

**Southern Echo, Inc.**  
**Mississippi Delta Catalyst Roundtable**  
**Proposed Amendments to SB 2401 PS – Charter Schools**  
**March 21, 2012**

**TABLE OF CONTENTS**

	Page
Introduction: Opposition to SB 2401 PS; proposed amendments if there is a bill	3
Problem #1: Objectives of charter bill are met by existing school law	3
Problem #2: Disability-only charter schools heads in the wrong direction	4
Problem #3: “Students at-risk”	4
Problem #4: Effective notice to public regarding charter school applications	7
Problem #5: Charter schools should be confined to under-performing school districts	8
Problem #6: State Bd. of Education versus independent agency as charter authorizer	8
Problem #7: Liability immunity for authorizers inconsistent with education law	9
Problem #8: Conflicts of interest	10
Problem #9: Background information on charter school leaders and management	10
Problem #10: Fairness to all students in lottery process	11
Problem #11: Providing effective supports to charter students to prevent dropouts	11
Problem #12: Ensuring meaningful parental involvement in charter schools	12
Problem #13: Qualifications of outside education agencies working for charters	12
Problem #14: Verifiable data for dropout and non-completion rates in applications	13
Problem #15: Public access to charter school applications and documentation	13
Problem #16: Accountability requires data on dropout and non-completion rates	14
Problem #17: Access of public to reports on charter school performance	14
Problem #18: Effective access of public to reports on charter school performance	15
Problem #19: PEER must assess needs of <i>both</i> traditional and charter public schools	15
Problem #20: Charters to be subject to education laws and regulations; exemptions	17
Problem #21: Expansion of meaning of non-discrimination in charter schools	17
Problem #22: Separation of church and state in charter schools	18
Problem #23: Certification of all teachers and administrators in charters	18
Problem #24: Charter teachers rights to due process and retirement benefits	19
Problem #25: Charter teachers rights to retirement and other benefits	19

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**Proposed Amendments to SB 2401 PS – Charter Schools**

**Introduction**

Southern Echo and the MS Delta Catalyst Roundtable are opposed to SB 2401 PS, the charter school bill, and urge its defeat in its entirety.

If we cannot defeat this bill, then we ought to remove or amend its most troublesome provisions. With that in mind, we have identified 25 specific problem areas and propose remedies for these problems by the deletion of or amendments to specific provisions in the bill.

In these materials we have used the strikethrough ( --- ) to indicate that text and punctuation are being deleted, and the underline ( \_\_\_ ) to indicate that text and punctuation are being added.

**Problem #1: Objectives of charter bill are met by existing school law**

**Our contention is that the objectives of the charter school legislation seek to create opportunities that already exist in our traditional public schools. There is nothing in existing Mississippi school law that precludes the innovation and creativity sought in SB 2401. This law is unnecessary to achieve these goals. These are the portions in the “mission statement” of the bill that illustrate this point.**

**Section 2, subsections (e), (f), and (g); lines 74-81:**

(e) To encourage the use of different, high-quality models of teaching, governing, scheduling, or other aspects of schooling that meet a variety of student needs;

(f) To allow public schools freedom and flexibility in exchange for exceptional levels of results driven accountability;

(g) To provide students, parents, community members, and local entities with expanded opportunities for involvement in the public education system;

**Problem #2: Disability-only charter schools heads in the wrong direction**

The bill authorizes the initiation of charter schools populated only with students with disabilities. This creates the specter that charter schools will be authorized that will separate or re-segregate students with disabilities away from the mainstream. Any beneficent intent is outweighed by the detriment to the goal of overcoming the history of degrading, debilitating segregation of students with disabilities and the urgency of enabling such students to integrate into the mainstream. Therefore, we should delete in this sub-section the reference to students with disabilities.

**Section 4, subsection 2(d), lines 228-235:**

(d) This section does not preclude the formation of a public charter school whose mission is focused on serving ~~students with disabilities~~, students of the same gender, students who pose such severe disciplinary problems that they warrant a specific educational program, or students who are at risk of academic failure. If capacity is insufficient to enroll all students who wish to attend such school, the public charter school shall select students through a lottery.

**Problem #3: "Students at-risk"**

- a. Students at-risk must be properly represented in charter school student body.
- b. Importance of use of first person language: i.e. "Students at-risk" rather than "At-risk students".

**Section 3, subsection (c):**

(c) An ~~"at-risk student"~~ "student at-risk" means a student participating in the federal free lunch program who qualifies for ~~at-risk student~~ student at-risk funding under the Mississippi Adequate Education Program. "Student at-risk" shall also mean a student who has an economic or academic disadvantage that requires special services and assistance to succeed in educational programs. The term includes, but is not necessarily limited to, students who are members of economically disadvantaged families, students who are identified as having special educational needs, students who are limited in English proficiency, students who are at risk of dropping out of high school and students who do not meet minimum standards of academic proficiency.

**Section 4, subsection (1)(e), lines 176-198:**

(e) The at-risk composition of the charter school enrollment shall reflect that of students in similar grades as determined by the most

recent census data for school-aged students for the school district in which the charter school is located, ~~to be defined for the purposes of this act as differing by no more than twenty five percent (25%) from that population.~~ There shall be no limit on the extent to which the percentage of at-risk composition of the charter school enrollment may exceed the percentage of students at-risk in similar grades in the school district. The percentage of at-risk composition of the charter school shall not deviate by more than seven percent (7%) below the percentage of students at-risk in similar grades in the school district. The at-risk composition of the charter school enrollment shall also reflect the distribution of students at-risk in similar grades among the several categories of students at-risk, as defined in Section 3, Subsection (c) of this act, including, but not limited to, students who are members of economically disadvantaged families, students who are identified as having special educational needs, students who are limited in English proficiency, students who are at risk of dropping out of high school and students who do not meet minimum standards of academic proficiency. In compliance with this section charter schools shall not deny nor discourage application to or enrollment in the charter school by students who have a severe or high-cost disability, nor shall the charter school portray itself to the parents of a student with such disabilities that the charter school cannot or will not provide for the services to which the student is entitled under federal and state laws and regulations. Violation of this section shall be grounds for denial of a charter school application or revocation of the charter school's contract. In the event that the at-risk composition of an applicant's or charter school's enrollment ~~differs from~~ falls below the enrollment of students in similar grades as determined by the most recent census data for school-aged students for the school district in which the charter school is located by more than ~~twenty five percent (25%)~~ seven percent, despite its best efforts, the authorizer from which the applicant is seeking sponsorship shall ~~consider~~ investigate the applicant's or the charter school's recruitment efforts and at-risk composition of the applicant pool in determining whether the applicant or charter school exercised due diligence in the recruitment of students at-risk, or is operating in a nondiscriminatory manner. A finding by the authorizer that the applicant exercised due diligence and is not operating in a discriminatory manner

justifies approval of the charter without regard to the at-risk percentage requirement if the application is acceptable in all other aspects. A finding by the authorizer that the applicant or charter school has failed to exercise due diligence in its recruitment efforts or is operating in a discriminatory manner justifies the denial of a charter school application or the revocation of a charter, as may be applicable. In the event that the applicant or charter school has not recruited or retained sufficient numbers of students at-risk as required by this section, the authorizer shall investigate whether:

i. the proposed or actual location of the charter school is a contributing factor to the failure to recruit sufficient numbers of students at-risk as defined in Section 3, Subsection (c) of this act. In the event that it is determined that the location, or proposed location, of the charter school has a negative impact on recruitment, then this factor shall be considered in whether to approve or renew a charter school application;

ii. the charter school is targeting students who have behavioral or academic problems for expulsion from the charter school, or has engaged in practices the effect of which have been to encourage and cause them to leave without actually having been expelled. In the event it is determined that the charter school has failed or refused to provide sufficient academic and behavioral supports to students with behavioral or academic problems, then such circumstance shall be considered regarding whether to revoke or to decline to renew a charter school charter.

**Problem #4: Effective notice to public regarding charter school applications**

The public should be notified immediately of any application for a charter school and have easy access to the entire application and supporting documents without charge. This transparency enables the public to be apprised of developments and have an effective opportunity to participate in the process. There is no provision in the Application process section for notification to the local school district or the public of the application and its contents, which will make it very difficult for the school district and the public to track or participate in the process. We propose to add a subsection to address this need.

**Section 6, line 395; added sub-section would be inserted after line 563:**

SECTION 6. Application process. (1) Request for proposals.

[After subsection (k) add subsection (l), as follows:]

(1) The request for proposals shall require each charter school applicant to provide evidence that they sent a copy of their application to the local school board in the district in which the charter school is proposed and that the application shall be made available to the public immediately and without delay by the posting of the application and all of its supporting documents, including proposed contracts, on the website of the local school district, the website of the State Department of Education, and the website of the Mississippi Public Charter School Board. As new documents are filed by the applicant with an authorizer, or written charters, contracts, findings, determinations or requests for information are created by an authorizer or applicant, such documents shall also be posted immediately and without delay on the respective websites of the local school district, the State Department of Education and the Mississippi Public Charter School Board.

**Problem #5: Charter schools should be confined to under-performing school districts**

The pressing need for education improvement is in the low-performing districts. The state has failed to fully fund MAEP since 2009. The Governor and the Republican Party are asking that public education be funded this year at \$73 million dollars below so-called “level funding”, which is better named “systematic under-funding”. Therefore, any diversion of resources from the traditional public schools to charter schools ought to be confined to the creation of charter school alternatives in underperforming districts, which are ranked as Academic Watch, Low Performing, At Risk of Failing and Failing. Star, High Performing and Successful should not be optional locations at this time.

**Section 5, subsection 1, lines 249-256:**

~~SECTION 5. Authorizer. (1) The Mississippi Public Charter School Authorizer Board created under subsection (2) of this section may authorize public charter schools in any school district which has been ranked as underperforming in the previous year by the State Board of Education, which rankings include Academic Watch, Low Performing, At Risk of Failing and Failing. county in the State of Mississippi. In High-Performing or Star school districts, the Mississippi Public Charter School Authorizer Board may authorize public charter schools only if a majority of the members of the local school board votes at a public meeting to endorse the application.~~

**Problem #6: State Board of Education versus independent agency as charter authorizer**

- a. This bill creates a new state agency to authorize charter schools. The State Board of Education is best suited to play this role, given its expertise, independence from political parties and absence of bias on the merits of these issues. The state does not need an unproven independent agency into which there will necessarily be a great diversion of funds for its staff and operations. Therefore, this section should be deleted and the State Board of Education denominated the authorizer. We will present both options.
- b. If there is going to be an independent authorizer then how it is selected should be improved and the nature of qualifications required to serve should be clarified. In our proposed revision the Board seats are increased to 9 and a simple majority of the seats on the independent agency will be appointed by highly-regarded professional educators who received their own appointments under state law because of their experience and expertise.

**ALTERNATIVE #1: State Board of Education as sole authorizer of charter schools:**

**Section 5, subsection 2(a), lines 258-261:**

(2) The Mississippi Public Charter School Authorizer Board.

~~(a) There is hereby established the Mississippi Public Charter School Authorizer Board (the authorizer) as an independent state agency with statewide chartering jurisdiction as described in subsection~~



~~(1) of this section.~~ The State Board of Education shall be the sole authorizer of charter schools within the State of Mississippi.

## **ALTERNATIVE #2: Modification of provisions for a new independent state agency**

### **Section 5, subsections 2(c) and (d), lines 267-284:**

(c) The Mississippi Public Charter School Authorizer Board shall consist of ~~seven (7)~~ nine (9) members. Two (2) members shall be appointed by the Governor; two (2) members shall be appointed by the Lieutenant Governor; ~~two (2)~~ three (3) members shall be appointed by the State Superintendent of Education and ~~one (1)~~ two (2) members who shall be appointed by the Commissioner of Higher Education. All appointments shall be made with the advice and consent of the Senate. In making the appointments, the appointing authority shall ensure statewide geographic and racial diversity among Public Charter School Authorizer members.

(d) Members appointed to the Mississippi Public Charter School Authorizer Board shall ~~collectively~~ each possess strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, and curriculum and instruction, and public education law. All members of the Mississippi Public Charter School Authorizer Board shall have demonstrated understanding of and commitment to charter schooling as a strategy for strengthening public education.

### **Problem #7: Liability immunity for authorizers inconsistent with education law**

**The bill provides immunity from civil and criminal liability to an authorizing entity, members of the board and employees of an authorizer for all activities undertaken in their official capacities. Noncharter school boards, school board members or their employees do not have such immunities. There is no justification for this very special treatment. If such entities, their board members and employees engage in illegal or other wrongful acts while performing official duties they should be held accountable in the same manner that our laws and regulations provide for traditional public schools.**

### **Section 5, subsection (4)(d), lines 357-361:**

(d) The authorizer, members of the board of the authorizer in their official capacity, and employees of the authorizer in their official capacity ~~are~~ shall not be immune from civil and criminal liability with respect to all activities related to a public charter school they authorize.

**Problem #8: Conflicts of interest**

Conflicts of interest destroy public trust in the system of governance. As Justice Oliver Wendell Holmes noted, "The appearance of justice is as important as justice itself." The specter of nepotism degrades public confidence in the process and raises the devilish question of whether there is a level playing field for critical policy determinations and decisions. This provision should be expanded to bar family members from participating in and benefitting from the decisions of those who serve on the authorizer board.

**Section 5, subsection 7, lines 386-389:**

(7) Conflicts of interest. No board member, employee, trustee, agent or representative of the authorizer, nor their family members may simultaneously serve as an employee, trustee, agent, representative, vendor or contractor of a public charter school authorized by that entity. For the purposes of this section "family member" shall include spouse, parent or grandparent, sibling, child or grandchild, aunt, uncle, niece or nephew, and first cousin.

**Problem #9: Background information on charter school leaders and management**

The bill is vague on what kind of background information on charter school leaders and management ought to be provided by charter school applicants to the authorizer for assessment of the quality of the application. This provision ought to be more explicit.

**Section 6, subsection (1)(g)(vii), lines 439-442:**

(vii) Background information on the proposed founding governing board members and, if identified, the proposed school leadership and management team that includes a record of success in raising student achievement~~+~~. "Background information" shall include, but not be limited to, whether each person possesses strong experience and expertise in public and nonprofit governance, management and finance, public school leadership, assessment, and curriculum and instruction, and public education law;

**Problem #10: Fairness to all students in lottery process**

In the lottery selection process non-discrimination and a level playing field are critical to the credibility of the process. It is important that *all students* have a fair chance without regard to their academic performance, behavior record or athletic prowess. In order to ensure a fair chance these factors ought to be specifically included in the benchmarks for non-discrimination in the selection process.

**Section 6, subsection (1)(g)(xiv), lines 471-479:**

(xiv) Plans and timelines for student recruitment and enrollment, including lottery policies and procedures that ensure that every student has an equal opportunity to be considered in the lottery and that ensure the lottery is equitable, randomized, transparent and impartial such that students are assigned to charter schools without regard to student performance, record of behavior, athletic skills, disability, income level, race, religion or national origin;

**Problem #11: Providing effective supports to charter students to prevent dropouts**

Studies have identified that one of the Achilles' heels of privately-owned, privately governed charter schools has been high dropout rates, especially in the early and middle grades. Discipline policies play a major role in determining whether students with behavior problems receive substantial support to keep them in school where they can learn, or are used to push them out of the charter school on to the street or back into the traditional public school. The application should demonstrate that the charter school intends to utilize established support mechanisms to keep students in school where then can learn to deal with their behavior issues, progress academically and grow socially.

**Section 6, subsection (1)(g)(xv), lines 478-479:**

(xv) The school's student discipline policies, including those for special education students, which policies shall include, but not be limited to, Response to Intervention, Teacher Support Team, Positive Behavior Intervention Supports, Conflict Resolution, and Restorative Justice, and/or other research-based strategies designed to implement comparable supports for students;

**Problem #12: Ensuring meaningful parental involvement in charter schools**

One goal of this bill is to create “replicable charter schools”. Studies demonstrate that parental involvement is key to the creation of great schools, and for that to work the involvement must be meaningful. For it to be meaningful the involvement must include effective opportunities for parents to impact the formation and implementation of school policies and to be actively involved in the life of the school. This can only enhance the school experience for all education stakeholders.

**Section 6, subsection (1)(g)(xxiv), lines 503-504:**

(xxiv) Opportunities and expectations for meaningful parent involvement, including but not limited to effective opportunities to impact the formation and implementation of school policies, and active engagement in the life of the school;

**Problem #13: Qualifications of outside education agencies working for charters**

When a public charter school intends to contract with an education service provider the standards for “demonstrated academic achievement” should be clear, documented and verifiable.

**Section 6, subsection (1)(i)(i), lines 534-537:**

(i) Provide evidence of the education service provider's success, supported by verifiable data, in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions if applicable. For the purposes of this section “demonstrated academic achievement” shall include, but not be limited to, a requirement that the education service provider provide verifiable data from their prior contractual efforts that the students similar to the targeted population of the charter school actually improved significantly in their performance on standardized tests, graduation-on-time rates, and on the student dropout rates based on a national standards cohort analysis of all the students who entered the schools which are the subject of the analysis.

**Problem #14: Verifiable data for dropout and non-completion rates in applications**

Studies show that an Achilles' heel of charter schools, including the national KIPP charter school organization, are the high student dropout and non-completion rates, and the high teacher turnover rates. When the KIPP executive testified before the Senate Education Committee during this session, he received very direct questions about the KIPP dropout rates in Arkansas. He failed to provide a direct answer, while talking around the issue as if he were answering the question. This weakness ought to be highlighted and addressed directly in the application process because the authorization board and the public have the right and the need to know what is accurate.

**Section 6, subsection (1)(j), lines 551-558:**

(j) In the case of a public charter school proposal from an applicant that currently operates one or more schools in any state or nation, the request for proposals shall additionally require the applicant to provide evidence, supported by verifiable data, of past performance and current capacity for growth. The applicant shall be required to submit clear evidence that it has produced statistically significant gains in student achievement or consistently produced proficiency levels as measured on state achievement tests~~+~~. "Verifiable data" shall include, but not be limited to, data regarding student dropout and non-completion rates, and teacher turnover rates;

**Problem #15: Public access to charter school applications and documentation**

The public should be notified immediately of any application for a charter school and have easy access to the entire application and supporting documents without charge. This transparency enables the public to be apprised of developments and have an effective opportunity to participate in the process.

**Section 6, subsection (1)(k), lines 559-563:**

(k) The request for proposals shall require each charter school applicant to provide evidence that the applicant sent a copy of its completed charter school application to the local school board in the district in which the charter school is proposed~~-~~ and that the application shall be made available to the public immediately and without delay by the posting of the application and all of its supporting documents, including proposed contracts, on the website of the local school district, the website of the State Department of Education, and the website of the Mississippi Public Charter School Board. As new documents are filed by the applicant with an authorizer, or written charters, contracts, findings, determinations or requests for information are created by an authorizer or

applicant, such documents shall also be posted immediately and without delay on the respective websites of the local school district, the State Department of Education and the Mississippi Public Charter School Board.

**Problem #16: Accountability requires data on dropout and non-completion rates**

Studies show that an Achilles' heel of charter schools, including the national KIPP charter school organization, are the high student dropout and non-completion rates, and the high teacher turnover rates. When the KIPP executive testified before the Senate Education Committee during this session, he received very direct questions about the KIPP dropout rates in Arkansas. He failed to provide a direct answer, while talking around the issue as if he were answering the question. This weakness ought to be highlighted and addressed directly in the application process because the authorization board and the public have the right and the need to know what is accurate.

**Section 7, subsection (1)(a)(vi):**

SECTION 7. Accountability. (1) Performance framework.

vi) In-school and out-of-school suspension rates, dropout and non-completion rates, and expulsion rates;

**Problem #17: Access of public to reports on charter school performance**

The public should be notified immediately of any report regarding the performance of a charter school and have easy access to it without charge. This transparency enables the public to be apprised of developments and have an effective opportunity to participate in the process.

**Section 7, subsection (3)(b); lines 734-745:**

(b) No later than September 30, the authorizer shall issue a public charter school performance report and charter renewal application guidance to any public charter school whose charter will expire the following year. The performance report shall summarize the public charter school's performance record to date, based on the data required by this act and the charter contract, and shall provide notice of any weaknesses or concerns perceived by the authorizer concerning the public charter school that may jeopardize its position in seeking renewal if not timely rectified. The report shall be made available to the public immediately and without delay by the posting of the application and all of its supporting documents, on the website of the local school district, the website of the State Department of Education, and the website of the Mississippi Public Charter School Board. The public charter school shall

have ninety (90) days to respond to the performance report and submit any corrections or clarifications for the report.

**Problem #18: Effective access of public to reports on charter school performance**

**The public should be notified immediately of any report regarding the performance of a charter school and have easy access to it without charge. This transparency enables the public to be apprised of developments and have an effective opportunity to participate in the process.**

**Section 7, subsection (3)(j), lines 810-815:**

(j) Within ten (10) days of taking action to renew, not renew, or revoke a charter, the authorizer shall provide a copy of a report to the public charter school. The report shall include a copy of the authorizer governing board's resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the requirements set forth in this act. The report shall be made available to the public immediately and without delay by the posting of the application and all of its supporting documents, on the website of the local school district, the website of the State Department of Education, and the website of the Mississippi Public Charter School Board.

**Problem #19: PEER must assess needs of *both* traditional and charter public schools**

- a. **The public should be notified immediately of any report regarding the performance of a charter school and have easy access to it without charge. This transparency enables the public to be apprised of developments and have an effective opportunity to participate in the process.**
- b. **If there is no increase in state, local and federal funding an Influx of a large number of students into charter schools from private schools, religious schools and home schools threatens to dilute the funds available per student with which to provide educational operations, which are already underfunded. Where will the funds come from to address this dilemma?**

**Section 7, subsection (5); lines 840-862:**

(5) Annual report. On or before September 30 of each year beginning in the first year after the state will have had public charter schools operating for a full school year, the Mississippi Public Schools Charter Authorizer Board shall issue to the Governor, the Legislature, the State Board of Education and the public at large, an annual report on the state's public charter schools, for the school year ending in the preceding calendar year. The annual report shall include a comparison of the

performance of public charter school students with the performance of academically, ethnically and economically comparable groups of students in public schools in the resident school district. In addition, the annual report shall include the authorizer's assessment of the successes, challenges and areas for improvement in meeting the purposes of this act, including a report by the Joint Legislative Committee on Performance Evaluation and Expenditure Review Committee (PEER) on an assessment of the sufficiency of funding for noncharter public schools and public charter schools, the efficacy of the state formula for authorizer funding, and any suggested changes in state law or policy necessary to strengthen the state's noncharter public schools and public charter schools. The report shall also assess whether the creation of public charter schools is sufficient to meet demand, as calculated according to admissions data and the number of students denied enrollment as based on lottery results. As part of its annual report the Joint Committee on Performance Evaluation and Expenditure Review shall determine the number of additional students each year who have come from private schools, religious schools and home schools to enroll in public charter schools and the extent to which this influx has increased the total number of public school students in the state. Using this data from the prior year, in each succeeding fiscal year the appropriations for the Mississippi Adequate Education Program (MAEP) shall be increased by such amount as is necessary to prevent the dilution of funding per student that would result if the number of students from outside the public school system increased but MAEP funding did not.



**Problem #20: Charters to be subject to education laws and regulations; exemptions**

Charter schools should be subject to all laws and regulations *except as exempted* herein by a contract with charter school authorizer. The applicant should identify the specific provisions from which the applicant is seeking exemption and show cause why this is necessary to accomplish the goals of the proposed charter school. There is no identifiable justification for a blanket or wholesale exemption from state education laws and regulations other than the raw and visceral anti-public school rhetorical mantra. Exactly which provisions tie the hands of innovators and creators? If they need more days and longer hours, ask for it. If the applicant needs something else, ask for it. Let the authorizer assess what limited exemptions, in light of the application, are necessary to create the flexibility needed to free up innovation and creativity. This provision should be made consistent with Section 8, subsection 2, lines 892-901, which requires all charter schools shall comply with all state education laws and regulations.

**Section 8, subsection (1)(d), lines 877-883:**

(d) Except as provided in this act, a public charter school shall ~~not~~ be subject to the state's education statutes or any state or local rule, regulation, policy or procedure relating to noncharter public schools within an applicable local school district regardless of whether such rule, regulation, policy or procedure is established by the local school board, the State Board of Education, or the State Department of Education.

**Problem #21: Expansion of meaning of non-discrimination in charter schools**

It is important that *all students* have a fair chance without regard to their academic performance, behavior record or athletic prowess. In order to ensure a fair chance these factors ought to be specifically included in the benchmarks for non-discrimination in the selection process.

**Section 8, subsection (4)(a); lines 927-931:**

4) General requirements.

(a) A public charter school shall not discriminate against any person on the basis of race, creed, color, sex, disability, ~~or~~ national origin, student performance, behavior record, athletic ability, or any other category that would be unlawful if done by a noncharter public school.

**Problem #22: Separation of church and state in charter schools**

The separation and church and state is well stated in this bill. However, since church facilities can be used to locate a charter school, amplification and clarification of the duty ought to be included in the bill so there can be no misunderstanding in the implementation of these provisions.

**Section 8, subsection (4)(b), lines 932-934:**

(b) No public charter school may engage in any sectarian practices in its educational program, admissions or employment policies, or operations. Nor may public charter schools have or maintain any sectarian religious symbols or icons within the classrooms, school buildings or school grounds. If the school is located in a present or former church building, then all forms of sectarian identification and symbols must be removed in conformity with the goals of this Act.

**Problem #23: Certification of all teachers and administrators in charters**

- a. **Teacher and Administrator Certification should be required. Virtually all studies show that a *quality* teacher in the classroom is key to the success of students, although not the only key. Certification is an essential element of the process to promote quality among teachers and administrators. This is especially important for personnel addressing the needs of students with disabilities.**
- b. **Mississippi already has laws and regulations to enable exceptional persons with special qualifications due to their education and experience, but who do not have certification, to be employed to teach in the public schools.**

**Section 8, subsection (6)(a), lines 968-976:**

(6) Public charter school employees.

(a) Public charter schools shall comply with applicable federal laws, rules, and regulations regarding the qualification of teachers and other instructional staff. ~~Fifty percent (50%) of t~~ Teachers in a public charter school may shall not be exempt from state teacher certification requirements. Administrators of public charter schools are not exempt from state administrator certification requirements. ~~However,~~ ~~teachers and administrators shall have a bachelor's degree as a minimum requirement.~~ Charter school personnel who are addressing the needs of students with disabilities must have the proper licenses and certifications under federal and state laws and regulations.

**Problem #24: Charter teachers rights to due process and retirement benefits**

- a. There is no good reason to strip charter school teachers of their due process rights or their retirement opportunities. These protections and opportunities cannot enhance the education delivered in the classroom. The attempt to strip teachers, and public employees generally, of their due process and retirement rights has much more to do with anti-worker ideology than educational pedagogy.
- b. Due process for teachers should apply in charters. Why not? Why do charters need to be free of this? If there is a basis for termination of a teacher, then the charter school has the right and the power to do it. If the school doesn't want to renew a contract they don't have to. The notion that the convenience and nuisance factor in the eyes of the employer ought to outweigh the right of a hard-working family provider to be heard makes no moral sense and has no legal necessity. It not only un-levels the playing field, but eliminates the teacher from the playing field and provides the employer with unfettered capacity to exercise arbitrary and capricious authority over its teachers. Out of a sense of fundamental fairness we ought to require that a teacher have the right to try to defend his or her work. Otherwise, we are left with the charter employer possessing total hegemony over the charter teacher and the economic consequence on the teacher's family.

**Section 8, subsection (6)(b), lines 977-982:**

(b) Employees in public charter schools shall have the same rights and privileges as other public school employees except as otherwise stated herein; ~~however,~~ such employees shall ~~not~~ be subject to the provisions of the Education Employment Procedures law, Section 32-9-103, and shall ~~not~~ be deemed as members of the Public Employees' Retirement System.

**Section 13, subsection (2)(c), lines 1729-1732:**

**This sub-section is proposed to be inserted in existing law: it should be deleted.**

~~(c) The Education Employment Procedures Law shall not apply to any category of teacher, administrator or employee of a public charter school established under the terms and provisions of this act.~~

**Problem #25: Charter teachers rights to retirement and other benefits**

The teachers, for whom the retirement and other benefits programs have been created, rather than the employer, ought to determine whether teachers participate in retirement and other benefits programs.

**Section 8, subsection (6)(c), lines 983-985:**

(c) Employees in public charter schools are eligible for participation in retirement and other benefits programs. ~~if the public charter school chooses to participate.~~