request for funding to the State Department of
540 Education.

541 (6) A school district must remit requested funds in a timely
542 fashion, as defined by the State Board of Education. When
543 contributions are not forwarded in a timely manner by the local
544 school district, the state shall assess a ten percent (10%)
545 penalty payable to the charter school for failure to forward the
546 contribution.

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

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

555 **SECTION 14. Facilities and services.** (1) A school district
556 may lease space or sell services to a charter school. A school
557 district may not contract with the charter school to provide
558 instructional services. A school district may make unused
559 buildings available to a charter school in the manner provided by
560 law and must bargain in good faith over the terms of the lease.

561 (2) A charter school may lease space or secure services from
562 another public body, nonprofit organization or private
563 organization or individual.

564 (3) A sponsor may issue a charter to a charter school
565 applicant before the applicant has secured space, equipment and
566 personnel if the applicant indicates authorization is necessary
567 for the school to raise working capital.

568 (4) A charter school may not be located in a residential
569 dwelling, in a facility owned and maintained by a religious
570 organization, or in any other facility which is not appropriately
571 zoned for use by the school.

572 **SECTION 15. Charter Schools Stimulus Revolving Loan Fund.**

573 (1) There is established in the State Treasury a fund to be known
574 as the "Charter Schools Stimulus Revolving Loan Fund." The
575 purpose of the fund is to provide financial support to charter
576 school petitioners and charter schools for start-up costs and
577 costs associated with renovating or remodeling existing buildings
578 and structures. The fund shall consist of monies obtained from
579 grants from the federal government, funds appropriated by the
580 Legislature, repaid loans from borrowers and grants, gifts,
581 devises and donations from any public or private source. The

582 State Board of Education shall administer the fund and may apply
583 for any grants from the federal government or private sources.

584 (2) The State Board of Education shall adopt rules and
585 regulations necessary for the implementation of this section,
586 including application and notification requirements. If
587 sufficient funds are available for this purpose, monies from the
588 Charter Schools Stimulus Revolving Loan Fund will be distributed
589 to qualifying charter school petitioners and charter schools in
590 the following manner:

591 (a) Each qualifying charter school petitioner or
592 charter school may be awarded an initial loan of not more than
593 Fifty Thousand Dollars (\$50,000.00) before or during the first
594 year of the charter school's operation. This loan must be repaid
595 over a period of no more than five (5) years. If any petitioner
596 for a charter school receives an initial loan under this paragraph
597 and fails to begin operating a charter school within the following
598 eighteen (18) months, the applicant shall reimburse the Charter
599 Schools Stimulus Revolving Loan Fund for the amount of the initial
600 loan plus interest calculated at a rate of ten percent (10%) per
601 year.

602 (b) Petitioners for charter schools and charter schools
603 that receive initial loans under paragraph (a) of this subsection
604 may apply for an additional loan of not more than Fifty Thousand
605 Dollars (\$50,000.00). This loan must be repaid over a period of
606 no more than five (5) years. If a petitioner for a charter school
607 receives an additional loan under this paragraph and fails to
608 begin operating a charter school within the following eighteen
609 (18) months, the applicant shall reimburse the Charter Schools
610 Stimulus Revolving Loan Fund for the amount of the additional
611 loan, plus interest calculated at a rate of ten percent (10%) per
612 year. A reimbursement required by this paragraph is in addition
613 to any reimbursement required under paragraph (a) of this
614 subsection.

615 **SECTION 16. Governing board.** (1) The initial board of
616 directors of a charter school must be designated by the

617 petitioners who have been granted the charter. This initial board
618 shall govern the school's first year of operation. The board of
619 directors for a charter school shall consist of no more than nine
620 (9) members.

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

625 (3) Administrative and instructional personnel of the
626 charter school and all parents of children enrolled in the school
627 shall be eligible to participate in any election of members of the
628 board of directors.

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

632 **SECTION 17. Authority to levy taxes and issue bonds.** A
633 charter school may not levy taxes or issue bonds secured by tax
634 revenues.

635 **SECTION 18. Number of charter schools.** (1) Not more than
636 five (5) petitions for charter schools shall be approved in each
637 of the first three (3) years after the enactment of this act.
638 After the third year, not more than ten (10) petitions shall be
639 approved each year.

640 (2) Not more than fifty percent (50%) of the schools in a
641 school district may be conversion charter schools.

642 **SECTION 19. Dissemination of information.** The State
643 Department of Education shall disseminate information to the
644 public regarding the rules and regulations relating to charter
645 schools.

646 **SECTION 20. Evaluation.** The State Department of Education
647 shall provide to the Legislature an evaluation of the charter
648 schools created under this act. The evaluation shall be presented
649 before the 2010 legislative session.

650 **SECTION 21. Existing charter schools.** Any charter school
651 that is operating under the terms of a charter granted under the

652 authority of Sections 37-28-1 through 37-28-21 may continue to
653 operate under the terms of that charter for the duration of its
654 term, notwithstanding the repeal of Sections 37-28-1 through
655 37-28-21. Upon the expiration of the charter, the charter school
656 may seek to renew the charter by modifying the charter so that the
657 school fully complies with the requirements for renewing charter
658 status under this act.

659 **SECTION 22.** Section 37-139-3, Mississippi Code of 1972, is
660 amended as follows:

661 37-139-3. (1) There is hereby created the Mississippi
662 School for Mathematics and Science which shall be a residential
663 school for eleventh and twelfth grade high school students located
664 on the campus of the Mississippi University for Women.

665 (2) The school shall be governed by the State Board of
666 Education.

667 (3) The board shall develop a plan relating to the opening,
668 the operation and the funding of the school. Such plan shall be
669 presented to the Legislature during the 1988 Regular Session and
670 shall include an equitable and reasonable plan for student
671 recruitment without regard to race, creed or color.

672 (4) The purpose of the school shall be to educate the gifted
673 and talented students of the state, and its curriculum and
674 admissions policies shall reflect such purpose.

675 (5) The board shall prepare the annual budget for the
676 school.

677 (6) Conversion to a charter school, as defined in Sections
678 37-28-1 through 37-28-21, will not affect the purpose of the
679 Mississippi School for Mathematics and Science, as defined in
680 Section 37-139-3(4).

681 **SECTION 23.** Section 37-139-9, Mississippi Code of 1972, is
682 amended as follows:

683 37-139-9. (1) The board shall be the exclusive governing
684 body of the Mississippi School for Mathematics and Science and is
685 hereby authorized and empowered to promulgate rules and
686 regulations required to carry out the provisions of this chapter.

687 The emphasis of this school shall be dedicated to the academic
688 teaching of mathematics and the sciences, but shall not preclude
689 some emphasis being placed on the arts and humanities as deemed
690 appropriate by the board.

691 (2) The board may petition the State Board of Education to
692 become a charter school, as defined in Sections 37-28-1 through
693 37-28-21.

694 **SECTION 24.** Section 37-140-3, Mississippi Code of 1972, is
695 amended as follows:

696 37-140-3. (1) There is created the Mississippi School of
697 the Arts, which shall be a residential school for eleventh and
698 twelfth grade high school students located on the campus of
699 Whitworth College in Brookhaven, Mississippi. The purpose of the
700 school shall be to provide a more challenging educational
701 experience for artistically talented and gifted students of the
702 state to develop their full potential, including the teaching of
703 humanities, creative writing, literature, theater, music, dance
704 and visual arts, and the school's curriculum and admissions
705 policies shall reflect that purpose.

706 (2) The 2001-2002 school year shall be the first year that
707 the school shall admit students for enrollment, which shall be
708 limited to students in the eleventh grade during the school's
709 first year. Beginning with the 2002-2003 school year, the school
710 shall enroll students in the eleventh and twelfth grades.

711 (3) Conversion to a charter school, as defined in Sections
712 37-28-1 through 37-28-21, will not affect the purpose of the
713 Mississippi School for Mathematics and Science, as defined in
714 Section 37-139-3(4).

715 **SECTION 25.** Section 37-140-5, Mississippi Code of 1972, is
716 amended as follows:

717 37-140-5. (1) The school shall be governed by the State
718 Board of Education. The board shall develop a plan relating to
719 the opening, operation and funding of the school to be presented
720 to the Legislature during the 2000 Regular Session. The plan

721 shall include an equitable and reasonable plan for student
722 recruitment without regard to race, creed or color.

723 (2) The State Superintendent of Public Education shall
724 appoint an advisory panel to assist the board in developing the
725 plan relating to the school. The advisory panel shall consist of
726 the following twelve (12) appointed or designated members:

727 (a) Three (3) licensed school teachers or
728 administrators, one (1) to be appointed from each of the three (3)
729 Mississippi Supreme Court Districts;

730 (b) Three (3) citizens or professionals representing
731 the areas of dance, creative writing, literature, music, theater
732 arts or visual arts, one (1) to be appointed from each of the
733 three (3) Mississippi Supreme Court Districts;

734 (c) Three (3) citizens knowledgeable in business,
735 personnel management or public administration, with at least three
736 (3) years' actual experience therein, one (1) to be appointed from
737 each of the three (3) Mississippi Supreme Court Districts;

738 (d) One (1) member shall be a representative of the
739 Mississippi Arts Commission to be designated by the commission,
740 one (1) member shall be a representative of the Mississippi
741 Humanities Council to be designated by the council, and one (1)
742 member shall be a representative of the state institutions of
743 higher learning in Mississippi which offer degrees in visual, fine
744 and performing arts, to be designated by the Board of Trustees of
745 State Institutions of Higher Learning.

746 Appointments to the advisory panel shall be made within
747 ninety (90) days of April 23, 1999. The advisory panel shall meet
748 upon the call of the State Superintendent of Public Education and
749 shall organize for business by selecting a chairman and vice
750 chairman/secretary for keeping records of the panel. Members of
751 the advisory panel shall receive no compensation but may be
752 reimbursed for necessary expenses and mileage for attending
753 meetings and necessary business of the panel, in the amount
754 authorized for state employees under Section 25-3-41.

755 (3) The board may utilize the staff of the State Department
756 of Education and other state agencies as may be required for the
757 implementation of this chapter. The department may employ any
758 personnel deemed necessary by the board for assisting in the
759 development and implementation of the plan relating to the
760 opening, operation and funding of the school. The board also may
761 contract or enter into agreements with other agencies or private
762 entities which it deems necessary to carry out its duties and
763 functions relating to the opening and operation of the school.

764 (4) To the extent possible, the board shall enter into
765 agreements with the Board of Trustees of the Brookhaven Municipal
766 Separate School District for the dual enrollment of students for
767 the purpose of teaching academic courses to students attending the
768 school, and the local school board shall be fully authorized to
769 offer any such courses to students attending the school. The
770 State Board of Education may develop and issue necessary
771 regulations for the coordination of such courses for these
772 students, the preparation and transfer of transcripts, and the
773 reimbursement of any costs incurred by the school district for
774 providing such services.

775 (5) The board may enter into agreements with public school
776 districts to authorize students enrolled in such school districts
777 to participate in the fine arts programs at the school to the
778 extent that adequate space is available. The parent or guardian
779 of any student participating in fine arts programs at the school
780 under this subsection shall be responsible for transporting the
781 student to and from the school.

782 (6) The board may petition the State Board of Education to
783 become a charter school, as defined in Sections 37-28-1 through
784 37-28-21.

785 **SECTION 26.** Sections 37-28-1, 37-28-3, 37-28-5, 37-28-7,
786 37-28-9, 37-28-11, 37-28-13, 37-28-15, 37-28-17, 37-28-19 and
787 37-28-21, Mississippi Code of 1972, which establish a means for
788 existing public schools to apply for charter status, are repealed.

789 **SECTION 27.** This act shall take effect and be in force from
790 and after July 1, 2005.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 SELECTION AND ELECTION OF THE
21 BOARD OF DIRECTORS OF A CHARTER SCHOOL; TO PROHIBIT CHARTER
22 SCHOOLS FROM LEVYING TAXES OR ISSUING BONDS SECURED BY TAX
23 REVENUES; TO REQUIRE ALL APPLICATIONS FOR CHARTER SCHOOLS TO BE
24 SUBMITTED TO THE STATE DEPARTMENT OF EDUCATION NO LATER THAN
25 DECEMBER 1 IN THE SCHOOL YEAR PRECEDING THE FIRST SCHOOL YEAR THE
26 CHARTER SCHOOL INTENDS TO OPEN; TO PROVIDE THE NUMBER OF
27 APPLICATIONS FOR CHARTER SCHOOLS THAT MAY BE APPROVED; TO REQUIRE
28 THE STATE DEPARTMENT OF EDUCATION TO DISSEMINATE INFORMATION ON
29 HOW TO CREATE AND HOW TO ENROLL STUDENTS IN CHARTER SCHOOLS; TO
30 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO SUBMIT AN EVALUATION
31 TO THE LEGISLATURE; TO AUTHORIZE THE CONTINUED OPERATION OF
32 CHARTER SCHOOLS ESTABLISHED UNDER THE ORIGINAL CHARTER SCHOOL
33 STATUTES; TO AMEND SECTIONS 37-139-3, 37-139-9, 37-140-3 AND
34 37-140-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI
35 SCHOOL FOR MATHEMATICS AND SCIENCE AND THE MISSISSIPPI SCHOOL FOR
36 THE ARTS TO PETITION FOR CHARTER SCHOOL STATUS; TO REPEAL SECTIONS
37 37-28-1 THROUGH 37-28-21, MISSISSIPPI CODE OF 1972, WHICH
38 ESTABLISH A MEANS FOR EXISTING PUBLIC SCHOOLS TO APPLY FOR CHARTER
39 STATUS; AND FOR RELATED PURPOSES.

SS26\HB238A.1J

John O. Gilbert
Secretary of the Senate