

# History of Charter School Legislation in Mississippi

## 1997

### Mississippi's First Charter School Law

Mississippi's first charter school law, HB1672, was signed into law on April 4, 1997. It allowed existing public schools to convert to charter schools on a pilot program basis. Schools interested in converting had to gain the approval of their local school board through a majority vote. Schools then had to be approved by the Mississippi Department of Education. Unsurprisingly, only one school in the state, an elementary school in Merigold, was converted to a charter school under this law. This school, the Hayes Cooper Center, was never a true charter school in the accepted understanding of the term and quickly reverted back to a traditional district magnet school. The 1997 law expired in 2009.

## 2010

### Conversion Charter Schools & New Start Schools Act of 2010

After a year with no charter law, Mississippi passed the *Conversion Charter Schools and New Start Schools Act of 2010*. This law, which contained both charter language and state school takeover language, again proved unworkable. The law only allowed conversions of existing schools that had been rated failing for three consecutive years beginning in the 2009-2010 school year. By the time the first schools would have become eligible, in 2012-2013, Mississippi had already repealed the law in favor of a better one.

## 2012

### Charter School Law Debated; No New Law

In 2012, the Mississippi Legislature made its first attempt at passing a true charter school law. Although a Senate bill and two House bills were introduced, each bill died in committee or failed to be considered by the deadline.

## 2013

### Mississippi Charter Schools Act of 2013

The *Mississippi Charter Schools Act of 2013*, which was signed into law by Governor Bryant on April 17, 2013, established Mississippi's first true charter school law. Mississippi's law is based on the 2009 model law crafted by the National Alliance for Public Charter Schools. The *Mississippi Charter Schools Act* moved Mississippi from 43 out of 43 on the 2013 ranking of charter school laws by the National Alliance for Public Charter Schools to 14 of 43, the largest leap for any law in the years the Alliance has published a ranking. Mississippi First's original *Keeping the Promise* brief found that 75% of our recommended policy elements were completely adopted into law (70%, or 14 of 20, were in the original 2013 law and an additional 5%, or 1 of 20, was part of a 2015 amendment). Another 10% (2 of 20) of our recommendations were partially adopted in 2013 and remain today.

## 2014

### Technical Changes Made to the 2013 Law

HB455 made minor changes to the qualifications of the Executive Director of the Mississippi Charter School Authorizer Board to enable the Board to conduct a wider search for a leader.

## 2015

### Additional Technical Changes Made to the 2013 Law

HB859 corrected technical problems with the funding provisions of the charter law. It improved the calculation of local and state funding as well as imposed a penalty for local school districts that withhold local funding from charter schools.

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## 2016

## Improvements to the 2013 Law

SB2161, signed into law on April 14, 2016, contained several improvements to the charter school law. These improvements align nearly perfectly to the recommendations that Mississippi First made in our first *Keeping the Promise* brief, published May 2015. In the chart below, we list the recommendations from our first brief and how SB2161 addressed the issues.

Priority	Recommendation	SB2161	Alignment
High Priority	<b>Crossing District Lines</b> — <i>Clarify the language in the law to ensure that students may cross district lines to attend a charter school.</i>	SB2161 enables students from “C,” “D,” or “F” school districts to attend a charter school in another school district. Districts with one of these ratings at the time of the charter school’s application to the authorizer board or at any point thereafter are eligible. Students crossing district lines are supported through state funds.	<b>Partially Aligned</b> —Mississippi First recommended that children from any district be allowed to cross district lines to attend a charter school. The law restricts eligible students to those from “C,” “D,” or “F” districts.
High Priority	<b>Graduation Requirements</b> — <i>Require charter schools to adopt graduation requirements that meet or exceed the standards set by the State Board of Education.</i>	The new law requires charter high school students to meet or exceed graduation requirements set by the Mississippi Department of Education in order to attain a regular high school diploma. Competency-based satisfaction of requirements is permitted.	<b>Aligned</b>
High Priority	<b>PERS</b> — <i>Allow all public school teachers – whether in a charter school or traditional school – to have access to PERS by removing the restriction in the law. Amend the law to enable charter schools to choose whether to join PERS, as is the practice in most other states.</i>	SB2161 makes charter school teachers eligible for PERS. Charter schools can opt to participate in PERS or provide retirement benefits in another way.	<b>Aligned</b>
High Priority	<b>Conversion School Buildings</b> — <i>Allow conversion charter schools the right to use their facilities by leasing or purchasing them at or below fair market value.</i>	The law requires districts to lease or sell at fair market value the facility of a conversion charter school to the charter school.	<b>Aligned</b>
Medium Priority	<b>Teacher certification</b> — <i>Exempt 25% of charter school teachers from state certification if they are highly qualified under federal rules.</i>	The law allows up to 25% of a charter school’s teachers to be exempt from certification requirements at any time, but an uncertified teacher must achieve state certification within three years of hire. All teachers must have a bachelor’s degree and demonstrate subject-matter competency.	<b>Partially Aligned</b> —Mississippi First recommended exempting 25% of a charter school’s teachers from certification requirements at all times. The new law allows up to 25% of teachers to be exempt but requires each individual teacher to gain certification within three years of hire.

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Priority	Recommendation	SB2161	Alignment
Medium Priority	<b>Transportation</b> — <i>Require charter schools to provide transportation to students on the same basis as traditional school districts.</i>	SB2161 did not make changes to the law's transportation provisions.	<b>Not Aligned</b>
Low Priority	<b>Removing the C District Veto and Allowing Charters in the Zones of Low-Performing Schools in A and B Districts</b> — <i>Allow charters to open in C districts and the zones of D or F schools in A and B districts without the approval of the local school board.</i>	SB2161 did not make changes to these provisions.	<b>Not Aligned</b>
Low Priority	<b>State Facilities Programs</b> — <i>Allow charter schools to have access to state grant funds for establishing and maintaining physical facilities.</i>	The law grants charter schools access to the Public School Building Fund on the same basis as traditional public school districts.	<b>Aligned</b>

Of the eight recommendations that Mississippi First made, six (75%) were partially aligned (2 or 25%) or aligned (4 or 50%), including all of our high priority recommendations. Of the two recommendations that were not included in the law, one was medium priority and the other was low priority. Furthermore, none of the changes to the law contradicted any of our recommendations. In other words, the amendments all improved upon the status quo.

In addition to amendments recommended by Mississippi First, SB2161 also included changes beyond the scope of our original brief. First, the law allows charter schools to give enrollment preferences to underserved students in order for the school to meet their requirement to enroll a percentage of underserved students that is at least 80% of the underserved population in the traditional district. Additionally, the law made further technical amendments to provisions pertaining to state and local funding and revised the annual audit deadline for charter schools to better align with the state's fiscal year. The law also makes it illegal for traditional districts to take reprisal action against employees for directly or indirectly supporting a charter school application. Finally, the law deletes the repealer on the *Charter Schools Act*, meaning that the *Charter Schools Act* will never expire. Mississippi First supported all of these changes during the legislative process.

## Conclusion

Not only has Mississippi strengthened its charter law over time, it has also repeatedly changed its law to conform to Mississippi First's recommendations. Mississippi First is proud of Mississippi's strong charter law and our work to implement it.