

OFFICE OF EDUCATIONAL ACCOUNTABILITY
Summary of State Board of Education Agenda Items
Consent Agenda
May 26, 2022

OFFICE OF PUBLIC REPORTING

- R.01. Approval to repeal Miss. Admin. Code 7-3: 16 and 16.1, State Board Policy Chapter 16 – Charter Schools, Rule 16.1 – Charter Schools
(Has cleared the Administrative Procedures Act process with no public comment)

Background Information: To repeal Miss. Admin. Code 7-3: 16 and 16.1, State Board Policy Chapter 5 – Charter Schools, Rule 16.1 – Charter Schools policy in accordance with Miss. Code Ann. § 25-43-3.114 which requires an agency to review all of its rules at least every five years to determine whether any rule should be repealed, amended, or a new rule adopted.

Recommendation: Approval

Back-up material attached

Part 3 Chapter 16: Charter Schools

Rule 16.1 Charter Schools. The State Superintendent of Education is directed to assign staff to develop a charter school petition package in compliance with the charter school statute and State Board of Education regulations. Staff is directed to add such items as are needed to ensure that the information being submitted by the school is educationally sound for use in deciding whether to grant the charter. The petition package shall be presented to the State Board of Education for approval as part of the charter school regulations and disseminated as appropriate. As modifications in this petition package are required, the same approval process shall be followed.

The State Superintendent of Education is further directed to assign staff to develop a process for reviewing and recommending which charters should be granted. That process shall include review of petitions by at least some individuals external to the Department of Education. If review of the first group of petitions does not result in all six charters being issued, the staff may select those petitions with the highest ratings in the appropriate geographical areas and, if the petitioners wish to revise and resubmit those petitions, offer revision assistance to the petitioners. After this, if all six charters have not been issued, the State Superintendent of Education is authorized, in his discretion, to accept new petitions. The first petitions requesting issuance of charters shall be submitted to the State Department of Education by October 15, 1997; recommendations for issuance of charters shall be provided to the State Board of Education (SBE) no later than its December 1997 meeting. If a petition from a school for a charter is not approved by the local school board in the district where the school is located, State Department of Education staff shall review it and the reasons for disapproval submitted by the local school board. After that review, a recommendation shall be made to the SBE relative to any further action which should be taken. If no further action is taken by the SBE, that petition shall not be considered in the rating process.

At least six months prior to the end of the four year pilot period for the six charters, unless those charters have been voided or are otherwise no longer in operation, each charter school wishing to renew its charter shall update the petition as needed following the currently approved application process.

In implementing the charter school statute, the regulations outlined below shall be followed. The charter school shall, in addition to the specific requirements of the charter school statute (House Bill 1672, 1997 Legislative session):

1. have a policy and decision-making body;
2. if the school acts as its own fiscal agent, implement a financial accounting and auditing process which shall be the same as, or meet the same requirements as, those which must be followed by a local public school district;
3. implement a student attendance recording and reporting process, which shall be the same as, or meet the same requirements as, those which must be followed by a local public school district;
4. submit such reports as shall be requested by the State Superintendent of Education;

- ~~5. not charge tuition for attending the school;~~
- ~~6. have a school calendar that includes at least 180 days;~~
- ~~7. comply with state/federal regulations for federal programs — where waivers are available from the federal government, schools shall apply for such waivers in the same manner as any other public school would apply;~~
- ~~8. abide by state statutes and SBE policy relative to state testing program;~~
- ~~9. receive state educational funds (including, but not limited to, minimum program and/or MAEP, transportation, and textbook) and funds from flow through federal funding on an equitable basis with other public schools in the district;~~
- ~~10. maintain permanent records in accord with state statutes and SBE policy;~~
- ~~11. comply with regulations for ordering and reporting on state purchased textbooks;~~
- ~~12. report expulsion of students as required in state statutes;~~
- ~~13. retain proprietary control of any products/processes created by the school;~~
- ~~14. meet, at a minimum, SBE policy relative to graduation requirements;~~
- ~~15. not deny any person admission to the school on the basis of race, color, creed, national origin, sex, disability, handicap, nor age;~~
- ~~16. comply with the personnel policies of local school board in the district where the school is located; and~~
- ~~17. comply with the requirements of the following sections in Title 37 of the Mississippi Code Sections:~~
 - ~~37-9-75 (teacher strikes)~~
 - ~~37-11-18 & 19 (student expulsion and suspension)~~
 - ~~37-11-20 (coercion relative to student attendance)~~
 - ~~37-11-21 (school staff abuse)~~
 - ~~37-11-23 (disrupting school or school meetings)~~
 - ~~37-11-29 & 31 (reporting unlawful or violent acts on school property)~~
 - ~~37-11-53 & 55 (student discipline plan and code of conduct)~~
 - ~~37-15-13 through 31 (inter and intra district transfers)~~
 - ~~37-19-53 (false reports)~~

~~The State Department of Education is authorized to develop procedures to implement these policies and regulations and to make such interpretations as are required to carry out SBE intent.~~

~~Source: *Miss. Code Ann. § 37-1-3 (Adopted 8/1997)*~~