

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2293: Charter schools; authorize open-enrollment and conversion public charter schools in the state.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

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

88 **SECTION 1.** (1) This section applies only to those public
89 schools in the State of Mississippi which, during each of three
90 (3) consecutive school years, are considered failing, as
91 determined by the State Department of Education.

92 For purposes of this section, the term "new start school"
93 means the successor school to a public school in the State of
94 Mississippi which, during each of three (3) consecutive school
95 years, is considered failing, as determined by the State
96 Department of Education.

97 (2) There is established the New Start School Program for
98 the purpose of transforming certain failing schools into quality
99 educational options. Under the program, a new start school must
100 be established in each public school that, during each of three
101 (3) consecutive school years, is considered failing, as determined
102 by the State Department of Education. The New Start School
103 Program shall be under the administration of the Mississippi
104 Recovery School District established under Section 37-17-6(11)(f).

105 (3) (a) Whenever a school is classified by the State
106 Department of Education as a failing school for two (2) or more
107 consecutive years, the Mississippi Recovery School District shall
108 provide written notice to the principal and each licensed and



109 nonlicensed employee in the school that if the school receives a
110 classification of failing for the succeeding school year, the
111 school will be transformed into a new start school and the
112 person's employment with the local school district shall be
113 terminated. The notice shall be sent by the deputy superintendent
114 responsible for the Mississippi Recovery School District as soon
115 as practicable after the school is classified as failing.

116 (b) In addition to the notice required under paragraph
117 (a), the Mississippi Recovery School District shall provide notice
118 to the public in a newspaper of general circulation in the local
119 county that if the school receives a classification of failing for
120 the succeeding school year, the school will be transformed into a
121 new start school. The advertisement may not be placed in any
122 portion of the newspaper where legal notices and classified
123 advertisements appear. The advertisement shall appear in a
124 newspaper that is published at least five (5) days a week, unless
125 the only newspaper in the county is published less than five (5)
126 days a week, in such case, the advertisement shall be published
127 once a week for three (3) consecutive weeks. The newspaper
128 selected must be one of general interest, readership and
129 circulation in all areas of the community.

130 (4) If a school that has been classified by the State
131 Department of Education as a failing school for two (2) or more
132 consecutive years is determined to be a failing school during the
133 next succeeding school year, the Mississippi Recovery School
134 District shall take such steps as may be necessary to facilitate
135 the transformation of the failing school into a new start school.
136 However, the school board of the local school district in which
137 such a school is located may appeal to the State Board of
138 Education for an additional year before the school must be
139 transformed into a new start school. The State Board of
140 Education, in its discretion, may grant a one-year delay if it



141 determines circumstances merit giving the school an additional
142 year to achieve academic improvement. If, during the additional
143 year, the school is classified again as a failing school, the
144 Mississippi Recovery School District shall proceed to transform
145 the failing school into a new start school.

146 (5) The State Board of Education shall adopt rules and
147 regulations governing the transformation of chronically failing
148 schools into new start schools. The State Board of Education
149 shall adopt rules and regulations that ensure that all students
150 who were enrolled in, in attendance at and residing in the
151 attendance zone of the public school before a new start school is
152 instituted shall continue being eligible for and shall be deemed
153 to be enrolled in the new start school without any required
154 application process for the school. The rules and regulations
155 must include, but not necessarily be limited to, the following
156 provisions:

157 (a) The State Board of Education shall adopt rules and
158 regulations to evaluate the performance of all licensed and
159 nonlicensed employees in schools that are to be transformed into a
160 new start school. The performance evaluation shall be conducted
161 by the State Department of Education at the conclusion of the
162 second consecutive year in which a school is classified as
163 failing. For all licensed employees the said rules and
164 regulations shall use qualitative and quantitative data, which
165 shall include using the measures of student achievement, to assess
166 the effectiveness of the educator. Any employee that receives an
167 unsatisfactory evaluation may be terminated by the school district
168 in which the school is located. Upon completion of an improvement
169 plan, a person employed other than as a teacher who is terminated
170 may apply for a position at the new start school or at another
171 location in the school district; however, the school district may
172 exercise its discretion in determining whether or not the person



173 will be offered continued employment with the district. Upon
174 completion of an improvement plan, a teacher terminated under this
175 paragraph may apply for employment in the new start school or for
176 a position at another location in the school district. A teacher
177 terminated under this paragraph may be reemployed by the school
178 district in the new start school, subject to the approval of that
179 teacher's reemployment by the deputy superintendent responsible
180 for the Mississippi Recovery School District.

181 (b) The deputy superintendent responsible for the
182 Mississippi Recovery School District, with the assistance of an
183 advisory committee of parents, guardians and community leaders,
184 shall select a person to be employed as the principal of the new
185 start school. Upon the request of the deputy superintendent, the
186 superintendent of the school district in which the new start
187 school is located shall enter into a contract with the person
188 selected to be the principal in the same manner that contracts
189 with principals are executed under Section 37-9-23. The principal
190 of the new start school shall be an employee of the school
191 district but shall report and be accountable directly to the
192 deputy superintendent responsible for the Mississippi Recovery
193 School District. All decisions impacting the academic, finance or
194 any other managerial or operational functions of the new start
195 school shall be subject to the review and approval of the
196 Mississippi Recovery School District.

197 (c) The principal of the new start school, chosen by
198 the deputy superintendent under subsection (b) of this section,
199 shall select and recommend for employment all licensed and
200 nonlicensed personnel for the school in the same manner as
201 provided for other schools. The principal shall endeavor to
202 select only the most qualified applicants for employment in the
203 new start school. Each teacher recommended for employment in the
204 new start school must be approved by the deputy superintendent of



205 the Mississippi Recovery School District before a contract for
206 employment may be executed with the teacher.

207 (d) The State Board of Education shall develop
208 professional development courses of training specifically designed
209 for licensed personnel in a new start school. All licensed
210 employees of the new start school shall be required to participate
211 in the professional development courses.

212 (e) The principal of a new start school shall establish
213 an advisory council to assist in the transformation of the new
214 start school. The advisory council may be composed of parents,
215 students, educators and other community members who are interested
216 in the success of the new start school.

217 (f) Subject to the availability of funds for such
218 purposes, the campus of the new start school may be refurbished in
219 efforts to distinguish the new start school from the failing
220 school it is replacing. A new start school may receive donations
221 or grants from any public or private source for making
222 improvements to the new start school.

223 (g) The State Board of Education shall prescribe the
224 circumstances under which a new start school shall cease to be
225 designated a new start school subject to the requirements of this
226 section and the rules and regulations of the State Board of
227 Education relating to new start schools.

228 (6) The 2009-2010 school year shall be the first year that a
229 school's classification may be considered for purposes of this
230 section, and a classification as a failing school in any year
231 preceding the 2009-2010 school year may not be considered in
232 determining if a particular school must be transformed into a new
233 start school.

234 (7) If a local school district has one or more schools
235 designated as failing for two (2) or more consecutive years as
236 determined by the performance classifications of the state



237 accountability rating system, as defined and adopted by the State
238 Board of Education, the superintendent of that local school
239 district shall be restricted only to travel that is mandated by
240 law or prescribed by the State Department of Education.

241 (8) If a local school district has one or more schools
242 designated as failing for two (2) or more consecutive years as
243 determined by the performance classifications of the state
244 accountability rating system, as defined and adopted by the State
245 Board of Education, the members of the local school board of that
246 school district shall be restricted only to travel that is
247 mandated by law or prescribed by the State Department of
248 Education, and shall have the amount of their per diem reduced by
249 one-half (1/2).

250 **SECTION 2.** Section 37-9-103, Mississippi Code of 1972, is
251 amended as follows:

252 37-9-103. (1) As used in Sections 37-9-101 through
253 37-9-113, the word "employee" shall include:

254 (a) Any teacher, principal, superintendent or other
255 professional personnel employed by the local school district for a
256 continuous period of two (2) years with that district and required
257 to have a valid license issued by the State Department of
258 Education as a prerequisite of employment; or

259 (b) Any teacher, principal, superintendent or other
260 professional personnel who has completed a continuous period of
261 two (2) years of employment in a Mississippi public school
262 district and one (1) full year of employment with the school
263 district of current employment, and who is required to have a
264 valid license issued by the State Department of Education as a
265 prerequisite of employment.

266 (2) (a) The Education Employment Procedures Law shall not
267 apply to any category of employee as defined in this section
268 employed in any school district after the Governor declares a



269 state of emergency under the provisions of Section 37-17-6(11).
270 The Education Employment Procedures Law shall not be applicable in
271 any school district for the full period of time that those
272 conditions, as defined in Section 37-17-6(11), exist.

273 (b) The Education Employment Procedures Law shall not
274 apply to any category of employee as defined in this section
275 employed in any school that is a new start school, as provided for
276 under Section 1 of this act.

277 (3) For purposes of Sections 37-9-101 through 37-9-113, the
278 term "days" means calendar days.

279 **SECTION 3.** Section 37-9-3, Mississippi Code of 1972, is
280 amended as follows:

281 37-9-3. Except as otherwise provided in Section 1 of this
282 act, within the limits of the available funds, the superintendent
283 of schools of a school district shall recommend to the school
284 board thereof all noninstructional employees to be employed and
285 may prescribe the duties thereof. Compensation for such employees
286 may be paid from any lawful funds.

287 **SECTION 4.** Sections 4 through 16 of this act shall be known
288 and may be cited as the "Conversion Charter School Act of 2010."

289 **SECTION 5.** It is the intent of the Legislature that this act
290 provide a means whereby the parents or guardians of students
291 enrolled in eligible local public schools may choose to enter into
292 a binding academic or vocational, or both, performance-based
293 contract approved by the State Board of Education, called a
294 "contract."

295 **SECTION 6.** For purposes of this act, the following words and
296 phrases shall have the meanings respectively ascribed in this
297 section unless the context clearly indicates otherwise:

298 (a) "Conversion charter school" means a public school
299 that has converted to operating under the terms of a contract



300 entered into between the local management board of a conversion
301 charter school and the State Board of Education.

302 (b) "Local school" means a public school in Mississippi
303 which is under the management and control of the school board of
304 the school district in which the school is located.

305 (c) "Petition" means a proposal to enter into an
306 academic or vocational, or both, performance-based contract
307 between the State Board of Education and the sponsors of a local
308 school whereby the local school obtains a conversion charter
309 school status.

310 (d) "Sponsor" means the group of parents or guardians
311 of students enrolled in a public school rated as Low-Performing,
312 an At-Risk of Failing or Failing or an organization selected or
313 appointed by the sponsoring group of parents or guardians to
314 represent those parents or guardians submitting a petition to the
315 State Board of Education for the conversion of a chronically
316 under-performing public school into a conversion charter school,
317 provided that during the petitioning process and the subsequent
318 approval of a contract, that group of parents or guardians shall
319 remain the sponsor of the conversion charter school.

320 (e) "Chronically under-performing public school" means
321 a public school that, during each of three (3) consecutive school
322 years, is rated as Low-Performing, At-Risk of Failing or Failing,
323 as determined by the State Department of Education. For the
324 purposes of Sections 4 through 16 of this act, the 2009-2010
325 school year shall be the first year that a school's classification
326 may be considered.

327 (f) "Board" means the State Board of Education.

328 (g) "Department" means the State Department of
329 Education.

330 (h) "Local management board" means the five-member
331 governing board of a conversion charter school composed of the



332 parents or guardians of students enrolled in the conversion
333 charter school responsible for the academic and administrative
334 functions and decisions of the conversion charter school. The
335 academic responsibilities are subject to the authority of the
336 State Board of Education and the administrative responsibilities
337 are subject to the authority of the local school board.

338 **SECTION 7.** (1) The provisions of this act shall be
339 applicable to only those chronically under-performing public
340 schools in the State of Mississippi which seek to be converted,
341 and ultimately may be converted, to conversion charter schools
342 upon approval of a petition for conversion charter school status
343 by the State Board of Education.

344 (2) The State Board of Education, subject to the
345 requirements of the Mississippi Administrative Procedures Law,
346 shall establish rules and regulations for the submission of
347 petitions for the conversion of a public school to conversion
348 charter school status and criteria and procedures for the
349 operation of conversion charter schools. The board shall receive
350 and review each petition for the conversion of a public school to
351 conversion charter school status from the school's sponsors and in
352 its discretion, may approve the petition and grant conversion
353 charter school status.

354 (3) In order to be approved, a petition for conversion
355 charter school status must adequately include:

356 (a) A plan for improvement at the school level for
357 improving student learning and achieving a Successful rating or
358 higher under the State Accountability Model;

359 (b) A set of academic or vocational, or both,
360 performance-based objectives and student achievement-based
361 objectives for the term of the contract and the means for
362 measuring those objectives on no less than an annual basis;



363 (c) An agreement to provide a yearly report to parents,
364 the school board of the school district in which the conversion
365 charter school is located, and the State Board of Education which
366 indicates the progress made by the conversion charter school in
367 the previous year in meeting the academic or vocational, or both,
368 performance objectives;

369 (d) An agreement that the conversion charter school
370 shall be nonsectarian;

371 (e) An agreement that the conversion charter school
372 shall not charge tuition; and

373 (f) An agreement requiring the conversion charter
374 school to be subject to financial audits in the same manner as
375 public school districts.

376 (4) The procedures and process for the conversion of a
377 public school to conversion charter school status shall be as
378 follows:

379 (a) A petition shall be developed by a sponsor or its
380 appointed representative and shall be made available to all
381 parents or guardians of students enrolled in a public school that
382 is chronically Low-Performing, At-Risk of Failing or Failing, as
383 determined by the State Department of Education, with a copy of
384 the proposed conversion plan attached to the petition for their
385 inspection and signing;

386 (b) The petition and conversion plan must be approved
387 by more than fifty percent (50%) of the families of the students
388 enrolled in a chronically under-performing public school during
389 the third consecutive year in which the school has been designated
390 as Low-Performing, At-Risk of Failing or Failing, as determined by
391 the State Department of Education. The family of a student
392 enrolled in a chronically under-performing public school proposed
393 to be converted to conversion charter school status shall be
394 entitled to one (1) vote per family without regard to the number



395 of children a family may have enrolled as students at the school.
396 The group of parents or guardians submitting or having the
397 petition submitted on their behalf shall be considered the sponsor
398 of the conversion charter school;

399 (c) The sponsor shall prepare and submit the petition
400 and the conversion plan for conversion charter school status
401 approved by the parents or guardians of students enrolled in a
402 chronically under-performing public school to the State Board of
403 Education upon forms prescribed by or in a format specified by the
404 board;

405 (d) Before the petition for conversion granting a
406 public school conversion charter school status is submitted to the
407 State Board of Education for approval, the sponsor shall conduct a
408 public hearing in the local school district in which the school
409 proposed for conversion is located to allow the parents or
410 guardians of students enrolled in the chronically under-performing
411 public school affected by the conversion to be informed of the
412 conversion process and to address any concerns relating to the
413 process and subsequent operation of the conversion charter school;
414 and

415 (e) After the State Board of Education approves a
416 petition for conversion charter school status, the parents or
417 guardians of the students enrolled in the conversion charter
418 school shall select members to serve on the conversion charter
419 school's local management board, which members shall be selected
420 in accordance with the rules and regulations promulgated by the
421 State Board of Education for the selection of conversion charter
422 school local management board members.

423 (5) The conversion plan to be attached to the petition must
424 include the following:

425 (a) A description of the plan for school improvement
426 that addresses how the school proposes to work toward improving



427 student learning and achieving a Successful rating or higher under
428 the State Accountability Model;

429 (b) An outline of proposed academic or vocational, or
430 both, performance criteria to be used during the initial period of
431 the contract to measure progress of the school in improving
432 student learning and achieving a Successful rating or higher under
433 the State Accountability Model requiring that:

434 (i) Academic performance criteria must include
435 specific and measureable benchmarks of academic performance on
436 state assessments; and

437 (ii) Academic performance criteria include a
438 requirement that conversion charter schools not miss adequate
439 yearly progress for any two (2) consecutive years, as defined by
440 the No Child Left Behind Act of 2001, or other future federal
441 school accountability requirements;

442 (c) A provision requiring the conversion charter school
443 to comply with all rules, regulations, policies and procedures of
444 the State Board of Education and the local school board and the
445 provisions of the Mississippi Code of 1972 relating to the
446 elementary and secondary education of students, except those
447 rules, regulations, policies or procedures from which the
448 conversion charter school specifically requests to be exempted and
449 which have been agreed upon by the State Board of Education as
450 specified in the school's contract. Conversion charter schools
451 must comply with general health and safety standards, state test
452 assessments and accountability requirements, financial
453 accountability and auditing requirements and all reporting and
454 data collecting requirements in the same manner as public schools
455 in the local school district.

456 (d) The local management board shall not directly or
457 indirectly communicate to a parent or guardian that the conversion
458 charter school is unable to meet the needs of a child, but shall



459 provide a free and public education to every student in the
460 attendance zone;

461 (e) Conversion charter schools may not be exempted from
462 the following statutes:

463 (i) Section 37-9-75, which relates to teacher
464 strikes;

465 (ii) Section 37-11-20, which prohibits acts of
466 intimidation intended to keep a student from attending school;

467 (iii) Section 37-11-21, which prohibits abuse of
468 school staff;

469 (iv) Section 37-11-23, which prohibits the willful
470 disruption of school and school meetings;

471 (v) Sections 37-11-29 and 37-11-31, which relate
472 to reporting requirements regarding unlawful or violent acts on
473 school property;

474 (vi) Section 37-151-107, which prohibits false
475 reporting of student counts by school officials;

476 (vii) Applicable State Department of Health
477 regulations;

478 (viii) Applicable federal No Child Left Behind
479 requirements and any additional federal education programs; and

480 (ix) Applicable federal and state requirements for
481 special education, gifted education and vocational education
482 programs;

483 (f) A detailed budget and a clear business plan,
484 including any projected costs that extend beyond the regular
485 operational costs of the conversion charter school;

486 (g) A plan of governance and the process by which the
487 members of the local management board of the conversion charter
488 school shall be selected to serve as the governing administrative
489 authority, provided that:



490 (i) The local management board shall be composed
491 of parents or guardians of students enrolled in and in attendance
492 at the conversion charter school, selected by other parents or
493 guardians of students enrolled in and in attendance at that
494 school;

495 (ii) Members of the local management board may
496 serve a term of three (3) years; however, a member's term of
497 service on the local management board is contingent upon that
498 member having a child continuously enrolled as a student at the
499 conversion charter school during each school year that the member
500 serves on the board. If a student no longer attends the
501 conversion charter school and the board member has no other child
502 enrolled in and attending the school, the term of the
503 member-parent or guardian shall expire immediately and a new
504 member selected. If a student is promoted and the board member
505 has no other child enrolled in and attending the conversion
506 charter school, the term of the member-parent or guardian shall
507 expire immediately and a new member selected, unless the
508 member-parent or guardian has another child who will be enrolled
509 in the conversion charter school in the next succeeding scholastic
510 year;

511 (iii) Members of the local management board shall
512 serve without compensation;

513 (iv) No member of the local school board of any
514 public or private school district may serve on the local
515 management board of a conversion charter school;

516 (v) Procedures for the subsequent selection of
517 members and filling vacancies that occur on the local management
518 board are included; and

519 (vi) The selection of members to the local
520 management board of conversion charter schools shall be performed
521 in accordance with the rules and regulations promulgated by the



522 State Board of Education for the selection of conversion charter
523 school local management board members;

524 (h) An agreement to provide an annual academic
525 achievement report to parents, the local school board of any
526 school district from which the conversion charter school draws
527 students and the State Board of Education, which indicates the
528 progress made by the conversion charter school during the previous
529 year in meeting its academic or vocational performance objectives.
530 The report shall include, but not be limited to, the following
531 information:

532 (i) Student progress concerning academic
533 achievement;

534 (ii) Student attendance;

535 (iii) Student grades and scores on assessment
536 instruments;

537 (iv) Incidents involving student discipline;

538 (v) Student socioeconomic data; and

539 (vi) Parent satisfaction with the schools;

540 (i) An agreement to provide a yearly financial report
541 to parents, the local school board of any school district from
542 which the conversion charter school draws students and the State
543 Board of Education, which discloses all public and private funds
544 received by the conversion charter school, and how those funds
545 were expended;

546 (j) An agreement requiring all student records,
547 financial documentation, and all other pertinent records of
548 student and school data shall be accessible by the local school
549 board;

550 (k) An agreement requiring members of the local
551 management board of a conversion charter school to attend the
552 training required under Section 37-3-4, provided by the
553 Mississippi School Boards Association for local school board



554 members and public school superintendents of this state, in order
555 for those individuals to carry out their duties more effectively.
556 Members of the local management board shall be reimbursed for the
557 necessary expenses and mileage in attending any required training
558 and shall be paid a per diem for each day in attendance at the
559 training by the local school district in the amount authorized by
560 Section 37-6-13 for members of the local school board;

561 (l) A transcript of the public hearing required under
562 subsection (4) (d) of this section; and

563 (m) A description of the discipline policy to be
564 adopted by the local management board, or alternatively, an
565 agreement that the local management board shall adhere to the
566 discipline policy implemented for the school district by the local
567 school board.

568 (6) If a petition for the conversion of a public school to
569 conversion charter school status is approved, the local management
570 board subject to the utilization of any available resources, may:

571 (a) Extend the school day or length of the scholastic
572 year;

573 (b) Develop and establish a curriculum that is
574 consistent with the Mississippi Curriculum Framework which
575 provides courses that promote postsecondary education and
576 vocational preparation and/or admission;

577 (c) Select, purchase and use textbooks, literature and
578 other instructional materials that would improve educational
579 attainment by students in the school, subject to the approval of
580 the State Board of Education;

581 (d) Select a person to be employed as the principal of
582 the conversion charter school or may contract with a profit or
583 nonprofit organization which has operated a successful public
584 school in any state or the District of Columbia for the daily
585 administrative management of the conversion charter school,



586 provided that daily administrative management shall not include
587 the authority to employ or terminate conversion charter school
588 administrators, teachers or other personnel, establish curriculum
589 or adopt a budget. The person selected by the local management
590 board to serve as principal of the conversion charter school must
591 attend or must have attended a principal leadership program
592 approved by the State Department of Education. If the local
593 management board contracts with a profit or nonprofit organization
594 for daily administrative management functions, that contract shall
595 not abrogate or preempt any provisions of the contract entered
596 into between the local management board and the State Board of
597 Education for the conversion of the public school to conversion
598 charter school status; and

599 (e) Select licensed teachers who are highly qualified
600 under the No Child Left Behind Act for employment in the
601 conversion charter school and determine the salaries of those
602 teachers employed. The minimum salaries for licensed teachers
603 employed in the conversion charter school shall be in accordance
604 with the scale for teachers' salaries provided under the Teacher
605 Opportunity Program, as established under Section 37-19-7.

606 (7) (a) All functions and decisions of the local management
607 board impacting the academic curriculum, student progress and
608 assessment and the accountability standards of a conversion
609 charter school shall be subject to the reviewing and approval
610 authority of the State Board of Education.

611 (b) All administrative functions and decisions of the
612 local management board impacting the financial or any other
613 managerial or operational functions of a conversion charter school
614 shall be subject to the reviewing and approval authority of the
615 local school board.



616 (8) Meetings of the local management board shall be subject
617 to the requirements of Sections 25-41-1 through 25-41-17 governing
618 open meetings.

619 (9) Nothing in this chapter prohibits conversion charter
620 schools from offering virtual service pursuant to state law and
621 regulations defining virtual schools.

622 **SECTION 8.** (1) Members of the local management board, local
623 school board and the State Board of Education are immune from
624 civil and criminal liability with respect to all activities of a
625 conversion charter school approved by the State Board of
626 Education; however, the local management board, local school board
627 or the State Board of Education, in its official capacity, may be
628 held liable only for matters with which the respective board has
629 been involved directly, including the misappropriation of funds,
630 the appropriation of funds beyond the scope of its authority,
631 abridging the due process rights of a student attending the
632 conversion charter school, gross negligence, intentional and
633 willful misconduct, malfeasance and nonfeasance.

634 (2) The local school board shall provide the local
635 management board of a conversion charter school with the same
636 legal representation as is provided to the local school board.

637 **SECTION 9.** (1) The State Board of Education shall establish
638 a time line for accepting petitions requesting the conversion of a
639 public school to conversion charter school status. The board and
640 the Commission on School Accreditation shall review and rate all
641 petitions for a conversion charter school.

642 (2) After initial review and rating, the board, with the
643 advice of the Commission on School Accreditation, may approve or
644 deny a petition based on criteria adopted by the board, which
645 shall include criteria relating to improving student performance
646 and encouraging new and innovative programs. The board must
647 provide a written response to each sponsor submitting a petition



648 in writing within forty-five (45) days after the closing date for
649 receiving petitions in the form of an approval or rejection. The
650 response to rejected petitions shall include notification to the
651 sponsors of the reasons for rejection.

652 (3) The board shall allow each sponsor, who submits a
653 petition for a conversion charter school within thirty (30) days
654 before the closing date for receiving petitions to resubmit the
655 petition, if the original petition was found to be deficient by
656 the board, after the sponsor has corrected any deficiencies.

657 (4) If a public school has been designated as a chronically
658 failing school for three (3) consecutive years, as determined by
659 the State Department of Education, and the petition for conversion
660 to conversion charter school status is rejected by the State Board
661 of Education, the board, on its own motion, may initiate the
662 procedure to transform the failing school into a new start school
663 under the New Start School Program authorized under Section 1 of
664 this act.

665 **SECTION 10.** (1) A public school converted to conversion
666 charter school status, upon approval by the State Board of
667 Education, shall continue to be considered a public school under
668 the authority of the local school district for purposes of
669 receiving transportation services and funding, state funding for
670 students based on per-pupil expenditures, classroom supplies
671 resources, other adequate education program funds, including
672 at-risk funding and any additional operational services provided
673 to local schools by the district.

674 (2) The local school board, when providing transportation
675 services to students enrolled in and attending a conversion
676 charter school, shall comply with all statutes governing the
677 transportation of students required of public school districts
678 under Chapter 41, Title 37, Mississippi Code of 1972.



679 (3) All students enrolled in, in attendance at and residing
680 in the attendance zone of a public school when a petition is
681 submitted for conversion charter school status shall be deemed to
682 be enrolled in the conversion charter school when the petition is
683 approved by the State Board of Education without any required
684 application process for the school. Enrollment in a conversion
685 charter school is limited to those students residing in the
686 attendance zone of the conversion charter school, and shall not be
687 open for the enrollment of transfer students unless any openings
688 are available, at which time students within the local public
689 school district may apply for admission into the conversion
690 charter school. A conversion charter school is subject to any
691 desegregation court orders in effect in the school district in
692 which the conversion charter school is located. In the event that
693 openings are available in a conversion charter school, the local
694 management board, with the approval of the State Board of
695 Education, shall establish an application process for students in
696 the local school district, who reside outside of the attendance
697 zone of the public school granted conversion charter school
698 status, to seek enrollment in the conversion charter school,
699 provided that the process is in compliance with rules and
700 regulations promulgated by the State Board of Education. The
701 parent of any student granted admission to the conversion charter
702 school who resides outside the attendance zone of the school shall
703 be responsible for transporting the student to and from the
704 school.

705 (4) Any student enrolled in a public school converted to
706 conversion charter school status who elects not to attend the
707 conversion charter school shall be permitted by the local school
708 board to attend another public school in the local school district
709 that the student otherwise would be eligible to attend if not
710 enrolled at the conversion charter school. If there is not



711 another public school in the local school district that the
712 student would be eligible to attend serving the student's current
713 grade level, the local school board shall grant the student a
714 release to seek enrollment in another school district.

715 **SECTION 11.** (1) The initial contract issued by the State
716 Board of Education for a public school converted to conversion
717 charter school status shall be for a minimum term of three (3)
718 years. Thereafter, the State Board of Education may renew the
719 contract for a conversion charter school on a one-year or
720 multiyear basis, not to exceed three (3) years, if all parties to
721 the original contract approve the renewal with a vote of a
722 majority of the parents or guardians of students enrolled in the
723 conversion charter school.

724 (2) After a school has been in conversion charter school
725 status for three (3) years, the parents or guardians of students
726 enrolled in the conversion charter school may request removal from
727 conversion charter school status upon the submission of a petition
728 of more than fifty percent (50%) of those parents or guardians to
729 the State Board of Education.

730 (3) The State Board of Education shall prescribe the
731 circumstances under which a conversion charter school shall cease
732 to be designated conversion charter school subject to the rules
733 and regulations of the State Board of Education relating to
734 conversion charter schools.

735 **SECTION 12.** All employees of a conversion charter school
736 shall be deemed employees of the local school district for
737 purposes of receiving certain state-funded employee benefits,
738 including membership in the Public Employees' Retirement System
739 and the State and School Employees Life and Health Insurance Plan.
740 Conversion charter schools are public schools, and the employees
741 of conversion charter schools are public school employees.



742 **SECTION 13.** The State Board of Education with the advice the
743 Commission on School Accreditation may approve up to twelve (12)
744 conversion charter schools during a period of six (6) years, under
745 the authority provided under Section 9 of this act, which such
746 conversion charter schools shall not begin operations before July
747 1, 2013; however, no more than three (3) petitions for conversion
748 charter school status in each of the four (4) congressional
749 districts may be approved. After the sixth year, the board shall
750 evaluate the existing process of converting public schools to
751 conversion charter school status and shall make a recommendation
752 to the Legislature on the feasibility of increasing the number of
753 conversion charter schools in the state.

754 **SECTION 14.** A school district, school district employee or
755 any other person who has control over personnel actions may not
756 take unlawful reprisal against an employee of the school district
757 because the employee is directly or indirectly involved in a
758 petition to convert a public school to conversion charter school
759 status. As used in this section, the term "unlawful reprisal"
760 means an action that is taken by another school district employee
761 as a direct result of a lawful application to convert a public
762 school to conversion charter school status and which is adverse to
763 the employee and results in one or more of the following for the
764 employee:

- 765 (a) Disciplinary or corrective action;
- 766 (b) Detail, transfer or reassignment;
- 767 (c) Suspension, demotion or dismissal;
- 768 (d) An unfavorable performance evaluation;
- 769 (e) A reduction in pay, benefits or awards;
- 770 (f) Elimination of the employee's position without a
771 reduction in force by reason of lack of monies or work; or



772 (g) Other significant changes in duties or
773 responsibilities which are inconsistent with the employee's salary
774 or employment classification.

775 **SECTION 15.** The Education Employment Procedures Law shall
776 not apply to any category of employee employed in any school that
777 is converted to a conversion charter school under Sections 4
778 through 16 of this act.

779 **SECTION 16.** In addition to receiving state funds for
780 operations, public schools converted to conversion charter school
781 status may accept bequests, devises, donations and grants from any
782 public or private source and may apply for federal funding under
783 the federal "Race to the Top" program. It is the intent of the
784 Legislature that in accordance with the conditions of federal
785 funding under the federal "Race to the Top" program, public
786 schools converted to conversion charter school status in
787 Mississippi are authorized to operate conversion charter and
788 autonomous public school programs that are high-performing. It is
789 further the intent of the Legislature that public schools
790 converted to conversion charter school status receive equitable
791 state and federal funding compared to traditional public schools,
792 as required by the federal "Race to the Top" program, and that the
793 state shall not impose any school facility-related requirements on
794 conversion charter schools which are more restrictive than those
795 applied to traditional public schools.

796 **SECTION 17.** Sections 1 through 17 of this act shall stand
797 repealed on July 1, 2016.

798 **SECTION 18.** This act shall take effect and be in force from
799 and after July 1, 2010.

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

1 AN ACT TO CREATE A NEW START SCHOOL PROGRAM TO BE
2 ADMINISTERED BY THE MISSISSIPPI RECOVERY SCHOOL DISTRICT IN THE
3 STATE DEPARTMENT OF EDUCATION; TO DEFINE THE TERM "NEW START



4 SCHOOL"; TO REQUIRE A NEW START SCHOOL TO BE ESTABLISHED IN EACH
5 PUBLIC SCHOOL THAT, DURING EACH OF THREE CONSECUTIVE SCHOOL YEARS,
6 IS CONSIDERED FAILING; TO AUTHORIZE THE STATE BOARD OF EDUCATION
7 TO GRANT A ONE-YEAR DELAY IN TRANSFORMING A SCHOOL INTO A NEW
8 START SCHOOL WHEN MERITED; TO REQUIRE THE DEPUTY SUPERINTENDENT OF
9 EDUCATION TO PROVIDE NOTICE TO THE PUBLIC AND ALL EMPLOYEES OF A
10 FAILING SCHOOL OF ITS POTENTIAL TO BE TRANSFORMED INTO A NEW START
11 SCHOOL; TO REQUIRE THE EVALUATION OF ALL LICENSED AND NONLICENSED
12 EMPLOYEES IN A FAILING SCHOOL THAT IS TRANSFORMED INTO A NEW START
13 SCHOOL BEFORE THE TERMINATION OF SUCH EMPLOYEES; TO REQUIRE THE
14 STATE BOARD OF EDUCATION TO ADOPT RULES AND REGULATIONS RELATING
15 TO THE NEW START SCHOOL PROGRAM; TO RESTRICT THE TRAVEL OF
16 SUPERINTENDENTS AND MEMBERS OF LOCAL SCHOOL BOARDS HAVING A
17 FAILING SCHOOL IN THEIR SCHOOL DISTRICTS; TO REDUCE THE AMOUNT OF
18 THE PER DIEM RECEIVED BY MEMBERS OF LOCAL SCHOOL BOARDS HAVING A
19 FAILING SCHOOL IN THEIR SCHOOL DISTRICTS BY ONE-HALF; TO CREATE
20 THE "CONVERSION CHARTER SCHOOL ACT OF 2010"; TO ESTABLISH A
21 PROCESS BY WHICH CHRONICALLY UNDER-PERFORMING PUBLIC SCHOOLS MAY
22 BE CONVERTED TO CONVERSION CHARTER SCHOOL STATUS UPON A PETITION
23 APPROVED BY MORE THAN FIFTY PERCENT OF THE PARENTS OR GUARDIANS OF
24 STUDENTS IN THOSE SCHOOLS, SUBJECT TO THE APPROVAL OF THE STATE
25 BOARD OF EDUCATION; TO REQUIRE THAT A SCHOOL BE DESIGNATED
26 LOW-PERFORMING, AT-RISK OF FAILING OR FAILING FOR THREE
27 CONSECUTIVE YEARS BEFORE A PETITION MAY BE SUBMITTED REQUESTING
28 CONVERSION; TO PRESCRIBE CERTAIN REQUIREMENTS FOR PETITIONS FOR
29 THE CONVERSION OF PUBLIC SCHOOLS TO CONVERSION CHARTER SCHOOL
30 STATUS; TO REQUIRE THE SPONSORS OF A PETITION TO CONDUCT A PUBLIC
31 HEARING IN THE LOCAL SCHOOL DISTRICT IN WHICH THE PROPOSED SCHOOL
32 TO BE CONVERTED TO CONVERSION CHARTER SCHOOL STATUS IS LOCATED
33 BEFORE APPROVAL OF THE PETITION BY THE STATE BOARD OF EDUCATION;
34 TO PROVIDE FOR A LOCAL MANAGEMENT BOARD OF A CONVERSION CHARTER
35 SCHOOL AND FOR THE SELECTION OF ITS MEMBERS; TO REQUIRE THAT THE
36 SELECTION OF MEMBERS TO THE LOCAL MANAGEMENT BOARD BE PERFORMED IN
37 ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE STATE
38 BOARD OF EDUCATION FOR SUCH PURPOSES; TO PRESCRIBE THE POWERS AND
39 DUTIES OF THE LOCAL MANAGEMENT BOARD AS THEY RELATE TO THE
40 GOVERNANCE OF A CONVERSION CHARTER SCHOOL; TO PROVIDE THAT ALL
41 ACADEMIC FUNCTIONS AND DECISIONS OF THE LOCAL MANAGEMENT BOARD
42 IMPACTING THE CONVERSION CHARTER SCHOOL SHALL BE SUBJECT TO THE
43 REVIEWING AND APPROVAL AUTHORITY OF THE STATE BOARD OF EDUCATION;
44 TO PROVIDE THAT ALL ADMINISTRATIVE FUNCTIONS AND DECISIONS OF THE
45 LOCAL MANAGEMENT BOARD IMPACTING THE CONVERSION CHARTER SCHOOL
46 SHALL BE SUBJECT TO THE REVIEWING AND APPROVAL AUTHORITY OF THE
47 LOCAL SCHOOL BOARD; TO PROVIDE CERTAIN IMMUNITY TO THE LOCAL
48 MANAGEMENT BOARD, LOCAL SCHOOL BOARD AND STATE BOARD OF EDUCATION;
49 TO REQUIRE THE LOCAL SCHOOL BOARD TO PROVIDE THE LOCAL MANAGEMENT
50 BOARD WITH THE SAME LEGAL REPRESENTATION AS IS PROVIDED TO THE
51 LOCAL SCHOOL BOARD; TO PRESCRIBE THE POWERS AND DUTIES OF THE
52 STATE BOARD OF EDUCATION AS THEY RELATE TO THE ADMINISTRATION OF
53 THIS ACT; TO PRESCRIBE THE PERIOD OF TIME IN WHICH THE STATE BOARD
54 OF EDUCATION HAS TO REVIEW AND APPROVE OR DENY AN APPLICATION FOR
55 CONVERSION CHARTER SCHOOL STATUS; TO PRESCRIBE CERTAIN PROCEDURES
56 TO BE FOLLOWED BY THE STATE BOARD OF EDUCATION UPON REJECTION OF
57 AN APPLICATION; TO PERMIT THE STATE BOARD OF EDUCATION TO EXERCISE
58 THE OPTION TO TRANSFORM A FAILING SCHOOL INTO A NEW START SCHOOL
59 IF THE PETITION FOR CONVERSION TO CONVERSION CHARTER SCHOOL STATUS
60 IS REJECTED; TO PROVIDE THAT A CONVERSION CHARTER SCHOOL SHALL
61 CONTINUE TO BE CONSIDERED A PUBLIC SCHOOL UNDER THE AUTHORITY OF
62 THE LOCAL SCHOOL DISTRICT FOR CERTAIN FUNDING AND SERVICE
63 PURPOSES; TO PROVIDE THAT STUDENTS WITHIN THE ATTENDANCE ZONE OF A
64 PUBLIC SCHOOL CONVERTED TO CONVERSION CHARTER SCHOOL STATUS WHEN
65 THE PETITION IS MADE FOR CONVERSION CHARTER SCHOOL STATUS SHALL BE
66 ELIGIBLE FOR ENROLLMENT IN THE CONVERSION CHARTER SCHOOL; TO
67 PROHIBIT THE ENROLLMENT OF TRANSFER STUDENTS; TO REQUIRE THAT
68 STUDENTS WITHIN THE ATTENDANCE ZONE NOT ELECTING TO ATTEND THE



69 CONVERSION CHARTER SCHOOL BE ALLOWED TO ATTEND ANOTHER PUBLIC
70 SCHOOL IN THE LOCAL SCHOOL DISTRICT; TO PROVIDE THAT AN APPROVED
71 CONTRACT FOR THE CONVERSION OF A PUBLIC SCHOOL TO CONVERSION
72 CHARTER SCHOOL STATUS SHALL BE VALID FOR AN INITIAL MINIMUM TERM
73 OF THREE SCHOOL YEARS; TO PROVIDE THE PROCESS BY WHICH A SCHOOL
74 MAY BE REMOVED FROM CONVERSION CHARTER SCHOOL STATUS; TO PROVIDE
75 THAT EMPLOYEES OF THE CONVERSION CHARTER SCHOOL ARE EMPLOYEES OF
76 THE LOCAL SCHOOL DISTRICT FOR PURPOSES OF RECEIVING CERTAIN
77 BENEFITS; TO LIMIT THE NUMBER OF CONVERSION CHARTER SCHOOLS TO
78 THREE PER CONGRESSIONAL DISTRICT; TO PROHIBIT UNLAWFUL REPRISAL
79 AGAINST SCHOOL DISTRICT EMPLOYEES WHO ARE INVOLVED IN A PETITION
80 FOR THE CONVERSION OF A PUBLIC SCHOOL TO CONVERSION CHARTER SCHOOL
81 STATUS; TO PROVIDE AN EXEMPTION TO THE EDUCATION EMPLOYMENT
82 PROCEDURES LAW FOR CONVERSION CHARTER SCHOOLS DURING A SCHOOL'S
83 FIRST YEAR; TO PRESCRIBE THE VARIOUS SOURCES OF FUNDING WHICH A
84 CONVERSION CHARTER SCHOOL IS ELIGIBLE TO APPLY FOR AND ACCEPT; TO
85 PROVIDE FOR THE REPEAL OF SECTIONS 1 THROUGH 17 OF THIS ACT; AND
86 FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)
Carmichael

X (SIGNED)
Burton

(NOT SIGNED)
Watson

CONFEREES FOR THE HOUSE

X (SIGNED)
Brown

X (SIGNED)
Warren

(NOT SIGNED)
Burnett

