

By: Representative Ellis

To: Education

HOUSE BILL NO. 1275

1 AN ACT TO BE KNOWN AS THE "PUBLIC CHARTER SCHOOLS ACT"; TO
2 ESTABLISH THE ADMISSIONS REQUIREMENT FOR PUBLIC AND NONPUBLIC
3 CHARTER SCHOOLS; TO PROVIDE THAT THE STATE BOARD OF EDUCATION IS
4 THE STATE'S ONLY AUTHORIZING ENTITY; TO ESTABLISHED THE OFFICE OF
5 CHARTER SCHOOLS WITHIN THE STATE DEPARTMENT OF EDUCATION TO
6 IMPLEMENT BOARD POLICIES APPLICABLE TO CHARTER SCHOOLS; TO
7 PRESCRIBE THE POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION AS
8 THEY RELATE TO THE ADMINISTRATION OF THIS ACT; TO REQUIRE THE
9 AUTHORIZER TO SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE
10 SUMMARIZING CERTAIN VISIONS, STRATEGIES, CHARTER STATUS AND
11 PERFORMANCE; TO REQUIRE THE STATE BOARD OF EDUCATION TO ACCESS AN
12 OVERSIGHT FEE FOR EACH PUBLIC CHARTER SCHOOL IT AUTHORIZES; TO
13 REQUIRE THE AUTHORIZER TO ISSUE AND PUBLICIZE A REQUEST FOR
14 PROPOSALS FOR THE DEVELOPMENT OF A PUBLIC CHARTER SCHOOL; TO
15 PRESCRIBE THE PERIOD OF TIME IN WHICH THE CHARTERING AUTHORITY HAS
16 TO REVIEW AND APPROVE OR DENY AN APPLICATION FOR A CHARTER SCHOOL
17 STATUS; TO REQUIRE THAT CERTAIN ADDITIONAL INFORMATION MUST BE
18 INCLUDED IN CHARTER APPLICATIONS FOR VIRTUAL SCHOOLS, EDUCATION
19 SERVICE PROVIDERS AND CONVERSION NONPUBLIC CHARTER SCHOOLS, TO
20 PROVIDE EXCEPTIONS TO THE APPROVAL OF AN APPLICATION; TO PRESCRIBE
21 CERTAIN PROCEDURES TO BE FOLLOWED BY THE CHARTERING AUTHORITY UPON
22 REJECTION OF AN APPLICATION; TO STIPULATE THE CONDITIONS UNDER
23 WHICH A CHARTER EXPIRES; TO REQUIRE THAT CERTAIN PERFORMANCE
24 PROVISIONS BE INCLUDED IN THE CHARTER CONTRACT; TO REQUIRE THE
25 AUTHORIZER TO CONTINUALLY MONITOR THE PERFORMANCE AND LEGAL
26 COMPLIANCE OF PUBLIC CHARTER SCHOOLS; TO PROVIDE THAT AN APPROVED
27 CHARTER IS VALID FOR AN INITIAL TERM OF FIVE SCHOOL YEARS; TO
28 PROVIDE FOR THE RENEWAL, AMENDING OR REVOCATION OF CHARTERS; TO
29 PRESCRIBE REASONS FOR REVOCATION OF A CHARTER; TO REQUIRE THE
30 AUTHORIZER TO DEVELOP A PUBLIC CHARTER SCHOOL CLOSURE PROTOCOL; TO
31 REQUIRE PUBLIC CHARTER SCHOOLS TO BE NONPROFIT EDUCATION
32 ORGANIZATIONS; TO PRESCRIBE THE FEDERAL AND STATE LAWS, RULES AND
33 REGULATIONS WHICH ARE APPLICABLE TO PUBLIC CHARTER SCHOOLS; TO
34 REQUIRE THE MISSISSIPPI RECOVERY SCHOOL DISTRICT TO SERVE AS THE
35 LOCAL EDUCATIONAL AGENCY FOR A PUBLIC CHARTER SCHOOL; TO PROHIBIT
36 DISCRIMINATORY ACTS BY THE PUBLIC CHARTER SCHOOL; TO REQUIRE
37 PUBLIC CHARTER SCHOOLS TO BE SUBJECT TO THE STUDENT ASSESSMENT AND
38 ACCOUNTABILITY REQUIREMENTS; TO PROVIDE FOR THE EMPLOYMENT OF
39 FACULTY AND STAFF MEMBERS AT CHARTER SCHOOLS; TO PROVIDE THAT ONLY
40 25% OF TEACHERS IN PUBLIC CHARTER SCHOOLS SHALL BE EXEMPT FROM
41 STATE TEACHER LICENSURE REQUIREMENTS; TO ALLOW STUDENTS IN PUBLIC
42 CHARTER SCHOOLS TO BE ELIGIBLE FOR PARTICIPATION IN
43 EXTRACURRICULAR AND INTERSCHOLASTIC ACTIVITIES OF CERTAIN LOCAL
44 PUBLIC SCHOOLS; TO REQUIRE THE STATE BOARD OF EDUCATION TO
45 PROMULGATE RULES ESTABLISHING FEES FOR PUBLIC CHARTER SCHOOL
46 STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES AT



47 NONCHARTER PUBLIC SCHOOLS; TO REQUIRE A PUBLIC CHARTER SCHOOL TO
48 CERTIFY ITS STUDENT ENROLLMENT TO THE STATE DEPARTMENT OF
49 EDUCATION; TO REQUIRE CHARTER SCHOOLS TO COMPLY WITH ANNUAL AUDIT
50 AND BUDGET SUBMISSION REQUIREMENTS PRESCRIBED BY LAW IN TITLE 37,
51 MISSISSIPPI CODE OF 1972; TO REQUIRE THE STATE TO DIRECT A
52 PROPORTIONATE SHARE OF MONIES GENERATED UNDER FEDERAL AND STATE
53 CATEGORICAL AID PROGRAMS TO PUBLIC CHARTER SCHOOLS SERVING
54 ELIGIBLE STUDENTS; TO REQUIRE THE STATE TO PAY DIRECTLY TO A
55 PUBLIC CHARTER SCHOOL ANY FEDERAL OR STATE AID ATTRIBUTABLE TO A
56 STUDENT WITH A DISABILITY ATTENDING THE SCHOOL; TO REQUIRE THE
57 DEPARTMENT TO DISBURSE STATE TRANSPORTATION FUNDING TO A PUBLIC
58 CHARTER SCHOOL IN THE SAME MANNER AS IT IS PAID TO SCHOOL
59 DISTRICTS; TO PRESCRIBE THE MANNER FOR CALCULATING THE PER-STUDENT
60 FACILITY ALLOWANCE AND PAYMENT FOR PUBLIC CHARTER SCHOOLS; TO
61 AUTHORIZE THE ISSUANCE OF STATE GENERAL OBLIGATION BONDS FOR THE
62 PURPOSE OF PROVIDING FUNDS TO FINANCE SCHOOL BUILDING PROJECTS,
63 GENERAL IMPROVEMENTS TO SCHOOL BUILDINGS AND REPAYMENT OF DEBT FOR
64 SCHOOL BUILDING PROJECTS TO PUBLIC CHARTER SCHOOLS, TO ESTABLISH
65 THE PUBLIC CHARTER SCHOOL FACILITY REVOLVING LOAN FUND IN THE
66 STATE TREASURY TO PROVIDE FINANCIAL SUPPORT TO PUBLIC CHARTER
67 SCHOOLS FOR CONSTRUCTION, PURCHASE, RENOVATION AND MAINTENANCE OF
68 PUBLIC CHARTER SCHOOL FACILITIES; TO REQUIRE THE LOCAL SCHOOL
69 BOARDS TO MAKE AVAILABLE ANY VACANT SCHOOL FACILITIES OR ANY
70 FACILITY SLATED TO BE VACANT FOR LEASE BY A PUBLIC CHARTER SCHOOL;
71 TO AUTHORIZE A PUBLIC CHARTER SCHOOL TO USE CERTAIN OTHER
72 FACILITIES, SUBJECT TO CERTAIN CONDITIONS; TO ESTABLISH THE CREDIT
73 ENHANCEMENT FUND IN THE STATE TREASURY TO PROVIDE GRANTS TO
74 ELIGIBLE NONPROFIT CORPORATIONS TO ASSIST PUBLIC CHARTER SCHOOLS
75 IN OBTAINING FINANCING FOR ACQUISITION OR CONSTRUCTION OF
76 FACILITIES; TO PROHIBIT THE NONPROFIT CORPORATION FROM USING THOSE
77 FUNDS TO MAKE DIRECT LOANS OR GRANTS TO PUBLIC CHARTER SCHOOLS;
78 AND FOR RELATED PURPOSES.

79 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

80 **SECTION 1.** This act shall be known and may be cited as the
81 "Public Charter Schools Act."

82 **SECTION 2.** (1) The Legislature finds and declares that the
83 purposes of the state's public charter schools as a whole are:

84 (a) To improve student learning by creating
85 high-quality schools with high standards for student performance;

86 (b) To close achievement gaps between high-performing
87 and low-performing groups of public school students;

88 (c) To increase high-quality educational opportunities
89 within the public education system for all students, especially
90 those at risk of academic failure;

91 (d) To create new professional opportunities for
92 teachers, school administrators, and other school personnel that



93 allow them to have a direct voice in the operation of their
94 schools;

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

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

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

103 (h) To encourage the replication of successful public
104 charter schools.

105 **SECTION 3.** (1) A public charter school in the state
106 established under this act is a public school and is part of the
107 state's public education system.

108 (2) No provision of this act shall be interpreted to allow
109 the conversion of a private or parochial school into a public
110 charter school.

111 (3) A public charter school may only be authorized in a
112 failing district or a district with failing schools, as defined by
113 Section 37-17-6.

114 **SECTION 4.** As used in this act, the following words, terms,
115 and phrases shall have the meanings ascribed to them in this
116 section, except when the context clearly indicates a different
117 meaning:

118 (a) "Applicant" means any person or group that develops
119 and submits an application for a public charter school to an
120 authorizer.

121 (b) "Application" means a proposal from an applicant to
122 an authorizer to enter into a charter contract whereby the
123 proposed school obtains public charter school status.

124 (c) "At-risk student" means a student who has an
125 economic or academic disadvantage that requires special services



126 and assistance to succeed in educational programs. The term
127 includes, but is not limited to, students who are members of
128 economically disadvantaged families, students who are identified
129 as having special educational needs, students who are limited in
130 English proficiency, students who are at risk of dropping out of
131 high school, and students who do not meet minimum standards of
132 academic proficiency.

133 (d) "Authorizer" means an entity authorized under this
134 act to review applications, decide whether to approve or reject
135 applications, enter into charter contracts with applicants,
136 oversee public charter schools and decide whether to renew, not
137 renew or revoke charter contracts.

138 (e) "Board" means the State Board of Education.

139 (f) "Charter contract" means a fixed-term, renewable
140 contract between a public charter school and an authorizer that
141 outlines the roles, powers, responsibilities and performance
142 expectations for each party to the contract.

143 (g) "Conversion public charter school" means a charter
144 school that existed as a noncharter public school before becoming
145 a public charter school.

146 (h) "Education service provider" means a nonprofit
147 charter management organization, school design provider, or any
148 other partner entity with which a public charter school intends to
149 contract for educational design, implementation, or comprehensive
150 management.

151 (i) "Governing board" means the independent board of a
152 public charter school that is party to the charter contract with
153 the authorizer and whose members have been elected or selected
154 under the school's application.

155 (j) "Local school board" means a school board
156 exercising management and control of a local school district under
157 the state Constitution and state statutes.



158 (k) "Local school district" means a public agency that
159 establishes and oversees one or more public schools within its
160 geographical limits under the state's Constitution and statutes.

161 (l) "Noncharter public school" means a public school
162 that is under the direct management, governance and control of a
163 local school board or the state.

164 (m) "Parent" means a parent, guardian or other person
165 or entity having legal custody of a child.

166 (n) "Public charter school" means a public school that:

167 (i) Has autonomy over decisions including, but not
168 limited to, matters concerning finance, personnel, scheduling,
169 curriculum and instruction;

170 (ii) Is governed by an independent governing
171 board;

172 (iii) Is established and operating under the terms
173 of a charter contract between the school board and its authorizer;

174 (iv) Is a school to which parents choose to send
175 their children;

176 (v) Admits students on the basis of a lottery if
177 more students apply for admission than can be accommodated;

178 (vi) Provides a program of education that includes
179 one or more of the following:

180 1. Preschool;

181 2. Prekindergarten;

182 3. Any grade or grades from kindergarten
183 through Grade 12; and

184 4. Adult community, continuing and vocational
185 education programs;

186 (vii) Operates in pursuit of a specific set of
187 educational objectives as defined in its charter contract; and

188 (viii) Operates under the oversight of its
189 authorizer in accordance with its charter contract.



190 (o) "Start-up public charter school" means a public
191 charter school that did not exist as a noncharter public school
192 before becoming a public charter school.

193 (p) "Student" means any child who is eligible for
194 attendance in public schools in the state.

195 (q) "Virtual public charter school" means a public
196 charter school that offers educational services predominantly
197 through an online program.

198 **SECTION 5.** (1) (a) A public charter school shall be open
199 to any student residing in the state.

200 (b) A school district shall not require any student
201 enrolled in the school district to attend a public charter school.

202 (c) A public charter school shall not limit admission
203 based on ethnicity, national origin, religion, gender, income
204 level, disabling condition, proficiency in the English language or
205 academic or athletic ability.

206 (d) A public charter school may limit admission to
207 students within a given age group or grade level and may be
208 organized around a special emphasis, theme or concept as stated in
209 the school's application.

210 (e) A public charter school shall enroll all students
211 who wish to attend the school, unless the number of students
212 exceeds the capacity of a program, class, grade level or building.

213 (f) If capacity is insufficient to enroll all students
214 who wish to attend the school, the public charter school shall
215 select students through a lottery.

216 (2) (a) Any noncharter public school converting partially
217 or entirely to a public charter school shall adopt and maintain a
218 policy giving enrollment preference to students who reside in the
219 jurisdiction of the local public school district in which the
220 noncharter school is located.

221 (b) A public charter school shall give enrollment
222 preference to students enrolled in the public charter school the



223 previous school year and to siblings of students previously or
224 currently enrolled in the public charter school. An enrollment
225 preference for returning students excludes those students from
226 entering into a lottery.

227 (c) A public charter school may give enrollment
228 preference to the children of a public charter school's founders,
229 governing board members and full-time employees, so long as they
230 constitute no more than ten percent (10%) of the school's total
231 student population.

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

240 (3) If a student who was previously enrolled in a public
241 charter school enrolls in another public school in this state, the
242 new school of enrollment must accept the credits earned by the
243 student in courses or instructional programs at the public charter
244 school in a uniform manner that is consistent and in accordance
245 with criteria used to accept academic credits from other public
246 schools.

247 (4) A school district shall provide reasonable public notice
248 to parents and the community of the existence, nature and
249 enrollment process of public charter schools authorized by the
250 district as an enrollment option within the district in the same
251 manner that the district provides public notice of the existence,
252 nature and enrollment process of noncharter public schools in the
253 district.



254 **SECTION 6.** (1) The State Board of Education shall serve as
255 the state's only authorizing entity. The board shall have
256 statewide chartering authority.

257 (2) There is established an Office of Charter Schools within
258 the State Department of Education to implement the board's
259 policies that are applicable to charter schools. The mission of
260 the Office of Charter Schools shall be to support the board in
261 executing the powers and duties prescribed in subsection (3) of
262 this section. The office shall be funded initially by a one-time
263 appropriation of Two Hundred Fifty Thousand Dollars (\$250,000.00),
264 and is authorized to accept and expend gifts, grants and donations
265 of any kind from any public or private source to carry out the
266 purposes of this act, except religious or sectarian organizations,
267 subject to the terms and conditions under which they are given,
268 provided that all the terms and conditions are permissible under
269 law.

270 (3) (a) The authorizer is responsible for executing, in
271 accordance with this act, the following essential powers and
272 duties:

273 (i) Soliciting and evaluating charter
274 applications;

275 (ii) Approving quality charter applications that
276 meet identified educational needs and promote a diversity of
277 educational choices;

278 (iii) Declining to approve insufficient charter
279 applications, as determined by criteria established by the
280 authorizer;

281 (iv) Negotiating and executing charter contracts
282 with each approved public charter school;

283 (v) Monitoring, in accordance with charter
284 contract terms, the performance and legal compliance of public
285 charter schools; and



286 (vi) Determining whether each charter contract
287 merits renewal, nonrenewal or revocation.

288 (b) The authorizer may delegate its duties to offices,
289 employees and contractors.

290 (c) Regulation by the authorizer shall be limited to
291 the powers and duties enumerated in this section which are
292 consistent with the intent of this act.

293 (d) The authorizing entity, members of its board in
294 their official capacity and employees of the authorizer are immune
295 from civil and criminal liability with respect to all activities
296 related to a public charter school it authorizes.

297 (4) (a) The authorizer shall be required to develop and
298 maintain chartering policies and practices consistent with
299 national standards for charter authorities with respect to its
300 authorizing responsibilities, including:

301 (i) Organizational capacity and infrastructure;

302 (ii) Soliciting and evaluating charter
303 applications;

304 (iii) Performance contracting;

305 (iv) Ongoing public charter school oversight and
306 evaluation; and

307 (v) Charter renewal decision making.

308 (b) The authorizer shall carry out all its duties
309 prescribed under the provisions of this act in a manner consistent
310 with national standards to effectuate the intent of this act.
311 Evidence of a material or persistent failure to do so shall
312 constitute grounds for revocation of charter authorizing powers.

313 (5) The authorizer shall submit an annual report to the
314 Legislature summarizing:

315 (a) The authorizer's strategic vision for chartering
316 and progress toward achieving that vision;

317 (b) The academic and financial performance of all
318 operating public charter schools under the direction and control



319 of the authorizer, according to the performance expectations for
320 public charter schools set forth in this act;

321 (c) The status of the authorizer's public charter
322 school portfolio, identifying all public charter schools in each
323 of the following categories:

324 (i) Approved, but not yet open;

325 (ii) Operating;

326 (iii) Renewed;

327 (iv) Transferred;

328 (v) Revoked;

329 (vi) Not renewed;

330 (vii) Voluntarily closed; and

331 (viii) Never opened;

332 (d) The authorizing functions provided by the
333 authorizer to the public charter schools under its purview,
334 including the authorizer's operating costs and expenses detailed
335 in annual audited financial statements that conform with generally
336 accepted accounting principles as promulgated by nationally
337 recognized professional organizations; and

338 (e) The services purchased from the authorizer by the
339 public charter schools under its purview, including an itemized
340 accounting of the actual costs of these services, as required in
341 subsection (9) of this section.

342 (6) (a) To cover costs for overseeing public charter
343 schools in accordance with this act, the State Board of Education
344 shall remit to the Office of Charter Schools an oversight fee for
345 each public charter school it authorizes. The oversight fee shall
346 be drawn from and calculated as a uniform percentage of the
347 per-student operational funding allocated to each public charter
348 school under Section 10(2) of this act, not to exceed three
349 percent (3%) of each public charter school's per-student funding
350 in a single school year. The board shall establish a formula for
351 authorizer funding. The board may establish a sliding scale for



352 authorizer funding, with the funding percentage decreasing after
353 the authorizer has achieved a certain threshold, contingent upon
354 factors determined by the board, including but not limited to, the
355 number of years of authorizing authority or the number of schools
356 authorized.

357 (b) The authorizer's oversight fee shall not include
358 any costs incurred in delivering services that a public charter
359 school may purchase at its discretion from the authorizer. The
360 authorizer shall use its funding provided under this section
361 exclusively for the purpose of complying with obligations in
362 accordance with this act.

363 (c) The State Board of Education shall annually review
364 the effectiveness of the state formula for authorizer funding, and
365 shall adjust the formula if necessary to maximize public benefit
366 and strengthen the implementation of this act.

367 (7) No employee, trustee, agent or representative of an
368 authorizer may simultaneously serve as an employee, trustee,
369 agent, representative, vendor or contractor of a public charter
370 school authorized by that entity.

371 (8) No governmental or other entity, other than those
372 expressly granted chartering authority as set forth in this act,
373 may assume any charter authorizing function or duty in any form,
374 unless expressly allowed by law.

375 (9) (a) With the exception of oversight services as
376 required by subsection (6) of this section, no public charter
377 school shall be required to purchase services from its authorizer
378 as a condition of charter approval or of executing a charter
379 contract, nor may any such condition be implied.

380 (b) A public charter school, at its discretion, may
381 choose to purchase services from its authorizer. In that event,
382 the public charter school and authorizer shall execute an annual
383 service contract, separate from the charter contract, stating the
384 parties' mutual agreement concerning any services to be provided



385 by the authorizer and any service fees to be charged to the public
386 charter school. An authorizer may not charge more than market
387 rates for services provided to a public charter school.

388 (c) Within ninety (90) days after the end of each
389 fiscal year, the authorizer shall provide to each public charter
390 school it oversees an itemized accounting of the actual costs of
391 services purchased by the public charter school from the
392 authorizer. Any difference between the amount initially charged
393 to the public charter school and the actual cost shall be
394 reconciled and paid to the owed party. If either party disputes
395 the itemized accounting, any charges included in the accounting or
396 charges to either party, the disputing party is entitled to
397 request a third-party review at its own expense. The review shall
398 be conducted by the State Auditor's Office whose determination
399 shall be final.

400 (10) In accordance with subsection (5) of this section, the
401 Office of Charter Schools, on behalf of the State Board of
402 Education, shall be required to submit to the Legislature an
403 annual report. The state board shall define the requirements for
404 the format, content and submission of the annual report by
405 September 30 of each year.

406 **SECTION 7.** (1) (a) The authorizer shall issue and
407 publicize a request for proposals by January 1 to solicit,
408 encourage and guide the development of quality public charter
409 schools. The content and dissemination of the request for
410 proposals shall be consistent with the purposes and requirements
411 of this act.

412 (b) The State Board of Education shall annually
413 establish and disseminate a statewide timeline for charter
414 approval or denial decisions.

415 (c) The authorizer's request for proposals shall
416 present the authorizer's strategic vision for chartering,



417 including a clear statement of any preferences granted to
418 applications that are accommodating to at-risk students.

419 (d) The request for proposals shall include or
420 otherwise direct applicants to the performance framework that the
421 authorizer has developed for public charter school oversight and
422 evaluation in accordance with Section 8(1) of this act.

423 (e) The request for proposals shall include criteria
424 that will guide the authorizer's decision in approving or denying
425 a charter application.

426 (f) The request for proposals shall state clear,
427 appropriately detailed questions as well as guidelines concerning
428 the format and content essential for applicants to demonstrate the
429 capacities necessary to establish and operate a successful public
430 charter school.

431 (g) The request for proposals shall require applicants
432 in their charter applications to provide or describe thoroughly,
433 the following essential elements of the proposed school plan:

434 (i) An executive summary;

435 (ii) The mission and vision of the proposed public
436 charter school, including identification of the targeted student
437 population and the community the school hopes to serve;

438 (iii) The location or geographic area proposed for
439 the school;

440 (iv) The grades to be served each year for the
441 full term of the charter contract;

442 (v) Minimum, planned and maximum enrollment per
443 grade per year for the term of the charter contract;

444 (vi) Evidence of need and community support for
445 the proposed public charter school;

446 (vii) Background information on the proposed
447 founding governing board members and, if identified, the proposed
448 school leadership and management team;



449 (viii) The school's proposed calendar and sample
450 daily schedule;

451 (ix) A description of the academic program aligned
452 with state standards;

453 (x) A description of the school's instructional
454 design, including the type of learning environment, class size and
455 structure, curriculum overview and teaching methods;

456 (xi) The school's plan for using internal and
457 external assessments to measure and report student progress on the
458 performance framework developed by the authorizer in accordance
459 with Section 8(1) of this act;

460 (xii) The school's plans for identifying and
461 successfully serving students with disabilities, students who are
462 English language learners, students who are behind academically
463 and gifted students, including, but not limited to, compliance
464 with applicable laws and regulations;

465 (xiii) A description of cocurricular or
466 extracurricular programs and how they will be funded and
467 delivered;

468 (xiv) Plans and timelines for student recruitment
469 and enrollment, including lottery procedures;

470 (xv) The school's student discipline policies,
471 including those for special education students;

472 (xvi) An organization chart that clearly presents
473 the school's organizational structure, including lines of
474 authority and reporting between the governing board, staff, any
475 related bodies and any external organizations that will play a
476 role in managing the school;

477 (xvii) A clear description of the roles and
478 responsibilities for the governing board, the school's leadership
479 and management team and any other entities shown in the
480 organization chart;



481 (xviii) A staffing chart for the school's first
482 year, and a staffing plan for the term of the charter;

483 (xix) Plans for recruiting and developing school
484 leadership and staff;

485 (xx) The school's leadership and teacher
486 employment policies, including performance evaluation plans;

487 (xxi) Proposed governing bylaws;

488 (xxii) Explanations of any partnerships or
489 contractual relationships central to the school's operations or
490 mission;

491 (xxiii) The school's plans for providing
492 transportation, food service, and all other significant
493 operational or ancillary services;

494 (xxiv) Opportunities and expectations for parent
495 involvement;

496 (xxv) A detailed school start-up plan, identifying
497 tasks, timelines and responsible individuals;

498 (xxvi) Description of the school's financial plan
499 and policies, including financial controls and audit requirements;

500 (xxvii) A description of the insurance coverage
501 the school will obtain;

502 (xxviii) Start-up and five-year budgets with
503 clearly stated assumptions;

504 (xxix) Start-up and first-year cash-flow
505 projections with clearly stated assumptions;

506 (xxx) Evidence of anticipated fund raising
507 contributions, if claimed in the application; and

508 (xxxi) A sound facilities plan, including backup
509 or contingency plans if appropriate.

510 (h) In the case of an application to establish a public
511 charter school by converting an existing noncharter public school
512 to public charter school status, the request for proposals shall
513 additionally require the applicants to demonstrate support for



514 the proposed public charter school conversion by a petition signed
515 by a majority of teachers and a petition signed by a majority of
516 parents of students in the existing noncharter public school.

517 (i) In the case of a proposal to establish a virtual
518 public charter school, the request for proposals shall
519 additionally require the applicants to describe the proposed
520 school's system of course credits and how the school will:

521 (i) Monitor and verify full-time student
522 enrollment, student participation in a full course load, credit
523 accrual and course completion;

524 (ii) Monitor and verify student progress and
525 performance in each course through regular, proctored assessments
526 and submissions of coursework;

527 (iii) Conduct parent-teacher conferences; and

528 (iv) Administer state-required assessments to all
529 students in a monitored setting.

530 (j) In the case of a proposed public charter school
531 that intends to contract with an education service provider for
532 substantial educational services, management services or both
533 types of services, the request for proposals shall additionally
534 require the applicants to:

535 (i) Provide evidence of the education service
536 provider's success in serving student populations similar to the
537 targeted population, including proven academic achievement as well
538 as successful management of nonacademic school functions if
539 applicable;

540 (ii) Provide a term sheet setting forth the
541 proposed duration of the service contract; roles and
542 responsibilities of the governing board, the school staff and the
543 service provider; scope of services and resources to be provided
544 by the service provider; performance evaluation measures and
545 timelines; compensation structure, including clear identification
546 of all fees to be paid to the service provider; methods of



547 contract oversight and enforcement; investment disclosure; and
548 conditions for renewal and termination of the contract; and

549 (iii) Disclose and explain any existing or
550 potential conflicts of interest between the school governing board
551 and proposed service provider or any affiliated business entities.

552 (k) In the case of a public charter school proposal
553 from an applicant that currently operates one or more schools in
554 any state or nation, the request for proposals shall additionally
555 require the applicant to provide evidence of past performance and
556 current capacity for growth.

557 (2) (a) In reviewing and evaluating charter applications,
558 authorizers shall employ procedures, practices and criteria
559 consistent with national standards for charter authorities. The
560 application review process shall include thorough evaluation of
561 each written charter application, an in-person interview with the
562 applicant group and an opportunity in a public forum for local
563 residents to learn about and provide input on each application.

564 (b) In deciding whether to approve charter
565 applications, the authorizer shall:

566 (i) Grant charters only to applicants that have
567 demonstrated competence in each element of the authorizer's
568 published approval criteria and that are likely to open and
569 operate a successful public charter school;

570 (ii) Base decisions on documented evidence
571 collected through the application review process;

572 (iii) Follow charter-granting policies and
573 practices that are transparent, based on merit and avoid conflicts
574 of interest or any appearance thereof.

575 (c) No later than one hundred eighty (180) days after
576 the filing of a charter application, the authorizer shall decide
577 to approve or deny the charter application. The authorizer shall
578 adopt by resolution all charter approval or denial decisions in an
579 open meeting of the authorizer's governing board.



580 (d) An approval decision may include, if appropriate,
581 reasonable conditions that the charter applicant must meet before
582 a charter contract may be executed under subsection (6) of this
583 section.

584 (e) For any charter denial, the authorizer shall
585 clearly state, for public record, its reasons for denial. A
586 denied applicant may later reapply to that authorizer.

587 (f) Within ten (10) days of taking action to approve or
588 deny a charter application, the authorizer shall provide a report
589 to the charter applicant. The report shall include a copy of the
590 authorizer's resolution setting forth the action taken and reasons
591 for the decision and assurances as to compliance with all of the
592 procedural requirements and application elements set forth in this
593 section.

594 (3) The purposes of the charter application are to present
595 the proposed public charter school's academic and operational
596 vision and plans, demonstrate the applicant's capacities to
597 execute the proposed vision and plans and provide the authorizer a
598 clear basis for assessing the applicant's plans and capacities.
599 An approved charter application shall not serve as the school's
600 charter contract.

601 (4) An initial charter shall be granted for a term of five
602 (5) operating years. The charter term shall begin on the public
603 charter school's first day of operation. An approved public
604 charter school may delay its opening for one (1) school year in
605 order to plan and prepare for the school's opening. If the school
606 requires an opening delay of more than one (1) school year, the
607 school must request an extension from the authorizer. The
608 authorizer may grant or deny the extension depending on the
609 particular school's circumstances.

610 (5) (a) Within ninety (90) days of approval of a charter
611 application, the authorizer and the governing board of the
612 approved public charter school shall execute a charter contract



613 that clearly sets forth the academic and operational performance
614 expectations and measures by which the public charter school will
615 be measured and the administrative relationship between the
616 authorizer and public charter school, including each party's
617 rights and duties. The performance expectations and measures set
618 forth in the charter contract shall include, but need not be
619 limited to, applicable federal and state accountability
620 requirements. The performance provisions may be amended by mutual
621 agreement after the public charter school is operating and has
622 collected baseline achievement data for its enrolled students.

623 (b) The charter contract for a virtual public charter
624 school shall include a description and agreement regarding the
625 methods by which the school will:

626 (i) Monitor and verify full-time student
627 enrollment, student participation in a full course load, credit
628 accrual and course completion;

629 (ii) Monitor and verify student progress and
630 performance in each course through regular, proctored assessments
631 and submissions of coursework;

632 (iii) Conduct parent-teacher conferences; and

633 (iv) Administer state-required assessments to all
634 students in a monitored setting.

635 (c) The charter contract shall be signed by the
636 president of the authorizer's governing board and the president of
637 the public charter school's governing body.

638 (d) No public charter school may begin operations
639 without a charter contract executed in accordance with this
640 subsection and approved in an open meeting of the authorizer's
641 governing board.

642 (6) The authorizer may establish reasonable preopening
643 requirements or conditions to monitor the start-up progress of a
644 newly approved public charter school and ensure that it is
645 prepared to open without incident on the date agreed, and to



646 ensure that each school meets all building, health, safety,
647 insurance and other legal requirements for school opening.

648 **SECTION 8.** (1) (a) The performance provisions within the
649 charter contract shall be based on a performance framework that
650 clearly sets forth the academic and operational performance
651 indicators, measures and metrics that will guide the authorizer's
652 evaluations of each public charter school. The performance
653 framework shall include indicators, measures and metrics, at a
654 minimum, for the following:

- 655 (i) Student academic proficiency;
- 656 (ii) Student academic growth;
- 657 (iii) Achievement gaps in both proficiency and
658 growth between major student subgroups;
- 659 (iv) Attendance;
- 660 (v) Recurrent enrollment from year to year;
- 661 (vi) Postsecondary readiness;
- 662 (vii) Financial performance and sustainability;

663 and

- 664 (viii) Board performance and stewardship,
665 including compliance with all applicable laws, regulations and
666 terms of the charter contract.

667 (b) Annual performance targets shall be set by each
668 public charter school in conjunction with the authorizer, and
669 shall be designed to help each school meet applicable federal,
670 state and authorizer expectations. These performance targets must
671 include a requirement that charter schools not miss adequate
672 yearly progress for any two (2) consecutive years, as defined by
673 the No Child Left Behind Act of 2001, or other future federal
674 school accountability requirements. These performance targets
675 must also require that charter schools outperform, to a
676 statistically significant degree, similar students in the local
677 district in which the charter is located after two (2) years of
678 enrollment.



679 (c) The performance framework shall allow the inclusion
680 of additional rigorous, valid, and reliable indicators proposed by
681 a public charter school to augment external evaluations of its
682 performance, provided that the authorizer approves the quality and
683 rigor of the school-proposed indicators, and they are consistent
684 with the purposes of this act.

685 (d) The performance framework shall require the
686 desegregation of all student performance data by major student
687 subgroups (gender, race, poverty status, special education status,
688 English Learner status and gifted status).

689 (e) For each public charter school it oversees, the
690 authorizer shall be responsible for collecting, analyzing and
691 reporting all data from state assessments in accordance with the
692 performance framework.

693 (f) Multiple schools overseen by a single governing
694 board shall be required to report their performance as separate,
695 individual schools, and each school shall be held independently
696 accountable for its performance.

697 (2) (a) The authorizer shall continually monitor the
698 performance and legal compliance of the public charter schools it
699 oversees, including collecting and analyzing data to support
700 ongoing evaluation according to the charter contract. The
701 authorizer shall have the authority to conduct or require
702 oversight activities that enable the authorizer to fulfill its
703 responsibilities under this act, including conducting appropriate
704 inquiries and investigations, so long as those activities are
705 consistent with the intent of this act, adhere to the terms of the
706 charter contract and do not unduly inhibit the autonomy granted to
707 public charter schools.

708 (b) Each authorizer shall annually publish and provide,
709 as part of its annual report to the Legislature, a performance
710 report for each public charter school it oversees, in accordance
711 with the performance framework set forth in the charter contract



712 and Section 6(5) of this act. This report shall be made available
713 to the public at the same time as it is submitted to the
714 Legislature. The authorizer may require each public charter
715 school it oversees to submit an annual report to assist the
716 authorizer in gathering complete information about each school,
717 consistent with the performance framework.

718 (c) If a public charter school's performance or legal
719 compliance appears unsatisfactory, the authorizer shall promptly
720 notify the public charter school of the perceived problem and
721 provide reasonable opportunity for the school to remedy the
722 problem, unless the problem warrants revocation, in which case the
723 revocation time frames will apply.

724 (d) Every authorizer shall have the authority to take
725 appropriate corrective actions or exercise sanctions preliminary
726 to revocation in response to deficiencies in public charter school
727 performance or legal compliance. These actions or sanctions may
728 include, if warranted, requiring a school to develop and execute a
729 corrective action plan within a specified time frame.

730 (3) (a) A charter may be renewed for successive five-year
731 terms, although the authorizer may lessen the renewal term based
732 on the performance, demonstrated capacities and particular
733 circumstances of each public charter school. The authorizer may
734 grant renewal with specific conditions for necessary improvements
735 to a public charter school.

736 (b) No later than September 30, the authorizer shall
737 issue a public charter school performance report and charter
738 renewal application guidance to any public charter school whose
739 charter will expire the following year. The performance report
740 shall summarize the public charter school's performance record to
741 date, based on the data required by this act and the charter
742 contract, and shall provide notice of any inefficiencies or
743 concerns perceived by the authorizer concerning the public charter
744 school that may jeopardize its position in seeking renewal if not



745 timely rectified. The public charter school shall have ninety
746 (90) days to respond to the performance report and submit any
747 corrections or clarifications for the report.

748 (c) The renewal application guidance shall, at a
749 minimum, provide an opportunity for the public charter school to:

750 (i) Present additional evidence, beyond the data
751 contained in the performance report, supporting its case for
752 charter renewal;

753 (ii) Describe improvements undertaken or planned
754 for the school; and

755 (iii) Detail the school's plans for the next
756 charter term.

757 (d) The renewal application guidance shall include or
758 refer explicitly to the criteria that will guide the authorizer's
759 renewal decisions, which shall be based on the performance
760 framework set forth in the charter contract and consistent with
761 this act.

762 (e) No later than February 1, the governing board of a
763 public charter school seeking renewal shall submit a renewal
764 application to the charter authorizer under the renewal
765 application guidance issued by the authorizer. The authorizer
766 shall rule by resolution on the renewal application no later than
767 ninety (90) days after the filing of the renewal application.

768 (f) In making charter renewal decisions, the authorizer
769 shall:

770 (i) Premise its decisions in evidence of the
771 school's performance over the term of the charter contract in
772 accordance with the performance framework set forth in the charter
773 contract;

774 (ii) Ensure that data used in making renewal
775 decisions are available to the school and the public; and

776 (iii) Provide a public report summarizing the
777 evidence basis for each decision.



778 (g) A charter contract may be revoked at anytime or not
779 renewed if the authorizer determines that the public charter
780 school did any of the following or otherwise failed to comply with
781 the provisions of this act:

782 (i) Commits a material and substantial violation
783 of any of the terms, conditions, standards or procedures required
784 under this act or the charter contract;

785 (ii) Fails to meet or make sufficient progress
786 toward the performance expectations set forth in the charter
787 contract;

788 (iii) Fails to meet generally accepted standards
789 of fiscal management; or

790 (iv) Substantially violates any material provision
791 of law from which the public charter school was not exempted.

792 (h) The authorizer must develop revocation and
793 nonrenewal processes that:

794 (i) Provide the charter holders with a timely
795 notification of the prospect of revocation or nonrenewal and of
796 the reasons for such possible closure;

797 (ii) Allow the charter holders a reasonable amount
798 of time in which to prepare a response;

799 (iii) Provide the charter holders with an
800 opportunity to submit documents and give testimony challenging the
801 rationale for closure and in support of the continuation of the
802 school at an orderly proceeding held for that purpose;

803 (iv) Allow the charter holders access to
804 representation by counsel and to call witnesses on their behalf;

805 (v) Permit the recording of the proceedings; and

806 (vi) After a reasonable period for deliberation,
807 require a final determination be made and conveyed in writing to
808 the charter holders.



809 (i) If the authorizer revokes or does not renew a
810 charter, the authorizer shall clearly state, in a resolution of
811 its governing board, the reasons for the revocation or nonrenewal.

812 (j) Within ten (10) days of taking action to renew, not
813 renew or revoke a charter, the authorizer shall provide a copy of
814 a report to the public charter school. The report shall include a
815 copy of the authorizer governing board's resolution setting forth
816 the action taken and reasons for the decision and assurances as to
817 compliance with all of the requirements set forth in this act.

818 (4) (a) Before any public charter school closure decision,
819 an authorizer shall have developed a public charter school closure
820 protocol to ensure timely notification to parents, orderly
821 transition of students and student records to new schools and
822 proper disposition of school funds, property and assets in
823 accordance with the requirements of this act. The protocol shall
824 specify tasks, timelines and responsible parties, including
825 delineating the respective duties of the school and the
826 authorizer. If a public charter school closes for any reason, the
827 authorizer shall oversee and work with the closing school to
828 ensure an orderly closure and transition for students and parents,
829 as guided by the closure protocol.

830 (b) If a public charter school closes for any reason,
831 the assets of the school shall be distributed first to satisfy
832 outstanding payroll obligations for employees of the school, then
833 to creditors of the school, and then to the State Treasury to the
834 credit of the State General Fund. If the assets of the school are
835 insufficient to pay all parties to whom the school owes
836 compensation, the prioritization of the distribution of assets may
837 be determined by decree of a court of law.

838 (5) On or before September 30 of each year beginning in the
839 first year after the state has public charter schools operating
840 for a full school year, the State Board of Education shall issue
841 to the Governor, the Legislature, and the public at large, an



842 annual report on the state's public charter schools, drawing from
843 the annual reports submitted by the Office of Charter Schools as
844 well as any additional relevant data compiled by the Office of
845 Charter Schools, for the school year ending in the preceding
846 calendar year. The annual report shall include a comparison of
847 the performance of public charter school students with the
848 performance of academically, ethnically and economically
849 comparable groups of students in noncharter public schools. In
850 addition, the annual report shall include the State Board of
851 Education's assessment of the successes, challenges and areas for
852 improvement in meeting the purposes of this act, including the
853 board's assessment of the sufficiency of funding for public
854 charter schools, the efficiency of the state formula for
855 authorizer funding, and any recommended changes to state law or
856 policy necessary to strengthen the state's public charter schools.

857 **SECTION 9.** (1) (a) Notwithstanding any provision of law to
858 the contrary, to the extent that any provision of this act is
859 inconsistent with any other state or local law, rule or
860 regulation, the provisions of this act shall govern and be
861 controlling.

862 (b) A public charter school shall be a nonprofit
863 education organization.

864 (c) A public charter school shall be subject to all
865 federal laws and authorities enumerated in this act or arranged by
866 charter contract with the school's authorizer, where the
867 contracting is consistent with applicable laws, rules and
868 regulations.

869 (d) Except as otherwise provided in this act, a public
870 charter school shall not be subject to the state's education
871 statutes or any state or local rule, regulation, policy or
872 procedure relating to noncharter public schools within an
873 applicable local school district regardless of whether the rule,
874 regulation, policy, or procedure is established by the local



875 school board, the State Board of Education or the State Department
876 of Education.

877 (e) A charter contract may consist of only one (1)
878 school. Each public charter school shall be separate and distinct
879 from any others.

880 (f) A single governing board may hold one (1) or more
881 charter contracts.

882 (2) (a) The Mississippi Recovery School District shall
883 serve as the public charter school's local educational agency. A
884 public charter school is a school with that local educational
885 agency.

886 (b) The Mississippi Recovery School District retains
887 responsibility for special education and shall serve students in
888 public charter schools in a manner consistent with the local
889 educational agency's obligations under applicable federal, state
890 and local law.

891 (3) (a) A public charter school shall have all the powers
892 necessary for carrying out the terms of its charter contract
893 including the following:

894 (i) To receive, expend and disburse funds for
895 school purposes;

896 (ii) To secure appropriate insurance and to enter
897 into contracts and leases, free from prevailing wage laws;

898 (iii) To contract with an education service
899 provider for the management and operation of the public charter
900 school as long as the school's governing board retains oversight
901 authority over the school;

902 (iv) To incur debt in reasonable anticipation of
903 the receipt of public or private funds;

904 (v) To pledge, assign or encumber its assets to be
905 used as collateral for loans or extensions of credit;



906 (vi) To solicit and accept any gifts or grants for
907 school purposes, subject to applicable laws and the terms of its
908 charter contract;

909 (vii) To acquire real property for use as its
910 facility or facilities, from public or private sources; and

911 (viii) To sue and be sued in its own name.

912 (4) (a) A public charter school shall not discriminate
913 against any person on the basis of race, creed, color, sex,
914 disability or national origin, or any other category that would be
915 unlawful if done by a noncharter public school.

916 (b) No public charter school may engage in any
917 sectarian practices in its educational program, admissions or
918 employment policies or operations.

919 (c) A public charter school shall not discriminate
920 against any student on the basis of national origin, minority
921 status, or limited proficiency in English. Consistent with
922 federal civil rights laws, public charter schools shall provide
923 limited English proficient students with appropriate services
924 designed to teach them English and the general curriculum.

925 (d) A public charter school shall not charge tuition
926 and may only charge such fees as may be imposed on other public
927 schools in the state.

928 (e) The powers, obligations, and responsibilities set
929 forth in the charter contract cannot be delegated or assigned by
930 either party.

931 (5) (a) Public charter schools shall be subject to the same
932 civil rights, health, and safety requirements applicable to other
933 public schools in the state, except as otherwise provided in this
934 act.

935 (b) Public charter schools shall be subject to the
936 student assessment and accountability requirements applicable to
937 other public schools in the state, but nothing in this act shall
938 preclude a public charter school from establishing additional



939 student assessment measures that go beyond state requirements if
940 the school's authorizer approves those measures.

941 (c) Public charter school governing boards shall be
942 subject to and comply with state open meetings and freedom of
943 information laws under Section 25-41-5.

944 (6) (a) Public charter schools shall comply with applicable
945 federal laws, rules and regulations regarding the qualification of
946 teachers and other instructional staff. Only twenty-five percent
947 (25%) of teachers in public charter schools shall be exempt from
948 state teacher licensure requirements.

949 (b) Employees in public charter schools shall have the
950 same rights and privileges as other public school employees except
951 as otherwise stated in this act.

952 (c) Employees in public charter schools are eligible
953 for participation in retirement and other state-funded benefits
954 programs, if the public charter school chooses to participate.

955 (d) Teachers and other school personnel, as well as
956 governing board trustees, shall be subject to criminal history
957 record checks and fingerprinting requirements applicable to other
958 public schools under Section 37-9-17(2) and (3).

959 (7) (a) A public charter school shall be eligible for
960 state-sponsored or district-sponsored interscholastic leagues,
961 competitions, awards, scholarships and recognition programs for
962 students, educators, administrators and schools to the same extent
963 as noncharter public schools.

964 (b) A public charter school student is eligible to
965 participate in extracurricular activities not offered by the
966 student's school, at:

967 (i) The school within whose attendance boundaries
968 the student's custodial parent or legal guardian resides; or

969 (ii) The noncharter public school from which the
970 student withdrew for the purpose of attending a public charter
971 school.



972 (c) A public charter school student is eligible for
973 extracurricular activities at a noncharter public school
974 consistent with eligibility standards as applied to full-time
975 students of the noncharter public school.

976 (d) A school district or noncharter public school may
977 not impose additional requirements on a public charter school
978 student to participate in extracurricular activities which are not
979 imposed on full-time students of the noncharter public school.

980 (e) When selection to participate in an extracurricular
981 activity at a noncharter public school is made on a competitive
982 basis, a public charter school student is eligible to try out for
983 and participate in the activity as provided in this section.

984 (f) The State Board of Education shall make rules
985 establishing fees for public charter school students'
986 participation in extracurricular activities at noncharter public
987 schools. The rules shall provide that:

988 (i) Public charter school students are assessed
989 the same fees as other students to participate in extracurricular
990 activities;

991 (ii) Public charter school students are eligible
992 for fee waivers similar to other students;

993 (iii) For each public charter school student who
994 participates in an extracurricular activity at a noncharter public
995 school, the public charter school shall pay a share of the
996 noncharter public school's costs for the extracurricular activity;
997 and

998 (iv) A public charter school's share of the costs
999 of having one or more students participate in an extracurricular
1000 activity at noncharter public schools shall reflect state and
1001 local tax revenues expended, except capital facilities
1002 expenditures, for the extracurricular activities in a noncharter
1003 public school divided by total student enrollment of the
1004 noncharter public school.



1005 (g) In determining a public charter school's share of
1006 the costs of an extracurricular activity under subparagraphs (iii)
1007 and (iv) of paragraph (f) of this subsection, the State Board of
1008 Education may establish uniform fees statewide based on average
1009 costs statewide or average costs within a sample of school
1010 districts.

1011 **SECTION 10.** (1) Each public charter school shall certify to
1012 the State Department of Education its student enrollment in the
1013 same manner as local school districts.

1014 (2) The department shall withhold from the state
1015 equalization payments for each school district with students
1016 residing in the school district and attending the public charter
1017 school an amount equal to one hundred percent (100%) of the amount
1018 calculated under the state's funding formula for each student in
1019 the resident school district multiplied by the number of students
1020 enrolled in the public charter school from the resident school
1021 district. The State Department of Education shall send the sum of
1022 these with holdings to the public charter school, notwithstanding
1023 the oversight fee reductions under Section 6(6) of this Act.

1024 (3) Payments made under this section shall be made by the
1025 state in twelve (12) substantially equal installments each year
1026 beginning on the first business day of July and every month
1027 thereafter. Amounts payable under this section shall be
1028 determined by the department. Amounts payable to a public charter
1029 school in its first year of operation shall be based on the
1030 projections of initial-year enrollment set forth in the charter
1031 contract. The projections shall be reconciled with the actual
1032 enrollment at the end of the school's first year of operation, and
1033 any necessary adjustments shall be made to payments during the
1034 school's second year of operation.

1035 (4) The state shall direct the proportionate share of monies
1036 generated under federal and state categorical aid programs to
1037 public charter schools serving students eligible for the aid. The



1038 state shall ensure that public charter schools with rapidly
1039 expanding enrollments are treated equitably in the calculation and
1040 disbursement of all federal and state categorical aid program
1041 dollars. Each public charter school that serves students who may
1042 be eligible to receive services provided through those programs
1043 shall comply with all reporting requirements to receive the aid.

1044 (5) (a) The state shall pay directly to a public charter
1045 school any federal or state aid attributable to a student with a
1046 disability attending the school.

1047 (b) A public charter school shall pay to the Recovery
1048 School District any federal or state aid attributable to a student
1049 with a disability attending a public charter school in proportion
1050 to the level of services for the student that the Recovery School
1051 District provides directly or indirectly.

1052 (c) At either party's request, a public charter school
1053 and the Recovery School District may negotiate and include in the
1054 charter contract alternate arrangements for the provision of and
1055 payment for special education services, including, but not limited
1056 to, a reasonable reserve not to exceed five percent (5%) of the
1057 Recovery School District's total budget for providing special
1058 education services. The reserve shall only be used by the
1059 Recovery School District to offset excess costs of providing
1060 services to students with disabilities enrolled in one (1) of its
1061 public charter schools.

1062 (6) (a) A public charter school shall adhere to generally
1063 accepted accounting principles as promulgated by nationally
1064 recognized professional organizations.

1065 (b) A public charter school shall have its financial
1066 records audited annually, at the end of each fiscal year, either
1067 by the State Auditor or by a certified public accountant approved
1068 by the State Auditor. A public charter school shall file a
1069 copy of each audit report and accompanying management letter with
1070 the authorizer by July 30.



1071 (7) (a) The State Department of Education shall disburse
1072 state transportation funding to a public charter school on the
1073 same basis and in the same manner as it is paid to school
1074 districts.

1075 (b) A public charter school may enter into a contract
1076 with a school district or private provider to provide
1077 transportation to the school's students.

1078 (8) Any monies received by a public charter school from any
1079 source and remaining in the public charter school's accounts at
1080 the end of any budget year shall remain in the public charter
1081 school's accounts for use by the public charter school during
1082 later budget years.

1083 (9) Nothing in this act shall be construed to prohibit any
1084 person or organization from providing funding or other assistance
1085 to the establishment or operation of a public charter school,
1086 except religious or sectarian organizations. The governing board
1087 of a public charter school is authorized to accept gifts,
1088 donations, and grants of any kind made to the public charter
1089 school and to expend or use such gifts, donations, and grants in
1090 accordance with the conditions prescribed by the donor; however,
1091 no gift, donation, or grant may be accepted if subject to a
1092 condition that is contrary to any provision of law or term of the
1093 charter contract.

1094 **SECTION 11.** (1) (a) The per-student facility allowance for
1095 public charter schools shall be determined based on the total
1096 capital costs for public schools in the state over the past five
1097 (5) years divided by the total student count in the state over the
1098 past five (5) years.

1099 (b) The actual facility allowance payments to be
1100 received by each public charter school shall be determined based
1101 on the per-student facility allowance multiplied by the number of
1102 students estimated to be attending each public charter school.

1103 **SECTION 12.** (1) As used in this section, the following



1104 words shall have the meanings ascribed herein unless the context
1105 clearly requires otherwise:

1106 (a) "Accreted value" of any bond means, as of any date
1107 of computation, an amount equal to the sum of (i) the stated
1108 initial value of such bond, plus (ii) the interest accrued thereon
1109 from the issue date to the date of computation at the rate,
1110 compounded semiannually, that is necessary to produce the
1111 approximate yield to maturity shown for bonds of the same
1112 maturity.

1113 (b) "State" means the State of Mississippi.

1114 (c) "Commission" means the State Bond Commission.

1115 (2) (a) (i) A special fund, to be designated as the "2009
1116 Public School Capital Improvements Fund" is created within the
1117 State Treasury. The fund shall be maintained by the State
1118 Treasurer as a separate and special fund, separate and apart from
1119 the General Fund of the state. Unexpended amounts remaining in
1120 the fund at the end of a fiscal year shall not lapse into the
1121 State General Fund, and any interest earned or investment earnings
1122 on amounts in the fund shall be deposited into such fund.

1123 (ii) Monies deposited into the fund shall be
1124 disbursed, in the discretion of the State Board of Education, to
1125 provide funds to finance school building projects, general
1126 improvements to school buildings and repayment of debt for school
1127 building projects to public charter schools in the state upon
1128 submission of applications to the board for those purposes,
1129 subject to the conditions established by the board for approval.
1130 The board shall give preference to applications that provide for
1131 matching funds from nonstate sources.

1132 (b) Amounts deposited into such special fund shall be
1133 disbursed to pay the costs of the projects described in paragraph
1134 (a) of this subsection. Promptly after the commission has
1135 certified, by resolution duly adopted, that the projects described
1136 in paragraph (a) of this subsection shall have been completed,



1137 abandoned, or cannot be completed in a timely fashion, any amounts
1138 remaining in such special fund shall be applied to pay debt
1139 service on the bonds issued under this section, in accordance with
1140 the proceedings authorizing the issuance of such bonds and as
1141 directed by the commission.

1142 (3) (a) The commission, at one time, or from time to time,
1143 may declare by resolution the necessity for issuance of general
1144 obligation bonds of the State of Mississippi to provide funds for
1145 all costs incurred or to be incurred for the purposes described in
1146 subsection (2) of this section. Upon the adoption of a resolution
1147 by the Department of Finance and Administration, declaring the
1148 necessity for the issuance of any part or all of the general
1149 obligation bonds authorized by this subsection, the department
1150 shall deliver a certified copy of its resolution or resolutions to
1151 the commission. Upon receipt of such resolution, the commission,
1152 in its discretion, may act as issuing agent, prescribe the form of
1153 the bonds, determine the appropriate method for sale of the bonds,
1154 advertise for and accept bids or negotiate the sale of the bonds,
1155 issue and sell the bonds so authorized to be sold and do any and
1156 all other things necessary and advisable in connection with the
1157 issuance and sale of such bonds. The total amount of bonds issued
1158 under this section shall not exceed One Million Dollars
1159 (\$1,000,000.00). The amount of bonds authorized to be issued
1160 under this section shall be reduced by the amount of any federal
1161 funds made available for the purposes described in subsection (2)
1162 of this section. No bonds shall be issued under this section
1163 after July 1, 2013.

1164 (b) Any investment earnings on amounts deposited into
1165 the special fund created in subsection (2) of this section shall
1166 be used to pay debt service on bonds issued under this section, in
1167 accordance with the proceedings authorizing issuance of such
1168 bonds.



1169 (4) The principal of and interest on the bonds authorized
1170 under this section shall be payable in the manner provided in this
1171 subsection. Such bonds shall bear such date or dates, be in such
1172 denomination or denominations, bear interest at such rate or rates
1173 (not to exceed the limits set forth in Section 75-17-101,
1174 Mississippi Code of 1972), be payable at such place or places
1175 within or without the State of Mississippi, shall mature
1176 absolutely at such time or times not to exceed twenty-five (25)
1177 years from date of issue, be redeemable before maturity at such
1178 time or times and upon such terms, with or without premium, shall
1179 bear such registration privileges, and shall be substantially in
1180 such form, all as shall be determined by resolution of the
1181 commission.

1182 (5) The bonds authorized by this section shall be signed by
1183 the chairman of the commission, or by his facsimile signature, and
1184 the official seal of the commission shall be affixed thereto,
1185 attested by the secretary of the commission. The interest
1186 coupons, if any, to be attached to such bonds may be executed by
1187 the facsimile signatures of such officers. Whenever any such
1188 bonds shall have been signed by the officials designated to sign
1189 the bonds who were in office at the time of such signing but who
1190 may have ceased to be such officers before the sale and delivery
1191 of such bonds, or who may not have been in office on the date such
1192 bonds may bear, the signatures of such officers upon such bonds
1193 and coupons shall nevertheless be valid and sufficient for all
1194 purposes and have the same effect as if the person so officially
1195 signing such bonds had remained in office until their delivery to
1196 the purchaser, or had been in office on the date such bonds may
1197 bear. However, notwithstanding anything herein to the contrary,
1198 such bonds may be issued as provided in the Registered Bond Act of
1199 the State of Mississippi.

1200 (6) All bonds and interest coupons issued under the
1201 provisions of this section have all the qualities and incidents of



1202 negotiable instruments under the provisions of the Uniform
1203 Commercial Code, and in exercising the powers granted by this
1204 section, the commission shall not be required to and need not
1205 comply with the provisions of the Uniform Commercial Code.

1206 (7) The commission shall act as issuing agent for the bonds
1207 authorized under this section, prescribe the form of the bonds,
1208 determine the appropriate method for sale of the bonds, advertise
1209 for and accept bids or negotiate sale of the bonds, issue and sell
1210 the bonds so authorized to be sold, pay all fees and costs
1211 incurred in such issuance and sale, and do any and all other
1212 things necessary and advisable in connection with the issuance and
1213 sale of such bonds. The commission is authorized and empowered to
1214 pay the costs that are incident to the sale, issuance and delivery
1215 of the bonds authorized under this section from the proceeds
1216 derived from the sale of such bonds. The commission may sell such
1217 bonds on sealed bids at public sale or may negotiate the sale of
1218 the bonds for such price as it may determine to be for the best
1219 interest of the State of Mississippi. All interest accruing on
1220 such bonds so issued shall be payable semiannually or annually.

1221 If such bonds are sold by sealed bids at public sale, notice
1222 of the sale shall be published at least one time, not less than
1223 ten (10) days before the date of sale, and shall be so published
1224 in one or more newspapers published or having a general
1225 circulation in the City of Jackson, Mississippi, selected by the
1226 commission.

1227 The commission, when issuing any bonds under the authority of
1228 this section, may provide that bonds, at the option of the State
1229 of Mississippi, may be called in for payment and redemption at the
1230 call price named therein and accrued interest on such date or
1231 dates named therein.

1232 (8) The bonds issued under the provisions of this section
1233 are general obligations of the State of Mississippi, and for the
1234 payment thereof the full faith and credit of the State of



1235 Mississippi is irrevocably pledged. If the funds appropriated by
1236 the Legislature are insufficient to pay the principal of and the
1237 interest on such bonds as they become due, then the deficiency
1238 shall be paid by the State Treasurer from any funds in the State
1239 Treasury not otherwise appropriated. All such bonds shall contain
1240 recitals on their faces substantially covering the provisions of
1241 this subsection.

1242 (9) Upon the issuance and sale of bonds under the provisions
1243 of this section, the commission shall transfer the proceeds of any
1244 such sale or sales to the special fund created in subsection (2)
1245 of this section. The proceeds of such bonds shall be disbursed
1246 solely upon the order of the Department of Finance and
1247 Administration under such restrictions, if any, as may be
1248 contained in the resolution providing for the issuance of the
1249 bonds.

1250 (10) The bonds authorized under this section may be issued
1251 without any other proceedings or the happening of any other
1252 conditions or things other than those proceedings, conditions and
1253 things which are specified or required by this section. Any
1254 resolution providing for the issuance of bonds under the
1255 provisions of this section shall become effective immediately upon
1256 its adoption by the commission, and any such resolution may be
1257 adopted at any regular or special meeting of the commission by a
1258 majority of its members.

1259 (11) The bonds authorized under the authority of this
1260 section may be validated in the Chancery Court of the First
1261 Judicial District of Hinds County, Mississippi, in the manner and
1262 with the force and effect provided by Chapter 13, Title 31,
1263 Mississippi Code of 1972, for the validation of county, municipal,
1264 school district and other bonds. The notice to taxpayers required
1265 by such statutes shall be published in a newspaper published or
1266 having a general circulation in the City of Jackson, Mississippi.



1267 (12) Any holder of bonds issued under the provisions of this
1268 section or of any of the interest coupons pertaining thereto may,
1269 either at law or in equity, by suit, action, mandamus or other
1270 proceeding, protect and enforce any and all rights granted under
1271 this section, or under such resolution, and may enforce and compel
1272 performance of all duties required by this section to be
1273 performed, in order to provide for the payment of bonds and
1274 interest thereon.

1275 (13) All bonds issued under the provisions of this section
1276 shall be legal investments for trustees and other fiduciaries, and
1277 for savings banks, trust companies and insurance companies
1278 organized under the laws of the State of Mississippi, and such
1279 bonds shall be legal securities which may be deposited with and
1280 shall be received by all public officers and bodies of this state
1281 and all municipalities and political subdivisions for the purpose
1282 of securing the deposit of public funds.

1283 (14) Bonds issued under the provisions of this section and
1284 income therefrom shall be exempt from all taxation in the State of
1285 Mississippi.

1286 (15) The proceeds of the bonds issued under this section
1287 shall be used solely for the purposes herein provided, including
1288 the costs incident to the issuance and sale of such bonds.

1289 (16) The State Treasurer is authorized, without further
1290 process of law, to certify to the Department of Finance and
1291 Administration the necessity for warrants, and the Department of
1292 Finance and Administration is authorized and directed to issue
1293 such warrants, in such amounts as may be necessary to pay when due
1294 the principal of, premium, if any, and interest on, or the
1295 accreted value of, all bonds issued under this section; and the
1296 State Treasurer shall forward the necessary amount to the
1297 designated place or places of payment of such bonds in ample time
1298 to discharge such bonds, or the interest thereon, on the due dates
1299 thereof.



1300 (17) This section shall be deemed to be full and complete
1301 authority for the exercise of the powers herein granted, but this
1302 section shall not be deemed to repeal or to be in derogation of
1303 any existing law of this state.

1304 **SECTION 13.** (1) (a) There is established in the State
1305 Treasury a fund to be known as the "Public Charter School Facility
1306 Revolving Loan Fund." The fund shall be comprised of federal
1307 funds obtained by the state for public charter schools and any
1308 other funds appropriated by the Legislature or transferred to the
1309 loan fund by the state. Monies appropriated to the loan fund
1310 remaining in the fund at the end of the fiscal year shall remain
1311 available for the purposes of the program and shall not lapse into
1312 the State General Fund.

1313 (b) Loans may be made from monies in the Public Charter
1314 School Facility Revolving Loan Fund to a public charter school,
1315 upon application by a public charter school and approval by the
1316 State Board of Education or its designee. The purpose of the fund
1317 is to provide financial support to public charter schools for
1318 construction, purchase, renovation and maintenance of public
1319 charter school facilities. The fund shall consist of monies
1320 obtained from grants from the federal government, funds
1321 appropriated by the Legislature, repaid loans from borrowers and
1322 grants, gifts, devises and donations from any public or private
1323 source, except religious or sectarian organizations. The State
1324 Board of Education shall administer the fund and may apply for any
1325 grants from the federal government or private sources.

1326 (2) The State Board of Education shall adopt rules and
1327 regulations necessary for the implementation of this section,
1328 including application and notification requirements. If
1329 sufficient funds are available for this purpose, monies from the
1330 Public Charter School Facility Revolving Loan Fund will be
1331 distributed to qualifying public charter school applicants.



1332 (3) No loan to a public charter school shall exceed One
1333 Hundred Thousand Dollars (\$100,000.00) over a five-year period. A
1334 public charter school may receive multiple loans from the loan
1335 fund, as long as the total amount received from the program over
1336 two (2) years does not exceed Seventy-five Thousand Dollars
1337 (\$75,000.00).

1338 (c) The board or its designee, when making a
1339 determination as to the approval of a public charter school's loan
1340 application, may consider the following:

1341 (i) The soundness of the financial business plans
1342 of the applicant public charter school;

1343 (ii) The availability to the public charter school
1344 of other sources of funding;

1345 (iii) The geographic distribution of loans made
1346 from the Public Charter School Facility Revolving Loan Fund;

1347 (iv) The impact that loans received under this
1348 section will have on the public charter school's receipt of other
1349 private and public financing;

1350 (v) Any plans for innovatively enhancing or
1351 leveraging funds received under this section, such as loan
1352 guarantees or other types of credit enhancements; and

1353 (vi) The financial needs of the public charter
1354 school.

1355 (4) Beginning with the first fiscal year following the
1356 fiscal year the public charter school receives the loan, the State
1357 Board of Education shall deduct from allocations made to the
1358 public charter school, as appropriate, an amount equal to the
1359 annual repayment of the amount loaned to the public charter school
1360 under this section and pay the same amount into the Public Charter
1361 School Facility Revolving Loan Program. Repayment of the full
1362 amount loaned to the public charter school shall be deducted by
1363 the State Board of Education in equal annual amounts over a number



1364 of years agreed upon between the public charter school and the
1365 board or its designee, not to exceed ten (10) years for any loan.

1366 (5) Notwithstanding other provisions of law, a loan may be
1367 made to a public charter school under this section only in the
1368 case of a public charter school that is incorporated.

1369 (6) Notwithstanding other provisions of law, in the case of
1370 default of a loan made directly to a public charter school under
1371 this section, the public charter school shall be solely liable for
1372 repayment of the loan.

1373 **SECTION 14.** (1) Local school boards shall make available to
1374 public charter schools, which shall have a right of first refusal,
1375 any vacant school facilities or any facility slated to be vacant
1376 for lease or purchase at fair market value as determined by the
1377 average of at least two (2) appraisals by qualified appraisers who
1378 shall be selected by the State Board of Education, which costs
1379 shall be paid, one (1) by the charter school and one (1) by the
1380 local school board leasing the facilities. All property within
1381 the existing school shall also be made available to the charter
1382 school under similar terms. If the facilities were constructed at
1383 no cost to the local school board, then the facilities including
1384 all equipment, books, instructional materials, and furniture
1385 within the facilities shall be provided to the charter school at
1386 no cost. The provisions of this subsection do not prohibit a
1387 charter school from purchasing or leasing new facilities.

1388 (2) A public charter school may negotiate and contract at or
1389 below fair market value with a school district, the governing body
1390 of a state institution of higher learning or public community
1391 college or any other public or for-profit or nonprofit private
1392 entity for the use of a facility for a school building.

1393 (3) A Library, community service, museum, performing arts
1394 theatre, cinema, church, community college, college and university
1395 facilities may provide space to public charter schools within



1396 their facilities under their preexisting zoning and land use
1397 designations.

1398 (4) (a) Any facility, or portion thereof, used to house a
1399 public charter school shall be exempt from ad valorem taxes.

1400 (b) Public charter school facilities are exempt from
1401 assessments of fees for building permits, fees for building and
1402 occupational licenses, impact fees, service availability fees and
1403 assessments for special benefits.

1404 **SECTION 15.** (1) There is established in the State Treasury
1405 a fund to be known as the "Credit Enhancement Fund." The purpose
1406 of the fund is to provide grants to eligible nonprofit
1407 corporations to carry out the purposes of subsection (2) of this
1408 section. The fund shall consist of monies appropriated by the
1409 Legislature. Monies appropriated to the fund remaining in the
1410 fund at the end of the fiscal year shall remain available for the
1411 purposes of the program and shall not lapse into the State General
1412 Fund.

1413 (2) The recipient of a grant under this section shall use
1414 the monies provided to carry out activities to assist public
1415 charter schools in:

1416 (a) Obtaining financing to acquire interests in real
1417 property (including by purchase, lease, or donation), including
1418 financing to cover planning, development, and other incidental
1419 costs;

1420 (b) Obtaining financing for construction of facilities
1421 or the renovation, repair, or alteration of existing property or
1422 facilities, including financing to cover planning, development and
1423 other incidental costs;

1424 (c) Enhancing the availability of loans and bonds; and

1425 (d) Obtaining lease guarantees.

1426 (3) Funds provided under a grant under this section may not
1427 be used by a recipient to make direct loans or grants to public
1428 charter schools.



1429 **SECTION 16.** This act shall take effect and be in force from
1430 and after July 1, 2010.

