

By: Representatives Moore, Espy

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 888

1 AN ACT ENTITLED THE "MISSISSIPPI PUBLIC CHARTER SCHOOLS ACT
2 OF 2012"; TO DECLARE THE LEGISLATIVE PURPOSE OF THE PUBLIC CHARTER
3 SCHOOLS ACT; TO PROHIBIT CONVERSION OF PRIVATE OR PAROCHIAL SCHOOL
4 TO PUBLIC CHARTER SCHOOLS; TO PROVIDE DEFINITIONS; TO PROVIDE OPEN
5 ENROLLMENT AND LOTTERY REQUIREMENTS FOR PUBLIC CHARTER SCHOOLS; TO
6 PROVIDE PREFERENCES FOR STUDENT ENROLLMENT IN THE CASE OF A
7 CONVERSION CHARTER SCHOOL AND FOR SCHOOLS SERVING SPECIAL
8 POPULATIONS; TO REQUIRE ALL SCHOOLS IN THE STATE TO ACCEPT
9 TRANSFER CREDITS FROM PUBLIC CHARTER SCHOOLS; TO DEFINE THE
10 ELIGIBLE AUTHORIZER FOR PUBLIC CHARTER SCHOOLS; TO ESTABLISH THE
11 MISSISSIPPI PUBLIC CHARTER SCHOOLS AUTHORIZER BOARD AND PRESCRIBE
12 ITS MEMBERSHIP; TO PROVIDE FOR AN EXECUTIVE DIRECTOR OF THE
13 MISSISSIPPI PUBLIC CHARTER SCHOOLS AUTHORIZER BOARD; TO PRESCRIBE
14 AUTHORIZER POWERS AND DUTIES; TO PROVIDE STANDARDS FOR AUTHORIZING
15 PUBLIC CHARTER SCHOOLS WHICH SHALL BE POLICIES EQUAL TO NATIONALLY
16 ESTABLISHED BEST PRACTICES; TO PROVIDE FOR AUTHORIZER FUNDING AND
17 CONFLICT OF INTEREST; TO AUTHORIZE SERVICES TO BE PURCHASED FROM
18 THE AUTHORIZER; TO PRESCRIBE THE APPLICATION PROCESS FOR ALL TYPES
19 OF CHARTER SCHOOLS AND A DECISION-MAKING PROCESS; TO ESTABLISH AN
20 INITIAL CHARTER TERM; TO PROVIDE GUIDELINES FOR EXECUTING CHARTER
21 CONTRACTS; TO PROVIDE ACHIEVEMENT AND OPERATIONAL STANDARDS FOR
22 CHARTER SCHOOL OVERSIGHT AND CORRECTIVE ACTIONS; TO PROVIDE FOR
23 RENEWALS AND REVOCATIONS OF CHARTER SCHOOL CONTRACTS; TO PROVIDE
24 PROCEDURES FOR CHARTER SCHOOL CLOSURE AND DISSOLUTION; TO
25 PRESCRIBE THE LEGAL STATUS OF CHARTER SCHOOLS; TO EMPOWER CHARTER
26 SCHOOLS WITH FINANCIAL AUTHORITY TO IMPLEMENT ITS CONTRACT AND TO
27 PROHIBIT DISCRIMINATION AND THE CHARGING OF TUITION; TO PRESCRIBE
28 THE QUALIFICATIONS OF EMPLOYEES OF CHARTER SCHOOLS AND REQUIRE
29 CRIMINAL BACKGROUND CHECKS FOR SUCH EMPLOYEES; TO AUTHORIZE EQUAL
30 TRANSPORTATION FUNDING UNDER THE ADEQUATE EDUCATION PROGRAM FOR
31 PUBLIC CHARTER SCHOOLS; TO AUTHORIZE LOCAL FUNDING FOR PUBLIC
32 CHARTER SCHOOLS; TO AUTHORIZE CHARTER SCHOOLS TO ACCEPT GIFTS,
33 DONATIONS AND GRANTS; TO AUTHORIZE CHARTER SCHOOLS EQUAL ACCESS TO
34 EXISTING STATE FACILITIES PROGRAMS FOR PUBLIC SCHOOLS; TO
35 AUTHORIZE CHARTER SCHOOLS THE RIGHT OF FIRST REFUSAL TO VACANT
36 SCHOOL FACILITIES AND PROPERTY AND THE USE OF DONATED SPACE UNDER
37 PREEXISTING ZONING REGULATIONS; TO AMEND SECTION 37-3-2,
38 MISSISSIPPI CODE OF 1972, TO EXEMPT TEACHERS, INSTRUCTIONAL STAFF
39 AND ADMINISTRATORS OF PUBLIC CHARTER SCHOOLS FROM THE LICENSURE
40 REQUIREMENTS OF TRADITIONAL PUBLIC SCHOOL TEACHERS AND
41 ADMINISTRATORS; TO AMEND SECTION 37-9-17, MISSISSIPPI CODE OF
42 1972, TO REQUIRE EMPLOYEES AND ADMINISTRATORS OF PUBLIC CHARTER
43 SCHOOLS TO SUBMIT TO CRIMINAL BACKGROUND CHECKS AND
44 FINGERPRINTING; TO AMEND SECTION 37-9-103, MISSISSIPPI CODE OF
45 1972, TO PROVIDE THAT THE EDUCATION EMPLOYMENT PROCEDURES LAW
46 SHALL NOT APPLY TO TEACHERS OR ADMINISTRATORS AT PUBLIC CHARTER
47 SCHOOLS; TO REPEAL SECTIONS 37-165-1 THROUGH 37-165-25,
48 MISSISSIPPI CODE OF 1972, WHICH ARE THE "CONVERSION CHARTER SCHOOL
49 ACT OF 2010"; TO AMEND SECTION 37-165-27, MISSISSIPPI CODE OF
50 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD
51 SECTIONS 37-151-7 AND 37-57-107, MISSISSIPPI CODE OF 1972, FOR
52 PURPOSES OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.



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

54 **SECTION 1.** This act shall be known and may be cited as the
55 "Mississippi Public Charter Schools Act of 2012."

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

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

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

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

65 (d) To create new professional opportunities for
66 teachers, school administrators and other school personnel that
67 allow them to have a direct voice in the operation of their
68 schools;

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

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

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

77 (h) To encourage the replication of successful public
78 charter schools.

79 (2) All public charter schools in the state established
80 under this act are public schools and are part of the state's
81 public education system.

82 (3) No provision of this act shall be interpreted to allow
83 the conversion of private schools into public charter schools.

84 (4) Public charter schools and conversion charter schools
85 shall be established only in those local school districts that



86 have an accountability rating of successful, under academic watch,
87 low performing, at risk of failing or failing as determined by the
88 accountability standards adopted by the State Board of Education.
89 The provisions of this act shall not apply to any local school
90 district having an accountability rating as a high performing or
91 star district.

92 **SECTION 3.** For purposes of this act, the following words and
93 phrases have the meanings ascribed in this section unless the
94 context clearly indicates otherwise:

95 (a) "Applicant" means any person or group that develops
96 and submits an application for a public charter school to an
97 authorizer.

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

101 (c) "At-risk student" means a student who has an
102 economic or academic disadvantage that requires special services
103 and assistance to succeed in educational programs. The term
104 includes, but is not necessarily limited to, students who are
105 members of economically disadvantaged families, students who are
106 identified as having special educational needs, students who are
107 limited in English proficiency, students who are at risk of
108 dropping out of high school and students who do not meet minimum
109 standards of academic proficiency.

110 (d) "Authorizer" means an entity authorized under this
111 act to review applications, decide whether to approve or reject
112 applications, enter into charter contracts with applicants,
113 oversee public charter schools and decide whether to renew, not
114 renew or revoke charter contracts.

115 (e) "Charter contract" means a fixed-term, renewable
116 contract between a public charter school and an authorizer that
117 outlines the roles, powers, responsibilities and performance
118 expectations for each party to the contract.



119 (f) "Conversion public charter school" means a charter
120 school that existed as a noncharter public school before becoming
121 a public charter school which was designated as either successful,
122 under academic watch, low performing, at risk of failing or
123 failing.

124 (g) "Education service provider" means a charter
125 management organization, school design provider or any other
126 partner entity with which a public charter school intends to
127 contract for educational design, implementation or comprehensive
128 management.

129 (h) "Governing board" means the independent board of a
130 public charter school that is party to the charter contract with
131 the authorizer and whose members have been elected or selected
132 pursuant to the school's application.

133 (i) "Local school board" means a school board
134 exercising management and control of a local school district
135 pursuant to the State Constitution and state statutes.

136 (j) "Local school district" means a public agency that
137 establishes and supervises one or more public schools within its
138 geographical limits pursuant to the State Constitution and state
139 statutes.

140 (k) "Noncharter public school" means a public school
141 that is under the direct management, governance and control of a
142 local school board or the state.

143 (l) "Parent" means a parent, guardian or other person
144 or entity having legal custody of a child.

145 (m) "Public charter school" means a public school that:

146 (i) Has autonomy over decisions including, but not
147 limited to, matters concerning finance, personnel, scheduling,
148 curriculum and instruction;

149 (ii) Is governed by an independent governing
150 board;



151 (iii) Is established and operating under the terms
152 of a charter contract between the school's board and its
153 authorizer;

154 (iv) Is a school to which parents choose to send
155 their children;

156 (v) Is a school that admits students on the basis
157 of a lottery if more students apply for admission than can be
158 accommodated;

159 (vi) Provides a program of education that includes
160 any single grade or multiple grades from kindergarten through
161 Grade 12;

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

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

166 (n) "Start-up public charter school" means a public
167 charter school that did not exist as a noncharter public school
168 prior to becoming a public charter school.

169 (o) "Student" means any child who is eligible for
170 attendance in public schools in the state.

171 (p) "Virtual public school" means a public school that
172 offers educational services predominantly through an online
173 program. A virtual school may contract with any eligible
174 authorizer for purposes of providing online academic instruction
175 to students attending a public charter or conversion charter
176 school.

177 **SECTION 4.** (1) A public charter school shall be open to any
178 student residing in the state.

179 (2) A school district shall not require any student enrolled
180 in the school district to attend a public charter school.

181 (3) A public charter school shall not limit admission based
182 on ethnicity, national origin, religion, gender, income level,



183 disabling condition, proficiency in the English language or
184 academic or athletic ability, except as provided in Section 5(4).

185 (4) A public charter school may limit admission to students
186 within a given age group or grade level and may be organized
187 around a special emphasis, theme or concept as stated in the
188 school's application.

189 (5) (a) The at-risk composition of the charter school
190 enrollment shall reflect that of students in similar grades for
191 school-aged children for the school district in which the charter
192 school is located, to be defined for the purposes of this chapter
193 as differing by no more than twenty-five percent (25%) from that
194 population.

195 (b) In the event that the at-risk composition of an
196 applicant's or charter school's enrollment differs from the
197 enrollment of students in similar grades for the school district
198 in which the charter school is located by more than twenty-five
199 percent (25%), despite its best efforts, the authorizer from which
200 the applicant is seeking sponsorship shall consider the
201 applicant's or the charter school's recruitment efforts and
202 at-risk composition of the applicant pool in determining whether
203 the applicant or charter school is operating in a
204 nondiscriminatory manner. A finding by the authorizer that the
205 applicant is not operating in a discriminatory manner justifies
206 approval of the charter without regard to the at-risk percentage
207 requirement if the application is acceptable in all other aspects.
208 A finding by the authorizer that the applicant or charter school
209 is operating in a discriminatory manner justifies the denial of a
210 charter school application or the revocation of a charter, as may
211 be applicable.

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



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

218 **SECTION 5.** (1) Any noncharter public school converting
219 partially or entirely to a public charter school shall adopt and
220 maintain a policy giving enrollment preference to students who
221 reside within the former attendance area of that public school.
222 If the charter school has excess capacity after enrolling students
223 residing within the former attendance area of the school, students
224 outside of the former attendance area of the school shall be
225 eligible for enrollment. If the number of these additional
226 students exceeds the capacity of a program, class, grade level or
227 building, the students will be entered into a lottery.

228 (2) A public charter school shall give enrollment preference
229 to students enrolled in the public charter school the previous
230 school year and to siblings of students already enrolled in the
231 public charter school. An enrollment preference for returning
232 students excludes those students from entering into a lottery.

233 (3) A public charter school may give enrollment preference
234 to children of a public charter school's founders, governing board
235 members and full-time employees, so long as they constitute no
236 more than ten percent (10%) of the school's total student
237 population.

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

246 **SECTION 6.** If a student who was previously enrolled in a
247 public charter school enrolls in another public school in this



248 state, the student's new school shall accept credits earned by the
249 student in courses or instructional programs at the public charter
250 school in a uniform and consistent manner and according to the
251 same criteria that are used to accept academic credits from other
252 public schools.

253 **SECTION 7.** A school district shall provide or publicize to
254 parents and the general public information about public charter
255 schools as an enrollment option within the district to the same
256 extent and through the same means that the district provides and
257 publicizes information about noncharter public schools in the
258 district.

259 **SECTION 8.** (1) The State Board of Education, hereinafter
260 state board, may authorize conversion public charter schools in
261 any school district in the state.

262 (2) The Mississippi Public Charter School Board created
263 under Section 9 of this act may authorize start-up public charter
264 schools in any school district in the state.

265 (3) A local school board may authorize public charter
266 schools within the boundaries of the school district overseen by
267 the local school board.

268 **SECTION 9.** (1) There is established, the Mississippi Public
269 Charter School Board which is an independent state agency with
270 statewide chartering jurisdiction as described in Section 8(2).

271 (2) The mission of the Mississippi Public Charter School
272 Board shall be to authorize high-quality public charter schools
273 throughout the state, particularly schools designed to expand
274 opportunities for at-risk students, consistent with the purposes
275 of this act.

276 (3) The Mississippi Public Charter School Board shall
277 consist of five (5) members. Three (3) members shall be appointed
278 by the Governor, one (1) member shall be appointed by the
279 Lieutenant Governor and one (1) member shall be appointed by the
280 Speaker of the House. In making the appointments, the Governor,



281 Lieutenant Governor and Speaker of the House shall ensure
282 statewide geographic and racial diversity among Mississippi Public
283 Charter School Board members.

284 (4) Members appointed to the Mississippi Public Charter
285 School Board shall collectively possess strong experience and
286 expertise in public and nonprofit governance, private sector
287 business management, finance, K-12 school leadership, assessment
288 and curriculum and instruction and public education law. All
289 members of the Mississippi Public Charter School Board shall have
290 demonstrated understanding of and commitment to charter schooling
291 as a strategy for strengthening public education and expanding
292 school choice.

293 (5) To establish staggered terms of office, the initial term
294 of office for the two (2) members of the board appointed by the
295 Governor shall be four (4) years and thereafter shall be three (3)
296 years. The initial term of office for the two (2) members of the
297 board appointed by the Lieutenant Governor and the Speaker of the
298 House shall be three (3) years and thereafter shall be three (3)
299 years. The initial term of office for the at large member
300 appointed by the Governor shall be two (2) years and thereafter
301 shall be three (3) years. No member shall serve more than seven
302 (7) consecutive years. The initial appointments shall be made no
303 later than September 1, 2012.

304 (6) A member of the Mississippi Public Charter School Board
305 may be removed for any cause that renders the member incapable or
306 unfit to discharge the duties of the office, which such removal
307 procedure shall be stipulated in the bylaws adopted by the board
308 for its governance. Whenever a vacancy on the Mississippi Public
309 Charter School Board exists, the original appointing authority
310 shall appoint a member for the remaining portion of the term.

311 (7) The Mississippi Public Charter School Board is
312 authorized to receive and expend gifts, grants, appropriations and
313 donations of any kind from any public or private entity to carry



314 out the purposes of this act, subject to the terms and conditions
315 under which they are given, provided that all such terms and
316 conditions are permissible under law.

317 (8) The Mississippi Public Charter School Board shall
318 operate with dedicated resources and staff qualified to execute
319 the day-to-day responsibilities of public charter school
320 authorizing in accordance with this act.

321 **SECTION 10.** (1) There is established an Office of Charter
322 Schools within the State Department of Education. The office
323 shall be vested with implementing the state board's decisions that
324 relate to conversion charter schools.

325 (2) The mission of the Office of Charter Schools shall be to
326 support the state board in executing the powers and duties
327 detailed in Section 11.

328 (3) The office is authorized to receive and expend gifts,
329 grants, appropriations and donations of any kind from any public
330 or private entity to carry out the purposes of this act, subject
331 to the terms and conditions under which they are given, provided
332 that all such terms and conditions are permissible under law.

333 **SECTION 11.** (1) Authorizers are responsible for executing,
334 in accordance with this act, the following essential powers and
335 duties:

336 (i) Soliciting and evaluating charter
337 applications;

338 (ii) Approving quality charter applications that
339 meet identified educational needs and promote a diversity of
340 educational choices;

341 (iii) Declining to approve weak or inadequate
342 charter applications;

343 (iv) Negotiating and executing sound charter
344 contracts;



345 (v) Monitoring, in accordance with charter
346 contract terms, the performance and legal compliance of public
347 charter schools;

348 (vi) Minimizing the administrative burdens and
349 costs faced by public charter schools; and

350 (vii) Determining whether each charter contract
351 merits renewal, nonrenewal or revocation.

352 (2) An authorizing entity may delegate its duties to
353 offices, employees and contractors.

354 (3) Regulation by authorizers shall be limited to these
355 powers and duties and consistent with the purpose and intent of
356 this act.

357 (4) An authorizing entity, members of the board of an
358 authorizer in their official capacity and employees of an
359 authorizer in their official capacity are immune from civil and
360 criminal liability with respect to all activities related to a
361 public charter school they authorize.

362 **SECTION 12.** (1) (a) All authorizers shall be required to
363 develop and maintain chartering policies and practices consistent
364 with nationally recognized principles and standards for quality
365 charter authorizing in all major areas of authorizing
366 responsibility including:

367 (i) Organizational capacity and infrastructure;

368 (ii) Soliciting and evaluating charter
369 applications;

370 (iii) Performance contracting;

371 (iv) Ongoing public charter school oversight and
372 evaluation; and

373 (v) Charter renewal decision-making.

374 (b) Authorizers shall carry out all their duties under this
375 act in a manner consistent with such nationally recognized
376 principles and standards and with the purpose and intent of this



377 act. Evidence of material or persistent failure to do so shall
378 constitute grounds for losing charter authorizing powers.

379 (2) Every authorizer shall be required to submit to the
380 Joint Committee on Performance Evaluation and Expenditure Review
381 an annual report summarizing:

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

384 (b) The academic and financial performance of all
385 operating public charter schools overseen by the authorizer,
386 according to the performance expectations for public charter
387 schools set forth in this act;

388 (c) The status of the authorizer's public charter
389 school portfolio, identifying all public charter schools in each
390 of the following categories:

391 (i) Approved, but not yet open;

392 (ii) Operating;

393 (iii) Renewed;

394 (iv) Revoked;

395 (v) Not renewed;

396 (vi) Voluntarily closed; or

397 (vii) Never opened;

398 (d) The authorizing functions provided by the
399 authorizer to the public charter schools under its purview,
400 including the authorizer's operating costs and expenses detailed
401 in annual audited financial statements that conform with Generally
402 Accepted Accounting Principles; and

403 (e) The services purchased from the authorizer by the
404 public charter schools under its purview, including an itemized
405 accounting of the actual costs of these services, as required in
406 Section 15.

407 **SECTION 13.** (1) To cover costs for overseeing public
408 charter schools in accordance with this act, an authorizer shall
409 receive three percent (3%) of annual per-pupil allocations



410 received by each public charter school it authorizes. These funds
411 must be used exclusively to cover the costs for an authorizer to
412 oversee its public charter schools.

413 (2) An authorizer may expend its resources, seek grant funds
414 and establish partnerships to support its public charter school
415 authorizing activities.

416 **SECTION 14.** (1) No employee, trustee, agent or
417 representative of an authorizer may simultaneously serve as an
418 employee, trustee, agent, representative, vendor or contractor of
419 a public charter school authorized by that entity.

420 (2) No governmental or other entity, other than those
421 expressly granted chartering authority as set forth in this act,
422 may assume any charter authorizing function or duty in any form,
423 unless expressly allowed by law.

424 **SECTION 15.** (1) With the exception of oversight services as
425 required by Section 13(1), no public charter school shall be
426 required to purchase services from its authorizer as a condition
427 of charter approval or of executing a charter contract, nor may
428 any such condition be implied.

429 (2) A public charter school may, at its discretion, choose
430 to purchase services from its authorizer. In such event, the
431 public charter school and authorizer shall execute an annual
432 service contract, separate from the charter contract, stating the
433 parties' mutual agreement concerning any services to be provided
434 by the authorizer and any service fees to be charged to the public
435 charter school. An authorizer may not charge more than market
436 rates for services provided to a public charter school.

437 **SECTION 16.** (1) To solicit, encourage and guide the
438 development of quality public charter school applications, every
439 authorizer operating under this act shall issue and broadly
440 publicize a request for proposals by September 1, except in the
441 authorizer's first year of operation in which the authorizer shall
442 issue and broadly publicize a request for proposals by November 1.



443 The content and dissemination of the request for proposals shall
444 be consistent with the purposes and requirements of this act.

445 (2) The authorizer shall annually establish and disseminate
446 a timeline for charter approval or denial decisions.

447 (3) Each authorizer's request for proposals shall include a
448 clear statement of any preferences the authorizer wishes to grant
449 to applications that help at-risk students.

450 (4) The request for proposals shall include or otherwise
451 direct applicants to the performance framework that the authorizer
452 has developed for public charter school oversight and evaluation
453 in accordance with Section 21(1) of this act.

454 (5) The request for proposals shall include the criteria
455 that will guide the authorizer's decision to approve or deny a
456 charter application.

457 (6) The request for proposals shall state clear,
458 appropriately detailed criteria as well as guidelines concerning
459 the format and content essential for applicants to demonstrate the
460 capacities necessary to establish and operate a successful public
461 charter school.

462 (7) The request for proposals shall require charter
463 applications to provide or describe thoroughly and each charter
464 application shall provide or describe thoroughly, all of the
465 following essential elements of the proposed school plan:

466 (a) An executive summary;

467 (b) The mission and vision of the proposed public
468 charter school, including identification of the targeted student
469 population and the community the school hopes to serve;

470 (c) The location or geographic area proposed for the
471 school;

472 (d) The grades to be served each year for the full term
473 of the charter contract;

474 (e) Minimum, planned and maximum enrollment per grade
475 per year for the term of the charter contract;



- 476 (f) Evidence of need and parental support for the
477 proposed public charter school;
- 478 (g) Background information on the proposed founding
479 governing board members and, if identified, the proposed school
480 leadership and management team;
- 481 (h) The school's proposed calendar and sample daily
482 schedule;
- 483 (i) A description of the academic program aligned with
484 state standards;
- 485 (j) A description of the school's instructional design,
486 including the type of learning environment, such as
487 classroom-based or independent study, class size and structure,
488 curriculum overview and teaching methods;
- 489 (k) The school's plan for using internal and external
490 assessments to measure and report student progress on the
491 performance framework developed by the authorizer in accordance
492 with Section 21(1) of this act;
- 493 (l) The school's plans for identifying and successfully
494 serving students with disabilities, students who are English
495 language learners, students who are academically behind and gifted
496 students, including, but not limited to, compliance with
497 applicable laws and regulations;
- 498 (m) A description of cocurricular or extracurricular
499 programs and how they will be funded and delivered;
- 500 (n) Plans and timelines for student recruitment and
501 enrollment, including lottery policies and procedures that ensure
502 that every student has an equal opportunity to be considered in
503 the lottery and that are equitable, randomized, transparent and
504 impartial to ensure students are admitted to charter schools
505 without regard to disability, income level, race, religion or
506 national origin;
- 507 (o) The school's student discipline policies, including
508 those for special education students;



509 (p) An organization chart that clearly presents the
510 school's organizational structure, including lines of authority
511 and reporting between the governing board, staff, any related
512 bodies (such as advisory bodies or parent and teacher councils)
513 and any external organizations that will play a role in managing
514 the school;

515 (q) A clear description of the roles and
516 responsibilities for the governing board, the school's leadership
517 and management team and any other entities shown in the
518 organization chart;

519 (r) A staffing chart for the school's first year and a
520 staffing plan for the term of the charter;

521 (s) Plans for recruiting and developing school
522 leadership and staff;

523 (t) The school's leadership and teacher employment
524 policies, including performance evaluation plans;

525 (u) Proposed governing bylaws;

526 (v) Explanations of any partnerships or contractual
527 relationships central to the school's operations or mission;

528 (w) The school's plans for providing transportation,
529 food service and all other significant operational or ancillary
530 services;

531 (x) Opportunities and expectations for parent
532 involvement;

533 (y) A detailed school start-up plan, identifying tasks,
534 timelines and responsible individuals;

535 (z) Description of the school's financial plan and
536 policies, including financial controls and audit requirements;

537 (aa) A description of the insurance coverage the school
538 will obtain;

539 (bb) Start-up and five-year budgets with clearly stated
540 assumptions;



541 (cc) Start-up and first-year cash-flow projections with
542 clearly stated assumptions;

543 (dd) Evidence of anticipated fund raising
544 contributions, if claimed in the application; and,

545 (ee) A sound facilities plan, including backup or
546 contingency plans if appropriate.

547 (8) In the case of an application to establish a public
548 charter school by converting an existing noncharter public school
549 to public charter school status, the request for proposals shall
550 additionally require the applicants to demonstrate support for the
551 proposed public charter school conversion by providing one (1) of
552 the following:

553 (a) A petition signed by a majority of teachers in the
554 existing noncharter public school;

555 (b) A petition signed by a majority of parents of
556 students in the existing noncharter public school;

557 (c) A majority vote of the local school board; or

558 (d) In the case of schools in districts under state
559 conservatorship, the State Board of Education.

560 (9) In the case of a proposal to establish a public charter
561 school or convert an existing noncharter public school to public
562 charter school status, the request for proposals shall
563 additionally require the applicants to describe the proposed
564 school's system of providing course credits through virtual
565 classes with an entity with whom the charter school has contracted
566 to provide such services and how the school will:

567 (a) Monitor and verify student participation in course
568 selections, credit accrual and course completion;

569 (b) Monitor and verify student progress and performance
570 in each course through regular assessments and submissions of
571 coursework;

572 (c) Conduct parent-teacher conferences; and



573 (d) Provide instruction to those students enrolled in a
574 public charter or conversion charter for whom an IEP or 504 Plan
575 has been developed who have a specific learning impairment or
576 physical impairment that impedes the traditional learning process
577 for such students.

578 (10) In the case of a proposed public charter school that
579 intends to contract with an education service provider for
580 substantial educational services, management services or both
581 types of services, the request for proposals shall additionally
582 require the applicants to:

583 (a) Provide evidence of the education service
584 provider's ability to serve student populations similar to the
585 targeted population, including demonstrated academic achievement
586 as well as successful management of nonacademic school functions
587 if applicable;

588 (b) Provide a term sheet setting forth the proposed
589 duration of the service contract;

590 (c) Provide a description of the roles and
591 responsibilities of the governing board, the school staff and the
592 service provider;

593 (d) Provide the scope of services and resources to be
594 provided by the service provider;

595 (e) Provide performance evaluation measures and
596 timelines; compensation structure, including clear identification
597 of all fees to be paid to the service provider;

598 (f) Provide methods of contract oversight and
599 enforcement and investment disclosure;

600 (g) Provide conditions for renewal and termination of
601 the contract; and

602 (h) Disclose and explain any existing or potential
603 conflicts of interest between the school governing board and
604 proposed service provider or any affiliated business entities.



605 (11) The request for proposals shall additionally require
606 background information on the proposed founding governing board
607 members and management team and, if identified, the proposed
608 school leadership. The background information shall include
609 annual student achievement data, disaggregated by subgroup, for
610 every school under the current or prior management of any board
611 member(s) and leadership team members and evidence of a record of
612 sustained, significant academic success, including significant
613 gains in student achievement in an underperforming school or
614 evidence that the applicant has consistently improved levels of
615 proficiency as measured on relevant state achievement tests.

616 (12) The request for proposals shall require each charter
617 school applicant to provide evidence that they sent a copy of
618 their application to the local school board in the district in
619 which the charter school is proposed.

620 **SECTION 17.** (1) In reviewing and evaluating charter
621 applications, authorizers shall employ procedures, practices and
622 criteria consistent with nationally recognized principles and
623 standards for quality charter authorizing. The application review
624 process shall include thorough evaluation of each written charter
625 application, an in-person interview with the applicant group and
626 an opportunity in a public forum for local residents to learn
627 about and provide input on each application.

628 (2) In deciding whether to approve charter applications,
629 authorizers shall:

630 (a) Grant charters only to applicants that have
631 provided evidence of competence in each element of the
632 authorizer's published approval criteria and that have provided
633 clear evidence that the management or leadership team of the
634 proposed charter school has demonstrated significant academic
635 success, including sustained, significant gains in student
636 achievement in an underperforming school, or that it has



637 consistently improved levels of proficiency as measured on
638 relevant state achievement tests;

639 (b) Base decisions on documented evidence collected
640 through the application review process;

641 (c) Follow charter-granting policies and practices that
642 are transparent, based on merit and avoid conflicts of interest or
643 any appearance thereof.

644 (3) No later than one hundred twenty (120) days after the
645 filing of a charter application, the authorizer shall decide to
646 approve or deny the charter application. The authorizer shall
647 adopt by resolution all charter approval or denial decisions in an
648 open meeting of the authorizer's governing board.

649 (4) An approval decision may include, if appropriate,
650 reasonable conditions that the charter applicant must meet before
651 a charter contract may be executed pursuant to Section 20(5) of
652 this act.

653 (5) For any charter denial, the authorizer shall clearly
654 state, for public record, its reasons for denial. A denied
655 applicant may subsequently reapply to that or another authorizer.

656 (6) Within ten (10) days of taking action to approve or deny
657 a charter application, the authorizer shall provide a report to
658 the charter applicant. The report shall include a copy of the
659 authorizer's resolution setting forth the action taken and reasons
660 for the decision and assurances as to compliance with all of the
661 procedural requirements and application elements set forth in
662 Sections 16 through 20 of this act.

663 **SECTION 18.** The purposes of the charter application are to
664 present the proposed public charter school's academic and
665 operational vision and plans, demonstrate the applicant's
666 capacities to execute the proposed vision and plans and provide
667 the authorizer a clear basis for assessing the applicant's plans
668 and capacities. An approved charter application shall not serve
669 as the school's charter contract.



670 **SECTION 19.** An initial charter shall be granted for a term
671 of five (5) operating years. The charter term shall commence on
672 the public charter school's first day of operation. An approved
673 public charter school may delay its opening for one (1) school
674 year in order to plan and prepare for the school's opening. If
675 the school requires an opening delay of more than one (1) school
676 year, the school must request an extension from its authorizer.
677 The authorizer may grant or deny the extension depending on the
678 particular school's circumstances.

679 **SECTION 20.** (1) At the same time that a charter application
680 is approved, the authorizer and the governing board of the
681 approved public charter school shall execute a charter contract
682 that clearly sets forth the academic and operational performance
683 expectations and measures by which the public charter school will
684 be judged and the administrative relationship between the
685 authorizer and public charter school, including each party's
686 rights and duties. The performance expectations and measures set
687 forth in the charter contract shall include, but need not be
688 limited to, applicable federal and state accountability
689 requirements. The performance provisions may be refined or
690 amended by mutual agreement after the public charter school is
691 operating and has collected baseline achievement data for its
692 enrolled students.

693 (2) The charter contract for a public charter school or
694 conversion charter school shall include description and agreement
695 regarding the methods by which the school will contract with a
696 virtual school for purposes of providing virtual classes to
697 students enrolled that:

698 (a) Monitor and verify student participation in course
699 selections, credit accrual and course completion;

700 (b) Monitor and verify student progress and performance
701 in each course through regular assessments and submissions of
702 coursework;



703 (c) Conduct parent-teacher conferences; and
704 (d) Provide instruction to those students enrolled in a
705 public charter or conversion charter school for whom an IEP or 504
706 Plan has been developed who have a specific learning impairment or
707 physical impairment that impedes the traditional learning process
708 for such students.

709 (3) The charter contract shall be signed by the president of
710 the authorizer's governing board and the president of the public
711 charter school's governing body.

712 (4) No public charter school may commence operations without
713 a charter contract executed in accordance with this provision and
714 approved in an open meeting of the authorizer's governing board.

715 (5) Authorizers may establish reasonable preopening
716 requirements or conditions to monitor the start-up progress of
717 newly approved public charter schools and ensure that they are
718 prepared to open smoothly on the date agreed and to ensure that
719 each school meets all building, health, safety, insurance and
720 other legal requirements for school opening.

721 **SECTION 21.** (1) (a) The performance provisions within the
722 charter contract shall be based on a performance framework that
723 clearly sets forth the academic and operational performance
724 indicators, measures and metrics that will guide the authorizer's
725 evaluations of each public charter school. The performance
726 framework shall include indicators, measures and metrics for, at a
727 minimum:

- 728 (i) Student academic proficiency;
- 729 (ii) Student academic growth;
- 730 (iii) Achievement gaps in both proficiency and
731 growth between major student subgroups;
- 732 (iv) Attendance;
- 733 (v) Recurrent enrollment from year to year;
- 734 (vi) In-school and out-of-school suspension rates
735 and expulsion rates;



736 (vii) Postsecondary readiness, including the
737 percentage of graduates submitting applications to postsecondary
738 institutions, high school completion, postsecondary admission and
739 postsecondary enrollment or employment;

740 (viii) Financial performance and sustainability;
741 and

742 (ix) Board performance and stewardship, including
743 compliance with all applicable laws, regulations and terms of the
744 charter contract.

745 (b) Annual performance targets shall be set by each
746 public charter school in conjunction with its authorizer and shall
747 be designed to help each school meet applicable federal, state and
748 authorizer expectations.

749 (c) The performance framework shall allow the inclusion
750 of additional rigorous, valid and reliable indicators proposed by
751 a public charter school to augment external evaluations of its
752 performance, provided that the authorizer approves the quality and
753 rigor of such school-proposed indicators and they are consistent
754 with the purposes of this act.

755 (d) The performance framework shall require the
756 disaggregation of all student performance data by major student
757 subgroups to the same extent as required of noncharter public
758 schools.

759 (e) For each public charter school it oversees, the
760 authorizer shall be responsible for collecting, analyzing and
761 reporting all data from state assessments in accordance with the
762 performance framework. Multiple schools overseen by a single
763 governing board shall be required to report their performance as
764 separate, individual schools and each school shall be held
765 independently accountable for its performance.

766 (2) (a) An authorizer shall annually monitor the
767 performance and legal compliance of the public charter schools it
768 oversees, including collecting and analyzing data to support



769 evaluation according to the charter contract. Every authorizer
770 shall have the authority to conduct or require oversight
771 activities that enable the authorizer to fulfill its
772 responsibilities under this act, including conducting appropriate
773 inquiries and investigations, so long as those activities are
774 consistent with the intent of this act, adhere to the terms of the
775 charter contract and do not unduly inhibit the autonomy granted to
776 public charter schools.

777 (b) Each authorizer shall annually publish and provide,
778 as part of its annual report to the Legislature, a performance
779 report for each public charter school it oversees, in accordance
780 with the performance framework set forth in the charter contract
781 and Section 20(5) of this act. This report shall be made
782 available to the public at the same time as it is submitted to the
783 Legislature. The authorizer may require each public charter
784 school it oversees to submit an annual report to assist the
785 authorizer in gathering complete information about each school,
786 consistent with the performance framework.

787 (c) In the event that a public charter school's
788 performance or legal compliance appears unsatisfactory, the
789 authorizer shall promptly notify the public charter school of the
790 perceived problem and provide reasonable opportunity for the
791 school to remedy the problem, unless the problem warrants
792 revocation in which case the revocation timeframes will apply.

793 (d) Every authorizer shall have the authority to take
794 appropriate corrective actions or exercise sanctions short of
795 revocation in response to apparent deficiencies in public charter
796 school performance or legal compliance. Such actions or sanctions
797 may include, if warranted, requiring a school to develop and
798 execute a corrective action plan within a specified timeframe.

799 **SECTION 22.** (1) A charter may be renewed for successive
800 five-year terms of duration. An authorizer may grant renewal with
801 specific conditions for necessary improvements to a public charter



802 school, including lessening the renewal term based on the
803 performance, demonstrated capacities and particular circumstances
804 of each public charter school.

805 (2) No later than September 30, the authorizer shall issue a
806 public charter school performance report and charter renewal
807 application guidance to any public charter school whose charter
808 will expire the following year. The performance report shall
809 summarize the public charter school's performance record to date,
810 based on the data required by this act and the charter contract
811 and shall provide notice of any weaknesses or concerns perceived
812 by the authorizer concerning the public charter school that may
813 jeopardize its position in seeking renewal if not timely
814 rectified. The public charter school shall have ninety (90) days
815 to respond to the performance report and submit any corrections or
816 clarifications for the report.

817 (3) The renewal application guidance shall, at a minimum,
818 provide an opportunity for the public charter school to:

819 (a) Present additional evidence, beyond the data
820 contained in the performance report, supporting its case for
821 charter renewal;

822 (b) Describe improvements undertaken or planned for the
823 school; and

824 (c) Detail the school's plans for the next charter
825 term.

826 (4) The renewal application guidance shall include or refer
827 explicitly to the criteria that will guide the authorizer's
828 renewal decisions, which shall be based on the performance
829 framework set forth in the charter contract and consistent with
830 this act.

831 (5) No later than February 1, the governing board of a
832 public charter school seeking renewal shall submit a renewal
833 application to the charter authorizer pursuant to the renewal
834 application guidance issued by the authorizer. The authorizer



835 shall rule by resolution on the renewal application no later than
836 ninety (90) days after the filing of the renewal application.

837 (6) In making charter renewal decisions, every authorizer
838 shall:

839 (a) Ground its decisions in evidence of the school's
840 performance over the term of the charter contract in accordance
841 with the performance framework set forth in the charter contract;

842 (b) Ensure that data used in making renewal decisions
843 are available to the school and the public; and

844 (c) Provide a public report summarizing the evidence
845 basis for each decision.

846 (7) A charter contract may be revoked at any time or not
847 renewed if the authorizer determines that the public charter
848 school did any of the following or otherwise failed to comply with
849 the provisions of this act:

850 (a) Commits a material and substantial violation of any
851 of the terms, conditions, standards or procedures required under
852 this act or the charter contract;

853 (b) Fails to meet or make sufficient progress toward
854 the performance expectations set forth in the charter contract;

855 (c) Fails to meet generally accepted standards of
856 fiscal management; or

857 (d) Substantially violates any material provision of
858 law from which the public charter school was not exempted.

859 (8) An authorizer must develop revocation and nonrenewal
860 processes that:

861 (a) Provide the charter holders with a timely
862 notification of the prospect of revocation or nonrenewal and of
863 the reasons for such possible closure;

864 (b) Allow the charter holders a reasonable amount of
865 time in which to prepare a response;

866 (c) Provide the charter holders with an opportunity to
867 submit documents and give testimony challenging the rationale for



868 closure and in support of the continuation of the school at an
869 orderly proceeding held for that purpose;

870 (d) Allow the charter holders access to representation
871 by counsel and to call witnesses on their behalf;

872 (e) Permit the recording of such proceedings; and

873 (f) After a reasonable period for deliberation, require
874 a final determination be made and conveyed in writing to the
875 charter holders.

876 (9) If an authorizer revokes or does not renew a charter,
877 the authorizer shall clearly state, in a resolution of its
878 governing board, the reasons for the revocation or nonrenewal.

879 (10) Within ten (10) calendar days of taking action to
880 renew, not renew or revoke a charter, the authorizer shall provide
881 a copy of a report to the public charter school. The report shall
882 include a copy of the authorizer governing board's resolution
883 setting forth the action taken and reasons for the decision and
884 assurances as to compliance with all of the requirements set forth
885 in this act.

886 **SECTION 23.** (1) Before any public charter school closure
887 decision, an authorizer shall have developed a public charter
888 school closure protocol to ensure timely notification to parents,
889 orderly transition of students and student records to new schools
890 and proper disposition of school funds, property and assets in
891 accordance with the requirements of this act. The protocol shall
892 specify tasks, timelines and responsible parties, including
893 delineating the respective duties of the school and the
894 authorizer. In the event of a public charter school closure for
895 any reason, the authorizer shall oversee and work with the closing
896 school to ensure a smooth and orderly closure and transition for
897 students and parents, as guided by the closure protocol.

898 (2) If a charter school closes, all unspent government
899 funds, unspent earnings from those funds and assets purchased with
900 government funds will revert back to the original source of these



901 funds. Unspent funds from nongovernmental sources, unspent
902 earnings from those funds, assets purchased with those funds and
903 debts of the school, unless otherwise provided for in the charter
904 or debt instrument, shall revert to the nonprofit entity created
905 to operate the school and may be disposed of according to
906 applicable laws for nonprofit corporations.

907 **SECTION 24.** On or before September 30 of each year beginning
908 in the first year after the state will have had a public charter
909 school operating for a full school year, the Joint Committee on
910 Performance Evaluation and Expenditure Review shall issue to the
911 Governor, the Legislature, the Public Charter School Board, the
912 State Board of Education and the public at large, an annual report
913 on the state's public charter schools, drawing from the annual
914 reports submitted by every authorizer to the Joint Committee on
915 Performance Evaluation and Expenditure Review, as well as any
916 additional relevant data compiled by the Office of Charter
917 Schools, for the school year ending in the preceding calendar
918 year. The annual report shall include a comparison of the
919 performance of public charter school students with the performance
920 of academically, racially and economically comparable groups of
921 students in noncharter public schools. In addition, the annual
922 report shall include the Joint Committee on Performance Evaluation
923 and Expenditure Review's assessment of the successes, challenges
924 and areas for improvement in meeting the purposes of this act,
925 including the Joint Committee on Performance Evaluation and
926 Expenditure Review's assessment of the sufficiency of funding for
927 public charter schools, the efficiency and efficacy of authorizer
928 funding and any suggested changes in state law or policy necessary
929 to strengthen the state's public charter schools. The report
930 shall also assess whether the creation of public charter schools
931 is sufficient to meet demand, as calculated according to
932 admissions data and the number of students denied enrollment as
933 based on lottery results.



934 **SECTION 25.** (1) (a) A public charter school shall be a
935 nonprofit education organization.

936 (b) A public charter school shall be subject to all
937 federal laws and authorities enumerated herein or arranged by
938 charter contract with the school's authorizer, where such
939 contracting is consistent with applicable laws, rules and
940 regulations.

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

948 (d) A charter contract may consist of one or more
949 schools, to the extent approved by the authorizer and consistent
950 with applicable law. Each public charter school that is part of a
951 charter contract shall be separate and distinct from any others.

952 (e) A single governing board may hold one or more
953 charter contracts. Each public charter school that is part of a
954 charter contract shall be separate and distinct from any others.

955 (2) (a) Except for public charter schools authorized by
956 local school boards, the public charter school functions for all
957 purposes as a local educational agency. Local educational agency
958 status does not preclude a public charter school from developing
959 links to local school districts for services, resources and
960 programs, by mutual agreement or by formal contract.

961 (b) To the extent permitted by federal, state or local
962 laws, the public charter school is responsible for meeting the
963 requirements of local educational agencies under applicable
964 federal, state and local laws, including those relating to special
965 education, receipt of funds and compliance with funding
966 requirements.



967 (c) To the extent permitted by federal, state or local
968 laws, the public charter school has primary responsibility for
969 special education at the school, including identification and
970 provision of service and is responsible for meeting the needs of
971 enrolled students with disabilities.

972 (3) Public charter schools are not exempt from the following
973 statutes:

974 (a) Section 37-7-301.1, which relates to collective
975 bargaining agreements;

976 (b) Section 37-9-49, which relates to withholding of
977 union dues;

978 (c) Section 37-9-75, which relates to teacher strikes;

979 (d) Section 37-11-20, which prohibits acts of
980 intimidation intended to keep a student from attending school;

981 (e) Section 37-11-21, which prohibits parental abuse of
982 school staff;

983 (f) Section 37-11-23, which prohibits the willful
984 disruption of school and school meetings;

985 (g) Sections 37-11-29 and 37-11-31, which relate to
986 reporting requirements regarding unlawful or violent acts on
987 school property; and

988 (h) Section 37-19-53, which prohibits false reporting
989 of student counts by school officials.

990 **SECTION 26.** (1) A public charter school shall have all the
991 powers necessary for carrying out the terms of its charter
992 contract including the following powers:

993 (a) To receive and disburse funds for school purposes;

994 (b) To secure appropriate insurance and to enter into
995 contracts and leases, free from prevailing wage laws;

996 (c) To contract with an education service provider for
997 the management and operation of the public charter school so long
998 as the school's governing board retains oversight authority over
999 the school;



1000 (d) To incur debt in reasonable anticipation of the
1001 receipt of public or private funds;

1002 (e) To pledge, assign or encumber its assets to be used
1003 as collateral for loans or extensions of credit;

1004 (f) To solicit and accept any gifts or grants for
1005 school purposes subject to applicable laws and the terms of its
1006 charter contract;

1007 (g) To acquire real property for use as its facility or
1008 facilities, from public or private sources; and

1009 (h) To sue and be sued in its own name.

1010 (2) A public charter school shall not discriminate against
1011 any person on the basis of race, creed, color, sex, disability or
1012 national origin or any other category that would be unlawful if
1013 done by a noncharter public school.

1014 (3) No public charter school may engage in any sectarian
1015 practices in its educational program, admissions or employment
1016 policies or operations.

1017 (4) A public charter school shall not discriminate against
1018 any student on the basis of national origin, minority status or
1019 limited proficiency in English. Consistent with federal civil
1020 rights laws, public charter schools shall provide limited English
1021 proficient students with appropriate services designed to teach
1022 them English and the general curriculum.

1023 (5) A public charter school shall not charge tuition and
1024 shall abide by Section 37-7-335 in the establishment and waiver of
1025 fees.

1026 (6) The terms of each public charter school contract shall
1027 include a transportation plan for students that will be attending
1028 the charter school. Charter schools shall comply with
1029 transportation regulations applicable to all other school
1030 districts under Section 37-41-3. The transportation must be
1031 provided by the public charter school within the district in which
1032 the public charter school is located.



1033 (7) The powers, obligations and responsibilities set forth
1034 in the charter contract cannot be delegated or assigned by either
1035 party, except as identified in the charter contract.

1036 **SECTION 27.** (1) Public charter schools shall be subject to
1037 the same civil rights, health and safety requirements applicable
1038 to other public schools in the state, except as otherwise
1039 specifically provided in this act.

1040 (2) Public charter schools shall be subject to the student
1041 assessment and accountability requirements applicable to other
1042 public schools in the state, but nothing herein shall preclude a
1043 public charter school from establishing additional student
1044 assessment measures that go beyond state requirements if the
1045 school's authorizer approves such measures.

1046 (3) Public charter school governing boards shall be subject
1047 to and comply with state open meetings and freedom of information
1048 laws.

1049 **SECTION 28.** (1) Public charter schools shall comply with
1050 applicable federal laws, rules and regulations regarding the
1051 qualification of teachers and other instructional staff. Teachers
1052 in a public charter school may be exempt from state teacher
1053 certification requirements under Section 37-3-2. Administrators
1054 of public charter schools may be exempt from state administrator
1055 certification requirements under Section 37-3-2.

1056 (2) Employees in public charter schools are eligible for
1057 participation in retirement and other benefits programs of the
1058 state, to the extent allowable by law, if the public charter
1059 school chooses to participate.

1060 (3) Teachers and other school personnel, as well as
1061 governing board trustees, shall be subject to criminal history
1062 record checks and fingerprinting requirements applicable to other
1063 public schools as required under Section 37-9-17.

1064 **SECTION 29.** (1) A public charter school shall be eligible
1065 for state-sponsored or district-sponsored interscholastic leagues,



1066 competitions, awards, scholarships and recognition programs for
1067 students, educators, administrators and schools to the same extent
1068 as noncharter public schools.

1069 (2) A public charter school student is eligible to
1070 participate in extracurricular activities not offered by the
1071 student's school at:

1072 (a) The school within whose attendance boundaries the
1073 student's custodial parent or legal guardian resides; or

1074 (b) The noncharter public school from which the student
1075 withdrew for the purpose of attending a public charter school.

1076 (3) A public charter school student is eligible for
1077 extracurricular activities at a noncharter public school
1078 consistent with eligibility standards as applied to full-time
1079 students of the noncharter public school.

1080 (4) A school district or noncharter public school may not
1081 impose additional requirements on a public charter school student
1082 to participate in extracurricular activities that are not imposed
1083 on full-time students of the noncharter public school.

1084 (5) When selection to participate in an extracurricular
1085 activity at a noncharter public school is made on a competitive
1086 basis, a public charter school student is eligible to try out for
1087 and participate in the activity as provided in this section.

1088 (6) The Mississippi High School Activities Association shall
1089 make rules establishing fees for public charter school students'
1090 participation in extracurricular activities at noncharter public
1091 schools. The rules shall provide that:

1092 (a) Public charter school students pay the same fees as
1093 other students to participate in extracurricular activities;

1094 (b) Public charter school students are eligible for fee
1095 waivers similar to other students;

1096 (c) For each public charter school student who
1097 participates in an extracurricular activity at a noncharter public
1098 school, the public charter school shall pay a share of the



1099 noncharter public school's costs for the extracurricular activity;
1100 and

1101 (d) A public charter school's share of the costs of
1102 having one or more students participate in an extracurricular
1103 activity at noncharter public schools shall reflect state and
1104 local tax revenues expended, except capital facilities
1105 expenditures, for such extracurricular activities in a noncharter
1106 public school divided by total student enrollment of the
1107 noncharter public school.

1108 **SECTION 30.** (1) (a) Each public charter school shall
1109 annually certify to the State Department of Education its student
1110 enrollment, average daily attendance and student participation in
1111 the national school lunch program, special education, vocational
1112 education, gifted education, alternative school program and
1113 federal programs, in the same manner as school districts.

1114 (b) Each public charter school shall annually certify
1115 to the tax collector in the county in which the charter school is
1116 located the number of enrolled public charter school students
1117 residing in each school district in the county. In the event a
1118 student enrolled in a public charter school resides in an
1119 adjoining county, the public charter school shall certify this
1120 enrollment to the tax collector of the county where the student
1121 resides.

1122 (2) By October 15 of each year, the State Department of
1123 Education shall send each tax collector of any county in which is
1124 located a public charter school the current amount of ad valorem
1125 millage for operations in dollars per pupil which is levied for
1126 the support of each school district located in every county in the
1127 state based upon the certified budget request in dollars for the
1128 first month of enrollment. The ad valorem millage for operations
1129 in dollars to be reported shall include all levies for the support
1130 of the school district under Sections 37-57-1 (local contribution
1131 to the adequate education program) and 37-57-105 (school district



1132 operational levy), plus an estimated amount each district
1133 anticipates to receive for in lieu payments, and shall not include
1134 any taxes levied for the retirement of school district bonded
1135 indebtedness or short-term notes or any taxes levied for the
1136 support of vocational-technical education programs.

1137 (3) (a) The State Department of Education shall make
1138 payments to public charter schools for each student in average
1139 daily attendance at the public charter school equal to the state
1140 share of the adequate education program payments for each student
1141 in average daily attendance at the public school district in which
1142 the public charter school is located. In calculating the local
1143 contribution for purposes of determining the state share of the
1144 adequate education program payments, the department shall deduct
1145 the pro rata local contribution of the school district in which
1146 the student resides, to be determined as provided in Section
1147 37-151-7(2) (a) .

1148 (b) The tax collector in the county in which the public
1149 charter school is located shall pay directly to the public charter
1150 school an amount for each student enrolled in the public charter
1151 school equal to the ad valorem taxes levied and in lieu payments
1152 per pupil for the support of the school district in which the
1153 student resides, and the tax collector shall withhold an equal
1154 amount from the local school district in which the public charter
1155 school student resides. The pro rata ad valorem taxes and in lieu
1156 payments to be transferred to the public charter school shall
1157 include all levies for the support of the school district under
1158 Sections 37-57-1 (local contribution to the adequate education
1159 program) and 37-57-105 (school district operational levy) and
1160 shall not include any taxes levied for the retirement of school
1161 district bonded indebtedness or short-term notes or any taxes
1162 levied for the support of vocational-technical education programs.
1163 In the event a student attending the public charter school resides
1164 in an adjoining county, it shall be the responsibility of the tax



1165 collector of the county of the student's residence to make local
1166 ad valorem payments under this section to the public charter
1167 school, but in no event shall such payment exceed the pro rata
1168 amount of the local ad valorem payment for the local contribution
1169 to the adequate education program under Section 37-57-1 for the
1170 school district in which the student resides. Payments made
1171 pursuant to this section by the tax collector to the charter
1172 schools shall be made at the same time and manner as funds are
1173 distributed to the school districts in the county on a per pupil
1174 basis. It shall be the duty of the tax collector to verify that
1175 payments of local school district ad valorem and in lieu receipts
1176 made to public charter schools and withheld from local school
1177 districts are based on the number of students actually attending
1178 the public charter school. If the tax collector collects ad
1179 valorem receipts for multiple school districts, the tax collecting
1180 entity will ensure that the deductions from each local school
1181 district's ad valorem and in lieu receipts that are diverted to
1182 the charter school are based on the number of students attending
1183 the charter school that reside in each local school district.

1184 (4) Payments made under the authority of this section by the
1185 State Department of Education shall be made in twelve (12)
1186 substantially equal installments each year at the same time and in
1187 the same manner as adequate education program payments are made to
1188 public school districts. Amounts payable under this section shall
1189 be determined by the State Department of Education. Amounts
1190 payable to a public charter school in its first year of operation
1191 shall be based on the projections of initial-year enrollment and
1192 federal school level funding set forth in the charter contracts.
1193 Such projections shall be reconciled with the average daily
1194 attendance at the end of the school's first year of operation, and
1195 any necessary adjustments shall be made to payments during the
1196 school's second year of operation.



1197 (5) (a) The state shall direct the proportionate share of
1198 monies generated under federal and state categorical aid programs,
1199 including special education, vocational, gifted and alternative
1200 school programs, to public charter schools serving students
1201 eligible for such aid. The state shall ensure that public charter
1202 schools with rapidly expanding enrollments are treated equitably
1203 in the calculation and disbursement of all federal and state
1204 categorical aid program dollars. Each public charter school that
1205 serves students who may be eligible to receive services provided
1206 through such programs shall comply with all reporting requirements
1207 to receive the aid.

1208 (b) A public charter school shall pay to a local school
1209 district any federal or state aid attributable to a student with a
1210 disability attending a public charter school in proportion to the
1211 level of services for such student that the local school district
1212 provides directly or indirectly.

1213 (c) At either party's request, a public charter school
1214 and a local school district may negotiate and include in the
1215 charter contract alternate arrangements for the provision of and
1216 payment for special education services, including, but not
1217 necessarily limited to, a reasonable reserve not to exceed five
1218 percent (5%) of the local school district's total budget for
1219 providing special education services. The reserve shall only be
1220 used by the local school district to offset excess costs of
1221 providing services to students with disabilities enrolled in one
1222 (1) of the public charter schools that has paid into it.

1223 (6) At no time during a public charter school's operation
1224 shall more than two percent (2%) of the students residing in the
1225 attendance area of the district in which the public charter school
1226 is located and who are enrolled therein be permitted to receive
1227 instruction through a virtual public school. Unless the school
1228 district of residence otherwise agrees, funds for students shall
1229 only be transferred to the receiving charter school under the



1230 provisions of this section for a maximum of two percent (2%) of
1231 the students residing in the attendance area of the district based
1232 on the March 31 per-pupil expenditure for average daily attendance
1233 established in the preceding school year.

1234 **SECTION 31.** (1) A public charter school shall adhere to
1235 generally accepted accounting principles.

1236 (2) A public charter school shall annually engage an
1237 external auditor to do an independent audit of the school's
1238 finances. A public charter school shall send a copy of each audit
1239 report and accompanying management letter to its authorizer by
1240 July 30.

1241 **SECTION 32.** (1) The State Department of Education shall
1242 disburse state transportation funding to a public charter school
1243 on the same basis and in the same manner as it is paid to school
1244 districts.

1245 (2) A public charter school may enter into a contract with a
1246 school district or private provider to provide transportation to
1247 the school's students.

1248 **SECTION 33.** Nothing in this act shall be construed to
1249 prohibit any person or organization from providing funding or
1250 other assistance to the establishment or operation of a public
1251 charter school. The governing board of a public charter school is
1252 authorized to accept gifts, donations and grants of any kind made
1253 to the public charter school and to expend or use such gifts,
1254 donations and grants in accordance with the conditions prescribed
1255 by the donor. However, that no gift, donation or grant may be
1256 accepted if subject to a condition that is contrary to any
1257 provision of law or term of the charter contract.

1258 **SECTION 34.** (1) Public charter schools shall have equal
1259 access to all of the existing state facilities programs for
1260 traditional public schools in a state.

1261 (2) A public charter school shall have a right of first
1262 refusal to purchase or lease at or below fair market value a



1263 closed public school facility or property or unused portions of a
1264 public school facility or property located in a school district
1265 from which it draws its students if the school district decides to
1266 sell or lease the public school facility or property.

1267 (3) A public charter school may negotiate and contract at or
1268 below fair market value with a school district, the governing body
1269 of a state college or university or public community college or
1270 any other public or for-profit or nonprofit private entity for the
1271 use of facility for a school building.

1272 (4) Library, community service, museum, performing arts,
1273 theatre, cinema, church, community college, college and university
1274 facilities may provide space to public charter schools within
1275 their facilities under their preexisting zoning and land use
1276 designations.

1277 **SECTION 35.** Any charter school that is operating under the
1278 terms of a charter granted under the authority of Sections 37-28-1
1279 through 37-28-21 may continue to operate under the terms of that
1280 charter for the duration of its term, notwithstanding the repeal
1281 of Sections 37-28-1 through 37-28-21 by operation of law on July
1282 1, 2009. Upon the expiration of the charter, the charter school's
1283 sponsor may seek to renew the school's charter by modifying the
1284 charter so that the school fully complies with the requirements
1285 for being awarded, maintaining and renewing charter status under
1286 Sections 1 through 34 of this act.

1287 **SECTION 36.** The provisions of Sections 1 through 36 of this
1288 act shall stand repealed on July 1, 2020.

1289 **SECTION 37.** Section 37-3-2, Mississippi Code of 1972, is
1290 amended as follows:

1291 37-3-2. (1) There is established within the State
1292 Department of Education the Commission on Teacher and
1293 Administrator Education, Certification and Licensure and
1294 Development. It shall be the purpose and duty of the commission
1295 to make recommendations to the State Board of Education regarding



1296 standards for the certification and licensure and continuing
1297 professional development of those who teach or perform tasks of an
1298 educational nature in the public schools of Mississippi.

1299 (2) The commission shall be composed of fifteen (15)
1300 qualified members. The membership of the commission shall be
1301 composed of the following members to be appointed, three (3) from
1302 each congressional district: four (4) classroom teachers; three
1303 (3) school administrators; one (1) representative of schools of
1304 education of institutions of higher learning located within the
1305 state to be recommended by the Board of Trustees of State
1306 Institutions of Higher Learning; one (1) representative from the
1307 schools of education of independent institutions of higher
1308 learning to be recommended by the Board of the Mississippi
1309 Association of Independent Colleges; one (1) representative from
1310 public community and junior colleges located within the state to
1311 be recommended by the State Board for Community and Junior
1312 Colleges; one (1) local school board member; and four (4)
1313 laypersons. All appointments shall be made by the State Board of
1314 Education after consultation with the State Superintendent of
1315 Public Education. The first appointments by the State Board of
1316 Education shall be made as follows: five (5) members shall be
1317 appointed for a term of one (1) year; five (5) members shall be
1318 appointed for a term of two (2) years; and five (5) members shall
1319 be appointed for a term of three (3) years. Thereafter, all
1320 members shall be appointed for a term of four (4) years.

1321 (3) The State Board of Education when making appointments
1322 shall designate a chairman. The commission shall meet at least
1323 once every two (2) months or more often if needed. Members of the
1324 commission shall be compensated at a rate of per diem as
1325 authorized by Section 25-3-69 and be reimbursed for actual and
1326 necessary expenses as authorized by Section 25-3-41.

1327 (4) An appropriate staff member of the State Department of
1328 Education shall be designated and assigned by the State



1329 Superintendent of Public Education to serve as executive secretary
1330 and coordinator for the commission. No less than two (2) other
1331 appropriate staff members of the State Department of Education
1332 shall be designated and assigned by the State Superintendent of
1333 Public Education to serve on the staff of the commission.

1334 (5) It shall be the duty of the commission to:

1335 (a) Set standards and criteria, subject to the approval
1336 of the State Board of Education, for all educator preparation
1337 programs in the state;

1338 (b) Recommend to the State Board of Education each year
1339 approval or disapproval of each educator preparation program in
1340 the state;

1341 (c) Establish, subject to the approval of the State
1342 Board of Education, standards for initial teacher certification
1343 and licensure in all fields;

1344 (d) Establish, subject to the approval of the State
1345 Board of Education, standards for the renewal of teacher licenses
1346 in all fields;

1347 (e) Review and evaluate objective measures of teacher
1348 performance, such as test scores, which may form part of the
1349 licensure process, and to make recommendations for their use;

1350 (f) Review all existing requirements for certification
1351 and licensure;

1352 (g) Consult with groups whose work may be affected by
1353 the commission's decisions;

1354 (h) Prepare reports from time to time on current
1355 practices and issues in the general area of teacher education and
1356 certification and licensure;

1357 (i) Hold hearings concerning standards for teachers'
1358 and administrators' education and certification and licensure with
1359 approval of the State Board of Education;

1360 (j) Hire expert consultants with approval of the State
1361 Board of Education;



1362 (k) Set up ad hoc committees to advise on specific
1363 areas; and

1364 (l) Perform such other functions as may fall within
1365 their general charge and which may be delegated to them by the
1366 State Board of Education.

1367 (6) (a) **Standard License - Approved Program Route.** An
1368 educator entering the school system of Mississippi for the first
1369 time and meeting all requirements as established by the State
1370 Board of Education shall be granted a standard five-year license.
1371 Persons who possess two (2) years of classroom experience as an
1372 assistant teacher or who have taught for one (1) year in an
1373 accredited public or private school shall be allowed to fulfill
1374 student teaching requirements under the supervision of a qualified
1375 participating teacher approved by an accredited college of
1376 education. The local school district in which the assistant
1377 teacher is employed shall compensate such assistant teachers at
1378 the required salary level during the period of time such
1379 individual is completing student teaching requirements.

1380 Applicants for a standard license shall submit to the department:

1381 (i) An application on a department form;

1382 (ii) An official transcript of completion of a
1383 teacher education program approved by the department or a
1384 nationally accredited program, subject to the following:

1385 Licensure to teach in Mississippi prekindergarten through
1386 kindergarten classrooms shall require completion of a teacher
1387 education program or a bachelor of science degree with child
1388 development emphasis from a program accredited by the American
1389 Association of Family and Consumer Sciences (AAFCS) or by the
1390 National Association for Education of Young Children (NAEYC) or by
1391 the National Council for Accreditation of Teacher Education
1392 (NCATE). Licensure to teach in Mississippi kindergarten, for
1393 those applicants who have completed a teacher education program,
1394 and in Grade 1 through Grade 4 shall require the completion of an



1395 interdisciplinary program of studies. Licenses for Grades 4
1396 through 8 shall require the completion of an interdisciplinary
1397 program of studies with two (2) or more areas of concentration.
1398 Licensure to teach in Mississippi Grades 7 through 12 shall
1399 require a major in an academic field other than education, or a
1400 combination of disciplines other than education. Students
1401 preparing to teach a subject shall complete a major in the
1402 respective subject discipline. All applicants for standard
1403 licensure shall demonstrate that such person's college preparation
1404 in those fields was in accordance with the standards set forth by
1405 the National Council for Accreditation of Teacher Education
1406 (NCATE) or the National Association of State Directors of Teacher
1407 Education and Certification (NASDTEC) or, for those applicants who
1408 have a bachelor of science degree with child development emphasis,
1409 the American Association of Family and Consumer Sciences (AAFCS);

1410 (iii) A copy of test scores evidencing
1411 satisfactory completion of nationally administered examinations of
1412 achievement, such as the Educational Testing Service's teacher
1413 testing examinations; and

1414 (iv) Any other document required by the State
1415 Board of Education.

1416 (b) **Standard License - Nontraditional Teaching Route.**

1417 Beginning January 1, 2004, an individual who has a passing score
1418 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
1419 the requested area of endorsement may apply for the Teach
1420 Mississippi Institute (TMI) program to teach students in Grades 7
1421 through 12 if the individual meets the requirements of this
1422 paragraph (b). The State Board of Education shall adopt rules
1423 requiring that teacher preparation institutions which provide the
1424 Teach Mississippi Institute (TMI) program for the preparation of
1425 nontraditional teachers shall meet the standards and comply with
1426 the provisions of this paragraph.



1427 (i) The Teach Mississippi Institute (TMI) shall
1428 include an intensive eight-week, nine-semester-hour summer program
1429 or a curriculum of study in which the student matriculates in the
1430 fall or spring semester, which shall include, but not be limited
1431 to, instruction in education, effective teaching strategies,
1432 classroom management, state curriculum requirements, planning and
1433 instruction, instructional methods and pedagogy, using test
1434 results to improve instruction, and a one (1) semester three-hour
1435 supervised internship to be completed while the teacher is
1436 employed as a full-time teacher intern in a local school district.
1437 The TMI shall be implemented on a pilot program basis, with
1438 courses to be offered at up to four (4) locations in the state,
1439 with one (1) TMI site to be located in each of the three (3)
1440 Mississippi Supreme Court districts.

1441 (ii) The school sponsoring the teacher intern
1442 shall enter into a written agreement with the institution
1443 providing the Teach Mississippi Institute (TMI) program, under
1444 terms and conditions as agreed upon by the contracting parties,
1445 providing that the school district shall provide teacher interns
1446 seeking a nontraditional provisional teaching license with a
1447 one-year classroom teaching experience. The teacher intern shall
1448 successfully complete the one (1) semester three-hour intensive
1449 internship in the school district during the semester immediately
1450 following successful completion of the TMI and prior to the end of
1451 the one-year classroom teaching experience.

1452 (iii) Upon completion of the nine-semester-hour
1453 TMI or the fall or spring semester option, the individual shall
1454 submit his transcript to the commission for provisional licensure
1455 of the intern teacher, and the intern teacher shall be issued a
1456 provisional teaching license by the commission, which will allow
1457 the individual to legally serve as a teacher while the person
1458 completes a nontraditional teacher preparation internship program.



1459 (iv) During the semester of internship in the
1460 school district, the teacher preparation institution shall monitor
1461 the performance of the intern teacher. The school district that
1462 employs the provisional teacher shall supervise the provisional
1463 teacher during the teacher's intern year of employment under a
1464 nontraditional provisional license, and shall, in consultation
1465 with the teacher intern's mentor at the school district of
1466 employment, submit to the commission a comprehensive evaluation of
1467 the teacher's performance sixty (60) days prior to the expiration
1468 of the nontraditional provisional license. If the comprehensive
1469 evaluation establishes that the provisional teacher intern's
1470 performance fails to meet the standards of the approved
1471 nontraditional teacher preparation internship program, the
1472 individual shall not be approved for a standard license.

1473 (v) An individual issued a provisional teaching
1474 license under this nontraditional route shall successfully
1475 complete, at a minimum, a one-year beginning teacher mentoring and
1476 induction program administered by the employing school district
1477 with the assistance of the State Department of Education.

1478 (vi) Upon successful completion of the TMI and the
1479 internship provisional license period, applicants for a Standard
1480 License - Nontraditional Route shall submit to the commission a
1481 transcript of successful completion of the twelve (12) semester
1482 hours required in the internship program, and the employing school
1483 district shall submit to the commission a recommendation for
1484 standard licensure of the intern. If the school district
1485 recommends licensure, the applicant shall be issued a Standard
1486 License - Nontraditional Route which shall be valid for a
1487 five-year period and be renewable.

1488 (vii) At the discretion of the teacher preparation
1489 institution, the individual shall be allowed to credit the twelve
1490 (12) semester hours earned in the nontraditional teacher



1491 internship program toward the graduate hours required for a Master
1492 of Arts in Teacher (MAT) Degree.

1493 (viii) The local school district in which the
1494 nontraditional teacher intern or provisional licensee is employed
1495 shall compensate such teacher interns at Step 1 of the required
1496 salary level during the period of time such individual is
1497 completing teacher internship requirements and shall compensate
1498 such Standard License - Nontraditional Route teachers at Step 3 of
1499 the required salary level when they complete license requirements.

1500 Implementation of the TMI program provided for under this
1501 paragraph (b) shall be contingent upon the availability of funds
1502 appropriated specifically for such purpose by the Legislature.
1503 Such implementation of the TMI program may not be deemed to
1504 prohibit the State Board of Education from developing and
1505 implementing additional alternative route teacher licensure
1506 programs, as deemed appropriate by the board. The emergency
1507 certification program in effect prior to July 1, 2002, shall
1508 remain in effect.

1509 A Standard License - Approved Program Route shall be issued
1510 for a five-year period, and may be renewed. Recognizing teaching
1511 as a profession, a hiring preference shall be granted to persons
1512 holding a Standard License - Approved Program Route or Standard
1513 License - Nontraditional Teaching Route over persons holding any
1514 other license.

1515 (c) **Special License - Expert Citizen.** In order to
1516 allow a school district to offer specialized or technical courses,
1517 the State Department of Education, in accordance with rules and
1518 regulations established by the State Board of Education, may grant
1519 a one-year expert citizen-teacher license to local business or
1520 other professional personnel to teach in a public school or
1521 nonpublic school accredited or approved by the state. Such person
1522 may begin teaching upon his employment by the local school board
1523 and licensure by the Mississippi Department of Education. The



1524 board shall adopt rules and regulations to administer the expert
1525 citizen-teacher license. A Special License - Expert Citizen may
1526 be renewed in accordance with the established rules and
1527 regulations of the State Department of Education.

1528 (d) **Special License - Nonrenewable.** The State Board of
1529 Education is authorized to establish rules and regulations to
1530 allow those educators not meeting requirements in subsection
1531 (6) (a), (b) or (c) to be licensed for a period of not more than
1532 three (3) years, except by special approval of the State Board of
1533 Education.

1534 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
1535 person may teach for a maximum of three (3) periods per teaching
1536 day in a public school or a nonpublic school accredited/approved
1537 by the state. Such person shall submit to the department a
1538 transcript or record of his education and experience which
1539 substantiates his preparation for the subject to be taught and
1540 shall meet other qualifications specified by the commission and
1541 approved by the State Board of Education. In no case shall any
1542 local school board hire nonlicensed personnel as authorized under
1543 this paragraph in excess of five percent (5%) of the total number
1544 of licensed personnel in any single school.

1545 (f) **Special License - Transitional Bilingual Education.**
1546 Beginning July 1, 2003, the commission shall grant special
1547 licenses to teachers of transitional bilingual education who
1548 possess such qualifications as are prescribed in this section.
1549 Teachers of transitional bilingual education shall be compensated
1550 by local school boards at not less than one (1) step on the
1551 regular salary schedule applicable to permanent teachers licensed
1552 under this section. The commission shall grant special licenses
1553 to teachers of transitional bilingual education who present the
1554 commission with satisfactory evidence that they (i) possess a
1555 speaking and reading ability in a language, other than English, in
1556 which bilingual education is offered and communicative skills in



1557 English; (ii) are in good health and sound moral character; (iii)
1558 possess a bachelor's degree or an associate's degree in teacher
1559 education from an accredited institution of higher education; (iv)
1560 meet such requirements as to courses of study, semester hours
1561 therein, experience and training as may be required by the
1562 commission; and (v) are legally present in the United States and
1563 possess legal authorization for employment. A teacher of
1564 transitional bilingual education serving under a special license
1565 shall be under an exemption from standard licensure if he achieves
1566 the requisite qualifications therefor. Two (2) years of service
1567 by a teacher of transitional bilingual education under such an
1568 exemption shall be credited to the teacher in acquiring a Standard
1569 Educator License. Nothing in this paragraph shall be deemed to
1570 prohibit a local school board from employing a teacher licensed in
1571 an appropriate field as approved by the State Department of
1572 Education to teach in a program in transitional bilingual
1573 education.

1574 (g) In the event any school district meets the highest
1575 accreditation standards as defined by the State Board of Education
1576 in the accountability system, the State Board of Education, in its
1577 discretion, may exempt such school district from any restrictions
1578 in paragraph (e) relating to the employment of nonlicensed
1579 teaching personnel.

1580 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
1581 any teacher from any state meeting the federal definition of
1582 highly qualified, as described in the No Child Left Behind Act,
1583 must be granted a standard five-year license by the State
1584 Department of Education.

1585 (7) **Administrator License.** The State Board of Education is
1586 authorized to establish rules and regulations and to administer
1587 the licensure process of the school administrators in the State of
1588 Mississippi. There will be four (4) categories of administrator



1589 licensure with exceptions only through special approval of the
1590 State Board of Education.

1591 (a) **Administrator License - Nonpracticing.** Those
1592 educators holding administrative endorsement but having no
1593 administrative experience or not serving in an administrative
1594 position on January 15, 1997.

1595 (b) **Administrator License - Entry Level.** Those
1596 educators holding administrative endorsement and having met the
1597 department's qualifications to be eligible for employment in a
1598 Mississippi school district. Administrator License - Entry Level
1599 shall be issued for a five-year period and shall be nonrenewable.

1600 (c) **Standard Administrator License - Career Level.** An
1601 administrator who has met all the requirements of the department
1602 for standard administrator licensure.

1603 (d) **Administrator License - Nontraditional Route.** The
1604 board may establish a nontraditional route for licensing
1605 administrative personnel. Such nontraditional route for
1606 administrative licensure shall be available for persons holding,
1607 but not limited to, a master of business administration degree, a
1608 master of public administration degree, a master of public
1609 planning and policy degree or a doctor of jurisprudence degree
1610 from an accredited college or university, with five (5) years of
1611 administrative or supervisory experience. Successful completion
1612 of the requirements of alternate route licensure for
1613 administrators shall qualify the person for a standard
1614 administrator license.

1615 Individuals seeking school administrator licensure under
1616 paragraph (b), (c) or (d) shall successfully complete a training
1617 program and an assessment process prescribed by the State Board of
1618 Education. All applicants for school administrator licensure
1619 shall meet all requirements prescribed by the department under
1620 paragraph (b), (c) or (d), and the cost of the assessment process
1621 required shall be paid by the applicant.



1622 (8) **Reciprocity.** (a) The department shall grant a standard
1623 license to any individual who possesses a valid standard license
1624 from another state and meets minimum Mississippi license
1625 requirements or equivalent requirements as determined by the State
1626 Board of Education.

1627 (b) The department shall grant a nonrenewable special
1628 license to any individual who possesses a credential which is less
1629 than a standard license or certification from another state. Such
1630 special license shall be valid for the current school year plus
1631 one (1) additional school year to expire on June 30 of the second
1632 year, not to exceed a total period of twenty-four (24) months,
1633 during which time the applicant shall be required to complete the
1634 requirements for a standard license in Mississippi.

1635 (9) **Renewal and Reinstatement of Licenses.** The State Board
1636 of Education is authorized to establish rules and regulations for
1637 the renewal and reinstatement of educator and administrator
1638 licenses. Effective May 15, 1997, the valid standard license held
1639 by an educator shall be extended five (5) years beyond the
1640 expiration date of the license in order to afford the educator
1641 adequate time to fulfill new renewal requirements established
1642 pursuant to this subsection. An educator completing a master of
1643 education, educational specialist or doctor of education degree in
1644 May 1997 for the purpose of upgrading the educator's license to a
1645 higher class shall be given this extension of five (5) years plus
1646 five (5) additional years for completion of a higher degree.

1647 (10) All controversies involving the issuance, revocation,
1648 suspension or any change whatsoever in the licensure of an
1649 educator required to hold a license shall be initially heard in a
1650 hearing de novo, by the commission or by a subcommittee
1651 established by the commission and composed of commission members
1652 for the purpose of holding hearings. Any complaint seeking the
1653 denial of issuance, revocation or suspension of a license shall be
1654 by sworn affidavit filed with the Commission of Teacher and



1655 Administrator Education, Certification and Licensure and
1656 Development. The decision thereon by the commission or its
1657 subcommittee shall be final, unless the aggrieved party shall
1658 appeal to the State Board of Education, within ten (10) days, of
1659 the decision of the committee or its subcommittee. An appeal to
1660 the State Board of Education shall be on the record previously
1661 made before the commission or its subcommittee unless otherwise
1662 provided by rules and regulations adopted by the board. The State
1663 Board of Education in its authority may reverse, or remand with
1664 instructions, the decision of the committee or its subcommittee.
1665 The decision of the State Board of Education shall be final.

1666 (11) The State Board of Education, acting through the
1667 commission, may deny an application for any teacher or
1668 administrator license for one or more of the following:

1669 (a) Lack of qualifications which are prescribed by law
1670 or regulations adopted by the State Board of Education;

1671 (b) The applicant has a physical, emotional or mental
1672 disability that renders the applicant unfit to perform the duties
1673 authorized by the license, as certified by a licensed psychologist
1674 or psychiatrist;

1675 (c) The applicant is actively addicted to or actively
1676 dependent on alcohol or other habit-forming drugs or is a habitual
1677 user of narcotics, barbiturates, amphetamines, hallucinogens or
1678 other drugs having similar effect, at the time of application for
1679 a license;

1680 (d) Revocation or suspension of an applicant's
1681 certificate or license by another state;

1682 (e) Fraud or deceit committed by the applicant in
1683 securing or attempting to secure such certification and license;

1684 (f) Failing or refusing to furnish reasonable evidence
1685 of identification;



1686 (g) The applicant has been convicted, has pled guilty
1687 or entered a plea of nolo contendere to a felony, as defined by
1688 federal or state law; or

1689 (h) The applicant has been convicted, has pled guilty
1690 or entered a plea of nolo contendere to a sex offense as defined
1691 by federal or state law.

1692 (12) The State Board of Education, acting on the
1693 recommendation of the commission, may revoke or suspend any
1694 teacher or administrator license for specified periods of time for
1695 one or more of the following:

1696 (a) Breach of contract or abandonment of employment may
1697 result in the suspension of the license for one (1) school year as
1698 provided in Section 37-9-57;

1699 (b) Obtaining a license by fraudulent means shall
1700 result in immediate suspension and continued suspension for one
1701 (1) year after correction is made;

1702 (c) Suspension or revocation of a certificate or
1703 license by another state shall result in immediate suspension or
1704 revocation and shall continue until records in the prior state
1705 have been cleared;

1706 (d) The license holder has been convicted, has pled
1707 guilty or entered a plea of nolo contendere to a felony, as
1708 defined by federal or state law;

1709 (e) The license holder has been convicted, has pled
1710 guilty or entered a plea of nolo contendere to a sex offense, as
1711 defined by federal or state law;

1712 (f) The license holder knowingly and willfully
1713 committing any of the acts affecting validity of mandatory uniform
1714 test results as provided in Section 37-16-4(1);

1715 (g) The license holder has engaged in unethical conduct
1716 relating to an educator/student relationship as identified by the
1717 State Board of Education in its rules;



1718 (h) The license holder has fondled a student as
1719 described in Section 97-5-23, or had any type of sexual
1720 involvement with a student as described in Section 97-3-95; or

1721 (i) The license holder has failed to report sexual
1722 involvement of a school employee with a student as required by
1723 Section 97-5-24.

1724 (13) (a) Dismissal or suspension of a licensed employee by
1725 a local school board pursuant to Section 37-9-59 may result in the
1726 suspension or revocation of a license for a length of time which
1727 shall be determined by the commission and based upon the severity
1728 of the offense.

1729 (b) Any offense committed or attempted in any other
1730 state shall result in the same penalty as if committed or
1731 attempted in this state.

1732 (c) A person may voluntarily surrender a license. The
1733 surrender of such license may result in the commission
1734 recommending any of the above penalties without the necessity of a
1735 hearing. However, any such license which has voluntarily been
1736 surrendered by a licensed employee may only be reinstated by a
1737 majority vote of all members of the commission present at the
1738 meeting called for such purpose.

1739 (14) A person whose license has been suspended on any
1740 grounds except criminal grounds may petition for reinstatement of
1741 the license after one (1) year from the date of suspension, or
1742 after one-half (1/2) of the suspended time has lapsed, whichever
1743 is greater. A license suspended or revoked on the criminal
1744 grounds may be reinstated upon petition to the commission filed
1745 after expiration of the sentence and parole or probationary period
1746 imposed upon conviction. A revoked, suspended or surrendered
1747 license may be reinstated upon satisfactory showing of evidence of
1748 rehabilitation. The commission shall require all who petition for
1749 reinstatement to furnish evidence satisfactory to the commission
1750 of good character, good mental, emotional and physical health and



1751 such other evidence as the commission may deem necessary to
1752 establish the petitioner's rehabilitation and fitness to perform
1753 the duties authorized by the license.

1754 (15) Reporting procedures and hearing procedures for dealing
1755 with infractions under this section shall be promulgated by the
1756 commission, subject to the approval of the State Board of
1757 Education. The revocation or suspension of a license shall be
1758 effected at the time indicated on the notice of suspension or
1759 revocation. The commission shall immediately notify the
1760 superintendent of the school district or school board where the
1761 teacher or administrator is employed of any disciplinary action
1762 and also notify the teacher or administrator of such revocation or
1763 suspension and shall maintain records of action taken. The State
1764 Board of Education may reverse or remand with instructions any
1765 decision of the commission regarding a petition for reinstatement
1766 of a license, and any such decision of the State Board of
1767 Education shall be final.

1768 (16) An appeal from the action of the State Board of
1769 Education in denying an application, revoking or suspending a
1770 license or otherwise disciplining any person under the provisions
1771 of this section shall be filed in the Chancery Court of the First
1772 Judicial District of Hinds County on the record made, including a
1773 verbatim transcript of the testimony at the hearing. The appeal
1774 shall be filed within thirty (30) days after notification of the
1775 action of the board is mailed or served and the proceedings in
1776 chancery court shall be conducted as other matters coming before
1777 the court. The appeal shall be perfected upon filing notice of
1778 the appeal and by the prepayment of all costs, including the cost
1779 of preparation of the record of the proceedings by the State Board
1780 of Education, and the filing of a bond in the sum of Two Hundred
1781 Dollars (\$200.00) conditioned that if the action of the board be
1782 affirmed by the chancery court, the applicant or license holder



1783 shall pay the costs of the appeal and the action of the chancery
1784 court.

1785 (17) All such programs, rules, regulations, standards and
1786 criteria recommended or authorized by the commission shall become
1787 effective upon approval by the State Board of Education as
1788 designated by appropriate orders entered upon the minutes thereof.

1789 (18) The granting of a license shall not be deemed a
1790 property right nor a guarantee of employment in any public school
1791 district. A license is a privilege indicating minimal eligibility
1792 for teaching in the public schools of Mississippi. This section
1793 shall in no way alter or abridge the authority of local school
1794 districts to require greater qualifications or standards of
1795 performance as a prerequisite of initial or continued employment
1796 in such districts.

1797 (19) In addition to the reasons specified in subsections
1798 (12) and (13) of this section, the board shall be authorized to
1799 suspend the license of any licensee for being out of compliance
1800 with an order for support, as defined in Section 93-11-153. The
1801 procedure for suspension of a license for being out of compliance
1802 with an order for support, and the procedure for the reissuance or
1803 reinstatement of a license suspended for that purpose, and the
1804 payment of any fees for the reissuance or reinstatement of a
1805 license suspended for that purpose, shall be governed by Section
1806 93-11-157 or 93-11-163, as the case may be. Actions taken by the
1807 board in suspending a license when required by Section 93-11-157
1808 or 93-11-163 are not actions from which an appeal may be taken
1809 under this section. Any appeal of a license suspension that is
1810 required by Section 93-11-157 or 93-11-163 shall be taken in
1811 accordance with the appeal procedure specified in Section
1812 93-11-157 or 93-11-163, as the case may be, rather than the
1813 procedure specified in this section. If there is any conflict
1814 between any provision of Section 93-11-157 or 93-11-163 and any



1815 provision of this chapter, the provisions of Section 93-11-157 or
1816 93-11-163, as the case may be, shall control.

1817 (20) The provisions of this section shall not apply to any
1818 teacher, instructional staff or administrator of a public charter
1819 school established under the terms and provisions of Sections 1
1820 through 36 of this act, except the Charter School Board shall deny
1821 employment to any teacher or administrator as a result of
1822 subsection (11) (b) through (h). In addition, the Charter School
1823 Board shall provide for the suspension of any teacher,
1824 administrator or employee as result of subsection (12) (d) through
1825 (i).

1826 **SECTION 38.** Section 37-9-17, Mississippi Code of 1972, is
1827 amended as follows:

1828 37-9-17. (1) On or before April 1 of each year, the
1829 principal of each school shall recommend to the superintendent of
1830 the local school district the licensed employees or
1831 noninstructional employees to be employed for the school involved
1832 except those licensed employees or noninstructional employees who
1833 have been previously employed and who have a contract valid for
1834 the ensuing scholastic year. If such recommendations meet with
1835 the approval of the superintendent, the superintendent shall
1836 recommend the employment of such licensed employees or
1837 noninstructional employees to the local school board, and, unless
1838 good reason to the contrary exists, the board shall elect the
1839 employees so recommended. If, for any reason, the local school
1840 board shall decline to elect any employee so recommended,
1841 additional recommendations for the places to be filled shall be
1842 made by the principal to the superintendent and then by the
1843 superintendent to the local school board as provided above. The
1844 school board of any local school district shall be authorized to
1845 designate a personnel supervisor or another principal employed by
1846 the school district to recommend to the superintendent licensed
1847 employees or noninstructional employees; however, this



1848 authorization shall be restricted to no more than two (2)
1849 positions for each employment period for each school in the local
1850 school district. Any noninstructional employee employed upon the
1851 recommendation of a personnel supervisor or another principal
1852 employed by the local school district must have been employed by
1853 the local school district at the time the superintendent was
1854 elected or appointed to office; a noninstructional employee
1855 employed under this authorization may not be paid compensation in
1856 excess of the statewide average compensation for such
1857 noninstructional position with comparable experience, as
1858 established by the State Department of Education. The school
1859 board of any local school district shall be authorized to
1860 designate a personnel supervisor or another principal employed by
1861 the school district to accept the recommendations of principals or
1862 their designees for licensed employees or noninstructional
1863 employees and to transmit approved recommendations to the local
1864 school board; however, this authorization shall be restricted to
1865 no more than two (2) positions for each employment period for each
1866 school in the local school district.

1867 When the licensed employees have been elected as provided in
1868 the preceding paragraph, the superintendent of the district shall
1869 enter into a contract with such persons in the manner provided in
1870 this chapter.

1871 If, at the commencement of the scholastic year, any licensed
1872 employee shall present to the superintendent a license of a higher
1873 grade than that specified in such individual's contract, such
1874 individual may, if funds are available from adequate education
1875 program funds of the district, or from district funds, be paid
1876 from such funds the amount to which such higher grade license
1877 would have entitled the individual, had the license been held at
1878 the time the contract was executed.

1879 (2) Superintendents/directors of schools under the purview
1880 of the State Board of Education, the superintendent of the local



1881 school district and any private firm under contract with the local
1882 public school district to provide substitute teachers to teach
1883 during the absence of a regularly employed schoolteacher shall
1884 require, through the appropriate governmental authority, that
1885 current criminal records background checks and current child abuse
1886 registry checks are obtained, and that such criminal record
1887 information and registry checks are on file for any new hires
1888 applying for employment as a licensed or nonlicensed employee at a
1889 school and not previously employed in such school under the
1890 purview of the State Board of Education or at such local school
1891 district prior to July 1, 2000. In order to determine the
1892 applicant's suitability for employment, the applicant shall be
1893 fingerprinted. If no disqualifying record is identified at the
1894 state level, the fingerprints shall be forwarded by the Department
1895 of Public Safety to the Federal Bureau of Investigation for a
1896 national criminal history record check. The fee for such
1897 fingerprinting and criminal history record check shall be paid by
1898 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
1899 State Board of Education, the school board of the local school
1900 district or a private firm under contract with a local school
1901 district to provide substitute teachers to teach during the
1902 temporary absence of the regularly employed schoolteacher, in its
1903 discretion, may elect to pay the fee for the fingerprinting and
1904 criminal history record check on behalf of any applicant. Under
1905 no circumstances shall a member of the State Board of Education,
1906 superintendent/director of schools under the purview of the State
1907 Board of Education, local school district superintendent, local
1908 school board member or any individual other than the subject of
1909 the criminal history record checks disseminate information
1910 received through any such checks except insofar as required to
1911 fulfill the purposes of this section. Any nonpublic school which
1912 is accredited or approved by the State Board of Education may
1913 avail itself of the procedures provided for herein and shall be



1914 responsible for the same fee charged in the case of local public
1915 schools of this state. The determination whether the applicant
1916 has a disqualifying crime, as set forth in subsection (3) of this
1917 section, shall be made by the appropriate governmental authority,
1918 and the appropriate governmental authority shall notify the
1919 private firm whether a disqualifying crime exists.

1920 (3) If such fingerprinting or criminal record checks
1921 disclose a felony conviction, guilty plea or plea of nolo
1922 contendere to a felony of possession or sale of drugs, murder,
1923 manslaughter, armed robbery, rape, sexual battery, sex offense
1924 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
1925 burglary, gratification of lust or aggravated assault which has
1926 not been reversed on appeal or for which a pardon has not been
1927 granted, the new hire shall not be eligible to be employed at such
1928 school. Any employment contract for a new hire executed by the
1929 superintendent of the local school district or any employment of a
1930 new hire by a superintendent/director of a new school under the
1931 purview of the State Board of Education or by a private firm shall
1932 be voidable if the new hire receives a disqualifying criminal
1933 record check. However, the State Board of Education or the school
1934 board may, in its discretion, allow any applicant aggrieved by the
1935 employment decision under this section to appear before the
1936 respective board, or before a hearing officer designated for such
1937 purpose, to show mitigating circumstances which may exist and
1938 allow the new hire to be employed at the school. The State Board
1939 of Education or local school board may grant waivers for such
1940 mitigating circumstances, which shall include, but not be limited
1941 to: (a) age at which the crime was committed; (b) circumstances
1942 surrounding the crime; (c) length of time since the conviction and
1943 criminal history since the conviction; (d) work history; (e)
1944 current employment and character references; (f) other evidence
1945 demonstrating the ability of the person to perform the employment



1946 responsibilities competently and that the person does not pose a
1947 threat to the health or safety of the children at the school.

1948 (4) Any teacher, instructional staff or administrator of a
1949 public charter school established under the terms and provisions
1950 of Sections 1 through 36 of this act shall adhere to the criminal
1951 background check and fingerprinting requirements under subsection
1952 (2) of this section.

1953 (5) No local school district, local school district
1954 employee, member of the State Board of Education or employee of a
1955 school under the purview of the State Board of Education shall be
1956 held liable in any employment discrimination suit in which an
1957 allegation of discrimination is made regarding an employment
1958 decision authorized under this Section 37-9-17.

1959 **SECTION 39.** Section 37-9-103, Mississippi Code of 1972, is
1960 amended as follows:

1961 37-9-103. (1) As used in Sections 37-9-101 through
1962 37-9-113, the word "employee" shall include:

1963 (a) Any teacher, principal, superintendent or other
1964 professional personnel employed by the local school district for a
1965 continuous period of two (2) years with that district and required
1966 to have a valid license issued by the State Department of
1967 Education as a prerequisite of employment; or

1968 (b) Any teacher, principal, superintendent or other
1969 professional personnel who has completed a continuous period of
1970 two (2) years of employment in a Mississippi public school
1971 district and one (1) full year of employment with the school
1972 district of current employment, and who is required to have a
1973 valid license issued by the State Department of Education as a
1974 prerequisite of employment.

1975 (2) (a) The Education Employment Procedures Law shall not
1976 apply to any category of employee as defined in this section
1977 employed in any school district after the Governor declares a
1978 state of emergency under the provisions of Section 37-17-6(11).



1979 The Education Employment Procedures Law shall not be applicable in
1980 any school district for the full period of time that those
1981 conditions, as defined in Section 37-17-6(11), exist.

1982 (b) The Education Employment Procedures Law shall not
1983 apply to any category of employee as defined in this section
1984 employed in any school that is a new start school, as provided for
1985 under Section 37-167-1.

1986 (c) The Education Employment Procedures Law shall not
1987 apply to any category of teacher, administrator or employee of a
1988 public charter school established under the terms and provisions
1989 of Sections 1 through 36 of this act.

1990 (3) For purposes of Sections 37-9-101 through 37-9-113, the
1991 term "days" means calendar days.

1992 **SECTION 40.** Sections 37-165-1, 37-165-3, 37-165-5, 37-165-7,
1993 37-165-9, 37-165-11, 37-165-13, 37-165-15, 37-165-17, 37-165-19,
1994 37-165-21, 37-165-23 and 37-165-25, Mississippi Code of 1972,
1995 which are the Conversion Charter School Act of 2010, are repealed.

1996 **SECTION 41.** Section 37-165-27, Mississippi Code of 1972, is
1997 amended as follows:

1998 37-165-27. Sections 37-167-1, 37-9-3, 37-9-103 and

1999 * * * 37-165-27 shall stand repealed on July 1, 2016.

2000 **SECTION 42.** Section 37-151-7, Mississippi Code of 1972, is
2001 brought forward as follows:

2002 37-151-7. The annual allocation to each school district for
2003 the operation of the adequate education program shall be
2004 determined as follows:

2005 (1) **Computation of the basic amount to be included for**
2006 **current operation in the adequate education program.** The
2007 following procedure shall be followed in determining the annual
2008 allocation to each school district:

2009 (a) **Determination of average daily attendance.**

2010 Effective with fiscal year 2011, the State Department of Education
2011 shall determine the percentage change from the prior year of each



2012 year of each school district's average of months two (2) and three
2013 (3) average daily attendance (ADA) for the three (3) immediately
2014 preceding school years of the year for which funds are being
2015 appropriated. For any school district that experiences a positive
2016 growth in the average of months two (2) and three (3) ADA each
2017 year of the three (3) years, the average percentage growth over
2018 the three-year period shall be multiplied times the school
2019 district's average of months two (2) and three (3) ADA for the
2020 year immediately preceding the year for which MAEP funds are being
2021 appropriated. The resulting amount shall be added to the school
2022 district's average of months two (2) and three (3) ADA for the
2023 year immediately preceding the year for which MAEP funds are being
2024 appropriated to arrive at the ADA to be used in determining a
2025 school district's MAEP allocation. Otherwise, months two (2) and
2026 three (3) ADA for the year immediately preceding the year for
2027 which MAEP funds are being appropriated will be used in
2028 determining a school district's MAEP allocation. In any fiscal
2029 year prior to 2010 in which the MAEP formula is not fully funded,
2030 for those districts that do not demonstrate a three-year positive
2031 growth in months two (2) and three (3) ADA, months 1-9 ADA of the
2032 second preceding year for which funds are being appropriated or
2033 months two (2) and three (3) ADA of the preceding year for which
2034 funds are being appropriated, whichever is greater, shall be used
2035 to calculate the district's MAEP allocation. The district's
2036 average daily attendance shall be computed and currently
2037 maintained in accordance with regulations promulgated by the State
2038 Board of Education.

2039 (b) **Determination of base student cost.** Effective with
2040 fiscal year 2011 and every fourth fiscal year thereafter, the
2041 State Board of Education, on or before August 1, with adjusted
2042 estimate no later than January 2, shall submit to the Legislative
2043 Budget Office and the Governor a proposed base student cost
2044 adequate to provide the following cost components of educating a



2045 pupil in a successful school district: (i) Instructional Cost;
2046 (ii) Administrative Cost; (iii) Operation and Maintenance of
2047 Plant; and (iv) Ancillary Support Cost. For purposes of these
2048 calculations, the Department of Education shall utilize financial
2049 data from the second preceding year of the year for which funds
2050 are being appropriated.

2051 For the instructional cost component, the Department of
2052 Education shall select districts that have been identified as
2053 instructionally successful and have a ratio of a number of
2054 teachers per one thousand (1,000) students that is between one (1)
2055 standard deviation above the mean and two (2) standard deviations
2056 below the mean of the statewide average of teachers per one
2057 thousand (1,000) students. The instructional cost component shall
2058 be calculated by dividing the latest available months 1-9 ADA into
2059 the instructional expenditures of these selected districts. For
2060 the purpose of this calculation, the Department of Education shall
2061 use the following funds, functions and objects:

2062 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
2063 1210, 1220, 2150-2159 Objects 210 and 215;
2064 Fund 1130 All Functions, Object Code 210 and 215;
2065 Fund 2001 Functions 1110-1199 Objects 100-999;
2066 Fund 2070 Functions 1110-1199 Objects 100-999;
2067 Fund 2420 Functions 1110-1199 Objects 100-999;
2068 Fund 2711 All Functions, Object Code 210 and 215.

2069 Prior to the calculation of the instructional cost component,
2070 there shall be subtracted from the above expenditures any revenue
2071 received for Chickasaw Cession payments, Master Teacher
2072 Certification payments and the district's portion of state revenue
2073 received from the MAEP at-risk allocation.

2074 For the administrative cost component, the Department of
2075 Education shall select districts that have been identified as
2076 instructionally successful and have a ratio of an administrative
2077 staff to nonadministrative staff between one (1) standard



2078 deviation above the mean and two (2) standard deviations below the
2079 mean of the statewide average administrative staff to
2080 nonadministrative staff. The administrative cost component shall
2081 be calculated by dividing the latest available months 1-9 ADA of
2082 the selected districts into the administrative expenditures of
2083 these selected districts. For the purpose of this calculation,
2084 the Department of Education shall use the following funds,
2085 functions and objects:

2086 Fund 1120 Functions 2300-2599, Functions 2800-2899,
2087 Objects 100-999;

2088 Fund 2711 Functions 2300-2599, Functions 2800-2899,
2089 Objects 100-999.

2090 For the plant and maintenance cost component, the Department
2091 of Education shall select districts that have been identified as
2092 instructionally successful and have a ratio of plant and
2093 maintenance expenditures per one hundred thousand (100,000) square
2094 feet of building space and a ratio of maintenance workers per one
2095 hundred thousand (100,000) square feet of building space that are
2096 both between one (1) standard deviation above the mean and two (2)
2097 standard deviations below the mean of the statewide average. The
2098 plant and maintenance cost component shall be calculated by
2099 dividing the latest available months 1-9 ADA of the selected
2100 districts into the plant and maintenance expenditures of these
2101 selected districts. For the purpose of this calculation, the
2102 Department of Education shall use the following funds, functions
2103 and objects:

2104 Fund 1120 Functions 2600-2699, Objects 100-699
2105 and Objects 800-999;

2106 Fund 2711 Functions 2600-2699, Objects 100-699
2107 and Objects 800-999;

2108 Fund 2430 Functions 2600-2699, Objects 100-699
2109 and Objects 800-999.



2110 For the ancillary support cost component, the Department of
2111 Education shall select districts that have been identified as
2112 instructionally successful and have a ratio of a number of
2113 librarians, media specialists, guidance counselors and
2114 psychologists per one thousand (1,000) students that is between
2115 one (1) standard deviation above the mean and two (2) standard
2116 deviations below the mean of the statewide average of librarians,
2117 media specialists, guidance counselors and psychologists per one
2118 thousand (1,000) students. The ancillary cost component shall be
2119 calculated by dividing the latest available months 1-9 ADA into
2120 the ancillary expenditures instructional expenditures of these
2121 selected districts. For the purpose of this calculation, the
2122 Department of Education shall use the following funds, functions
2123 and objects:

2124 Fund 1120 Functions 2110-2129, Objects 100-999;
2125 Fund 1120 Functions 2140-2149, Objects 100-999;
2126 Fund 1120 Functions 2220-2229, Objects 100-999;
2127 Fund 2001 Functions 2100-2129, Objects 100-999;
2128 Fund 2001 Functions 2140-2149, Objects 100-999;
2129 Fund 2001 Functions 2220-2229, Objects 100-999.

2130 The total base cost for each year shall be the sum of the
2131 instructional cost component, administrative cost component, plant
2132 and maintenance cost component and ancillary support cost
2133 component, and any estimated adjustments for additional state
2134 requirements as determined by the State Board of Education.

2135 Provided, however, that the base student cost in fiscal year 1998
2136 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

2137 For each of the fiscal years between the recalculation of the
2138 base student cost under the provisions of this paragraph (b), the
2139 base student cost shall be increased by an amount equal to forty
2140 percent (40%) of the base student cost for the previous fiscal
2141 year, multiplied by the latest annual rate of inflation for the
2142 State of Mississippi as determined by the State Economist, plus



2143 any adjustments for additional state requirements such as, but not
2144 limited to, teacher pay raises and health insurance premium
2145 increases.

2146 (c) **Determination of the basic adequate education**

2147 **program cost.** The basic amount for current operation to be
2148 included in the Mississippi Adequate Education Program for each
2149 school district shall be computed as follows:

2150 Multiply the average daily attendance of the district by the
2151 base student cost as established by the Legislature, which yields
2152 the total base program cost for each school district.

2153 (d) **Adjustment to the base student cost for at-risk**

2154 **pupils.** The amount to be included for at-risk pupil programs for
2155 each school district shall be computed as follows: Multiply the
2156 base student cost for the appropriate fiscal year as determined
2157 under paragraph (b) by five percent (5%), and multiply that
2158 product by the number of pupils participating in the federal free
2159 school lunch program in such school district, which yields the
2160 total adjustment for at-risk pupil programs for such school
2161 district.

2162 (e) **Add-on program cost.** The amount to be allocated to

2163 school districts in addition to the adequate education program
2164 cost for add-on programs for each school district shall be
2165 computed as follows:

2166 (i) Transportation cost shall be the amount
2167 allocated to such school district for the operational support of
2168 the district transportation system from state funds.

2169 (ii) Vocational or technical education program
2170 cost shall be the amount allocated to such school district from
2171 state funds for the operational support of such programs.

2172 (iii) Special education program cost shall be the
2173 amount allocated to such school district from state funds for the
2174 operational support of such programs.



2175 (iv) Gifted education program cost shall be the
2176 amount allocated to such school district from state funds for the
2177 operational support of such programs.

2178 (v) Alternative school program cost shall be the
2179 amount allocated to such school district from state funds for the
2180 operational support of such programs.

2181 (vi) Extended school year programs shall be the
2182 amount allocated to school districts for those programs authorized
2183 by law which extend beyond the normal school year.

2184 (vii) University-based programs shall be the
2185 amount allocated to school districts for those university-based
2186 programs for handicapped children as defined and provided for in
2187 Section 37-23-131 et seq., Mississippi Code of 1972.

2188 (viii) Bus driver training programs shall be the
2189 amount provided for those driver training programs as provided for
2190 in Section 37-41-1, Mississippi Code of 1972.

2191 The sum of the items listed above (i) transportation, (ii)
2192 vocational or technical education, (iii) special education, (iv)
2193 gifted education, (v) alternative school, (vi) extended school
2194 year, (vii) university-based, and (viii) bus driver training shall
2195 yield the add-on cost for each school district.

2196 (f) **Total projected adequate education program cost.**

2197 The total Mississippi Adequate Education Program cost shall be the
2198 sum of the total basic adequate education program cost (paragraph
2199 (c)), and the adjustment to the base student cost for at-risk
2200 pupils (paragraph (d)) for each school district. In any year in
2201 which the MAEP is not fully funded, the Legislature shall direct
2202 the Department of Education in the K-12 appropriation bill as to
2203 how to allocate MAEP funds to school districts for that year.

2204 (g) The State Auditor shall annually verify the State
2205 Board of Education's estimated calculations for the Mississippi
2206 Adequate Education Program that are submitted each year to the



2207 Legislative Budget Office on August 1 and the final calculation
2208 that is submitted on January 2.

2209 (2) **Computation of the required local revenue in support of**
2210 **the adequate education program.** The amount that each district
2211 shall provide toward the cost of the adequate education program
2212 shall be calculated as follows:

2213 (a) The State Department of Education shall certify to
2214 each school district that twenty-eight (28) mills, less the
2215 estimated amount of the yield of the School Ad Valorem Tax
2216 Reduction Fund grants as determined by the State Department of
2217 Education, is the millage rate required to provide the district
2218 required local effort for that year, or twenty-seven percent (27%)
2219 of the basic adequate education program cost for such school
2220 district as determined under paragraph (c), whichever is a lesser
2221 amount. In the case of an agricultural high school, the millage
2222 requirement shall be set at a level which generates an equitable
2223 amount per pupil to be determined by the State Board of Education.

2224 (b) The State Department of Education shall determine
2225 (i) the total assessed valuation of nonexempt property for school
2226 purposes in each school district; (ii) assessed value of exempt
2227 property owned by homeowners aged sixty-five (65) or older or
2228 disabled as defined in Section 27-33-67(2), Mississippi Code of
2229 1972; (iii) the school district's tax loss from exemptions
2230 provided to applicants under the age of sixty-five (65) and not
2231 disabled as defined in Section 27-33-67(1), Mississippi Code of
2232 1972; and (iv) the school district's homestead reimbursement
2233 revenues.

2234 (c) The amount of the total adequate education program
2235 funding which shall be contributed by each school district shall
2236 be the sum of the ad valorem receipts generated by the millage
2237 required under this subsection plus the following local revenue
2238 sources for the appropriate fiscal year which are or may be
2239 available for current expenditure by the school district:



2240 One hundred percent (100%) of Grand Gulf income as prescribed
2241 in Section 27-35-309.

2242 One hundred percent (100%) of any fees in lieu of taxes as
2243 prescribed in Section 27-31-104.

2244 (3) **Computation of the required state effort in support of**
2245 **the adequate education program.**

2246 (a) The required state effort in support of the
2247 adequate education program shall be determined by subtracting the
2248 sum of the required local tax effort as set forth in subsection
2249 (2)(a) of this section and the other local revenue sources as set
2250 forth in subsection (2)(c) of this section in an amount not to
2251 exceed twenty-seven percent (27%) of the total projected adequate
2252 education program cost as set forth in subsection (1)(f) of this
2253 section from the total projected adequate education program cost
2254 as set forth in subsection (1)(f) of this section.

2255 (b) Provided, however, that in fiscal year 1998 and in
2256 the fiscal year in which the adequate education program is fully
2257 funded by the Legislature, any increase in the said state
2258 contribution to any district calculated under this section shall
2259 be not less than eight percent (8%) in excess of the amount
2260 received by said district from state funds for the fiscal year
2261 immediately preceding. For purposes of this paragraph (b), state
2262 funds shall include minimum program funds less the add-on
2263 programs, State Uniform Millage Assistance Grant Funds, Education
2264 Enhancement Funds appropriated for Uniform Millage Assistance
2265 Grants and state textbook allocations, and State General Funds
2266 allocated for textbooks.

2267 (c) If the school board of any school district shall
2268 determine that it is not economically feasible or practicable to
2269 operate any school within the district for the full one hundred
2270 eighty (180) days required for a school term of a scholastic year
2271 as required in Section 37-13-63, Mississippi Code of 1972, due to
2272 an enemy attack, a man-made, technological or natural disaster in



2273 which the Governor has declared a disaster emergency under the
2274 laws of this state or the President of the United States has
2275 declared an emergency or major disaster to exist in this state,
2276 said school board may notify the State Department of Education of
2277 such disaster and submit a plan for altering the school term. If
2278 the State Board of Education finds such disaster to be the cause
2279 of the school not operating for the contemplated school term and
2280 that such school was in a school district covered by the
2281 Governor's or President's disaster declaration, it may permit said
2282 school board to operate the schools in its district for less than
2283 one hundred eighty (180) days and, in such case, the State
2284 Department of Education shall not reduce the state contributions
2285 to the adequate education program allotment for such district,
2286 because of the failure to operate said schools for one hundred
2287 eighty (180) days.

2288 (4) The Interim School District Capital Expenditure Fund is
2289 hereby established in the State Treasury which shall be used to
2290 distribute any funds specifically appropriated by the Legislature
2291 to such fund to school districts entitled to increased allocations
2292 of state funds under the adequate education program funding
2293 formula prescribed in Sections 37-151-3 through 37-151-7,
2294 Mississippi Code of 1972, until such time as the said adequate
2295 education program is fully funded by the Legislature. The
2296 following percentages of the total state cost of increased
2297 allocations of funds under the adequate education program funding
2298 formula shall be appropriated by the Legislature into the Interim
2299 School District Capital Expenditure Fund to be distributed to all
2300 school districts under the formula: Nine and two-tenths percent
2301 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
2302 (20%) shall be appropriated in fiscal year 1999, forty percent
2303 (40%) shall be appropriated in fiscal year 2000, sixty percent
2304 (60%) shall be appropriated in fiscal year 2001, eighty percent
2305 (80%) shall be appropriated in fiscal year 2002, and one hundred



2306 percent (100%) shall be appropriated in fiscal year 2003 into the
2307 State Adequate Education Program Fund. Until July 1, 2002, such
2308 money shall be used by school districts for the following
2309 purposes:

2310 (a) Purchasing, erecting, repairing, equipping,
2311 remodeling and enlarging school buildings and related facilities,
2312 including gymnasiums, auditoriums, lunchrooms, vocational training
2313 buildings, libraries, school barns and garages for transportation
2314 vehicles, school athletic fields and necessary facilities
2315 connected therewith, and purchasing land therefor. Any such
2316 capital improvement project by a school district shall be approved
2317 by the State Board of Education, and based on an approved
2318 long-range plan. The State Board of Education shall promulgate
2319 minimum requirements for the approval of school district capital
2320 expenditure plans.

2321 (b) Providing necessary water, light, heating, air
2322 conditioning, and sewerage facilities for school buildings, and
2323 purchasing land therefor.

2324 (c) Paying debt service on existing capital improvement
2325 debt of the district or refinancing outstanding debt of a district
2326 if such refinancing will result in an interest cost savings to the
2327 district.

2328 (d) From and after October 1, 1997, through June 30,
2329 1998, pursuant to a school district capital expenditure plan
2330 approved by the State Department of Education, a school district
2331 may pledge such funds until July 1, 2002, plus funds provided for
2332 in paragraph (e) of this subsection (4) that are not otherwise
2333 permanently pledged under such paragraph (e) to pay all or a
2334 portion of the debt service on debt issued by the school district
2335 under Sections 37-59-1 through 37-59-45, 37-59-101 through
2336 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
2337 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
2338 issued by boards of supervisors for agricultural high schools



2339 pursuant to Section 37-27-65, Mississippi Code of 1972, or
2340 lease-purchase contracts entered into pursuant to Section 31-7-13,
2341 Mississippi Code of 1972, or to retire or refinance outstanding
2342 debt of a district, if such pledge is accomplished pursuant to a
2343 written contract or resolution approved and spread upon the
2344 minutes of an official meeting of the district's school board or
2345 board of supervisors. It is the intent of this provision to allow
2346 school districts to irrevocably pledge their Interim School
2347 District Capital Expenditure Fund allotments as a constant stream
2348 of revenue to secure a debt issued under the foregoing code
2349 sections. To allow school districts to make such an irrevocable
2350 pledge, the state shall take all action necessary to ensure that
2351 the amount of a district's Interim School District Capital
2352 Expenditure Fund allotments shall not be reduced below the amount
2353 certified by the department or the district's total allotment
2354 under the Interim Capital Expenditure Fund if fully funded, so
2355 long as such debt remains outstanding.

2356 (e) [Repealed]

2357 (f) [Repealed]

2358 (g) The State Board of Education may authorize the
2359 school district to expend not more than twenty percent (20%) of
2360 its annual allotment of such funds or Twenty Thousand Dollars
2361 (\$20,000.00), whichever is greater, for technology needs of the
2362 school district, including computers, software,
2363 telecommunications, cable television, interactive video, film,
2364 low-power television, satellite communications, microwave
2365 communications, technology-based equipment installation and
2366 maintenance, and the training of staff in the use of such
2367 technology-based instruction. Any such technology expenditure
2368 shall be reflected in the local district technology plan approved
2369 by the State Board of Education under Section 37-151-17,
2370 Mississippi Code of 1972.



2371 (h) To the extent a school district has not utilized
2372 twenty percent (20%) of its annual allotment for technology
2373 purposes under paragraph (g), a school district may expend not
2374 more than twenty percent (20%) of its annual allotment or Twenty
2375 Thousand Dollars (\$20,000.00), whichever is greater, for
2376 instructional purposes. The State Board of Education may
2377 authorize a school district to expend more than said twenty
2378 percent (20%) of its annual allotment for instructional purposes
2379 if it determines that such expenditures are needed for
2380 accreditation purposes.

2381 (i) The State Department of Education or the State
2382 Board of Education may require that any project commenced under
2383 this section with an estimated project cost of not less than Five
2384 Million Dollars (\$5,000,000.00) shall be done only pursuant to
2385 program management of the process with respect to design and
2386 construction. Any individuals, partnerships, companies or other
2387 entities acting as a program manager on behalf of a local school
2388 district and performing program management services for projects
2389 covered under this subsection shall be approved by the State
2390 Department of Education.

2391 Any interest accruing on any unexpended balance in the
2392 Interim School District Capital Expenditure Fund shall be invested
2393 by the State Treasurer and placed to the credit of each school
2394 district participating in such fund in its proportionate share.

2395 The provisions of this subsection (4) shall be cumulative and
2396 supplemental to any existing funding programs or other authority
2397 conferred upon school districts or school boards.

2398 **SECTION 43.** Section 37-57-107, Mississippi Code of 1972, is
2399 brought forward as follows:

2400 37-57-107. Beginning with the tax levy for the 1997 fiscal
2401 year and for each fiscal year thereafter, the aggregate receipts
2402 from taxes levied for school district purposes pursuant to
2403 Sections 37-57-105 and 37-57-1 shall not exceed the aggregate



2404 receipts from those sources during any one (1) of the immediately
2405 preceding three (3) fiscal years, as determined by the school
2406 board, plus an increase not to exceed seven percent (7%). For the
2407 purpose of this limitation, the term "aggregate receipts" when
2408 used in connection with the amount of funds generated in a
2409 preceding fiscal year shall not include excess receipts required
2410 by law to be deposited into a special account. The additional
2411 revenue from the ad valorem tax on any newly constructed
2412 properties or any existing properties added to the tax rolls or
2413 any properties previously exempt which were not assessed in the
2414 next preceding year may be excluded from the seven percent (7%)
2415 increase limitation set forth herein. Taxes levied for payment of
2416 principal of and interest on general obligation school bonds
2417 issued heretofore or hereafter shall be excluded from the seven
2418 percent (7%) increase limitation set forth herein. Any additional
2419 millage levied to fund any new program mandated by the Legislature
2420 shall be excluded from the limitation for the first year of the
2421 levy and included within such limitation in any year thereafter.
2422 For the purposes of this section, the term "new program" shall
2423 include, but shall not be limited to, (a) the Early Childhood
2424 Education Program required to commence with the 1986-1987 school
2425 year as provided by Section 37-21-7 and any additional millage
2426 levied and the revenue generated therefrom, which is excluded from
2427 the limitation for the first year of the levy, to support the
2428 mandated Early Childhood Education Program shall be specified on
2429 the minutes of the school board and of the governing body making
2430 such tax levy; (b) any additional millage levied and the revenue
2431 generated therefrom which shall be excluded from the limitation
2432 for the first year of the levy, for the purpose of generating
2433 additional local contribution funds required for the adequate
2434 education program for the 2003 fiscal year and for each fiscal
2435 year thereafter under Section 37-151-7(2); and (c) any additional
2436 millage levied and the revenue generated therefrom which shall be



2437 excluded from the limitation for the first year of the levy, for
2438 the purpose of support and maintenance of any agricultural high
2439 school which has been transferred to the control, operation and
2440 maintenance of the school board by the board of trustees of the
2441 community college district under provisions of Section 37-29-272.

2442 The seven percent (7%) increase limitation prescribed in this
2443 section may be increased an additional amount only when the school
2444 board has determined the need for additional revenues and has held
2445 an election on the question of raising the limitation prescribed
2446 in this section. The limitation may be increased only if
2447 three-fifths (3/5) of those voting in the election shall vote for
2448 the proposed increase. The resolution, notice and manner of
2449 holding the election shall be as prescribed by law for the holding
2450 of elections for the issuance of bonds by the respective school
2451 boards. Revenues collected for the fiscal year in excess of the
2452 seven percent (7%) increase limitation pursuant to an election
2453 shall be included in the tax base for the purpose of determining
2454 aggregate receipts for which the seven percent (7%) increase
2455 limitation applies for subsequent fiscal years.

2456 Except as otherwise provided for excess revenues generated
2457 pursuant to an election, if revenues collected as the result of
2458 the taxes levied for the fiscal year pursuant to this section and
2459 Section 37-57-1 exceed the increase limitation, then it shall be
2460 the mandatory duty of the school board of the school district to
2461 deposit such excess receipts over and above the increase
2462 limitation into a special account and credit it to the fund for
2463 which the levy was made. It will be the further duty of such
2464 board to hold said funds and invest the same as authorized by law.
2465 Such excess funds shall be calculated in the budgets for the
2466 school districts for the purpose for which such levies were made,
2467 for the succeeding fiscal year. Taxes imposed for the succeeding
2468 year shall be reduced by the amount of excess funds available.



2469 Under no circumstances shall such excess funds be expended during
2470 the fiscal year in which such excess funds are collected.

2471 For the purposes of determining ad valorem tax receipts for a
2472 preceding fiscal year under this section, the term "fiscal year"
2473 means the fiscal year beginning October 1 and ending September 30.

2474 **SECTION 44.** If any provision of this law or its application
2475 is held invalid, the invalidity does not affect other provisions
2476 or applications of this law which can be given effect without the
2477 invalid provision or application and to this end the provisions of
2478 this law are severable.

2479 **SECTION 45.** This act shall take effect and be in force from
2480 and after July 1, 2012.

