

By: Senator(s) Tollison, Collins

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2401

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 PRESCRIBE THE APPLICATION PROCESS FOR ALL
18 TYPES OF CHARTER SCHOOLS AND A DECISION-MAKING PROCESS; TO
19 ESTABLISH AN INITIAL CHARTER TERM; TO PROVIDE GUIDELINES FOR
20 EXECUTING CHARTER CONTRACTS; TO PROVIDE ACHIEVEMENT AND
21 OPERATIONAL STANDARDS FOR CHARTER SCHOOL OVERSIGHT AND CORRECTIVE
22 ACTIONS; TO PROVIDE FOR RENEWALS AND REVOCATIONS OF CHARTER SCHOOL
23 CONTRACTS; TO PROVIDE PROCEDURES FOR CHARTER SCHOOL CLOSURE AND
24 DISSOLUTION; TO PRESCRIBE THE LEGAL STATUS OF CHARTER SCHOOLS; TO
25 EMPOWER CHARTER SCHOOLS WITH FINANCIAL AUTHORITY TO IMPLEMENT ITS
26 CONTRACT AND TO PROHIBIT DISCRIMINATION AND THE CHARGING OF
27 TUITION; TO PRESCRIBE THE QUALIFICATIONS OF EMPLOYEES OF CHARTER
28 SCHOOLS AND REQUIRE CRIMINAL BACKGROUND CHECKS FOR SUCH EMPLOYEES;
29 TO PROVIDE THAT CHARTER SCHOOLS SHALL CERTIFY AVERAGE DAILY
30 ATTENDANCE AND QUALIFY FOR STATE ADEQUATE EDUCATION PROGRAM
31 ALLOCATIONS ON A PER-PUPIL BASIS; TO AUTHORIZE EQUAL
32 TRANSPORTATION FUNDING UNDER THE ADEQUATE EDUCATION PROGRAM FOR
33 PUBLIC CHARTER SCHOOLS; TO AUTHORIZE LOCAL FUNDING FOR PUBLIC
34 CHARTER SCHOOLS; TO AUTHORIZE CHARTER SCHOOLS TO ACCEPT GIFTS,
35 DONATIONS AND GRANTS; TO AUTHORIZE CHARTER SCHOOLS THE RIGHT OF
36 FIRST REFUSAL TO VACANT SCHOOL FACILITIES AND PROPERTY AND THE USE
37 OF DONATED SPACE UNDER PREEXISTING ZONING REGULATIONS; TO AMEND
38 SECTION 37-151-7, MISSISSIPPI CODE OF 1972, TO CONFORM THE
39 ADEQUATE EDUCATION FUNDING FORMULA TO THE ALLOCATION OF FUNDS TO
40 PUBLIC CHARTER SCHOOLS; TO AMEND SECTION 37-57-107, MISSISSIPPI
41 CODE OF 1972, TO PROVIDE FOR THE TRANSFER OF LOCAL AD VALOREM
42 SCHOOL DISTRICT MAINTENANCE FUNDS BY THE TAX COLLECTOR TO THE
43 PUBLIC CHARTER SCHOOL ON A PER-PUPIL BASIS; TO AMEND SECTION
44 37-9-103, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE EDUCATION
45 EMPLOYMENT PROCEDURES LAW SHALL NOT APPLY TO TEACHERS OR
46 ADMINISTRATORS AT PUBLIC CHARTER SCHOOLS; TO AMEND SECTION



47 37-13-63, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT PUBLIC CHARTER
48 SCHOOLS SHALL COMPLY WITH THE MINIMUM LENGTH OF SCHOOL TERM
49 APPLICABLE TO PUBLIC SCHOOLS; TO AMEND SECTION 37-13-91,
50 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT STUDENTS ATTENDING
51 PUBLIC CHARTER SCHOOLS SHALL COMPLY WITH THE PROVISIONS OF THE
52 MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; TO REPEAL SECTIONS
53 37-165-1 THROUGH 37-165-27, MISSISSIPPI CODE OF 1972, WHICH ARE
54 THE "CONVERSION CHARTER SCHOOL ACT OF 2010," AND SECTION 37-167-1,
55 MISSISSIPPI CODE OF 1972, WHICH IS THE NEW START SCHOOL PROGRAM;
56 AND FOR RELATED PURPOSES.

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

58 **SECTION 1. Short title.** This act shall be known and may be
59 cited as the "Mississippi Public Charter Schools Act of 2012."

60 **SECTION 2. Legislative declarations.** (1) The Legislature
61 finds and declares that the purposes of the state's public charter
62 schools as a whole are:

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

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

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

70 (d) To create new professional opportunities for
71 teachers, school administrators, and other school personnel that
72 allow them to have a direct voice in the operation of their
73 schools;

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

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

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

82 (h) To encourage the replication of successful public
83 charter schools.



84 (2) All public charter schools in the state established
85 under this act are public schools and are part of the state's
86 public education system.

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

89 **SECTION 3. Definitions.** As used in this act:

90 (a) An "applicant" means any person or group that
91 develops and submits an application for a public charter school to
92 an authorizer.

93 (b) An "application" means a proposal from an applicant
94 to an authorizer to enter into a charter contract whereby the
95 proposed school obtains public charter school status.

96 (c) An "at-risk student" means a student participating
97 in the federal free lunch program who qualifies for at-risk
98 student funding under the Mississippi Adequate Education Program.

99 (d) An "authorizer" means the Mississippi Public
100 Charter School Authorizer Board established under Section 5 of
101 this act to review applications, decide whether to approve or
102 reject applications, enter into charter contracts with applicants,
103 oversee public charter schools, and decide whether to renew, not
104 renew, or revoke charter contracts.

105 (e) A "charter contract" means a fixed-term, renewable
106 contract between a public charter school and an authorizer that
107 outlines the roles, powers, responsibilities, and performance
108 expectations for each party to the contract.

109 (f) A "conversion public charter school" means a
110 charter school that existed as a noncharter public school before
111 becoming a public charter school.

112 (g) An "education service provider" means a charter
113 management organization, school design provider, or any other
114 partner entity with which a public charter school intends to
115 contract for educational design, implementation, or comprehensive
116 management.



117 (h) A "governing board" means the independent board of
118 a public charter school that is party to the charter contract with
119 the authorizer and whose members have been elected or selected
120 pursuant to the school's application.

121 (i) A "local school board" means a school board
122 exercising management and control of a local school district
123 pursuant to the state constitution and state statutes.

124 (j) A "local school district" means a public agency
125 that establishes and supervises one or more public schools within
126 its geographical limits pursuant to state statutes.

127 (k) A "noncharter public school" means a public school
128 that is under the direct management, governance and control of a
129 local school board or the state.

130 (l) A "parent" means a parent, guardian or other person
131 or entity having legal custody of a child.

132 (m) A "public charter school" means a public school
133 that:

134 (i) Has autonomy over decisions including, but not
135 limited to, matters concerning finance, personnel, scheduling,
136 curriculum and instruction;

137 (ii) Is governed by an independent governing
138 board;

139 (iii) Is established and operating under the terms
140 of a charter contract between the school's board and its
141 authorizer;

142 (iv) Is a school to which parents choose to send
143 their children;

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

147 (vi) Provides a program of education that includes
148 one or more of the following: any grade or grades from
149 Prekindergarten through 12th Grade;



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

152 (viii) Operates under the oversight of the
153 authorizer in accordance with its charter contract. A public
154 charter school includes a conversion public charter school, or
155 start-up public charter school.

156 (n) A "start-up public charter school" means a public
157 charter school that did not exist as a noncharter public school
158 prior to becoming a public charter school.

159 (o) A "student" means any child who is eligible for
160 attendance in public schools in the state.

161 **SECTION 4. Enrollment.** (1) Open enrollment and lottery
162 requirements.

163 (a) A public charter school shall be open to any
164 student residing in the state.

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

167 (c) A public charter school shall not limit admission
168 based on ethnicity, national origin, religion, gender, income
169 level, disabling condition, proficiency in the English language,
170 or academic or athletic ability, except as provided in Section
171 4(2)(d) of this act.

172 (d) A public charter school may limit admission to
173 students within a given age group or grade level, including
174 prekindergarten students, and may be organized around a special
175 emphasis, theme, or concept as stated in the school's application.

176 (e) The at-risk composition of the charter school
177 enrollment shall reflect that of students in similar grades as
178 determined by the most recent census data for school-aged students
179 for the school district in which the charter school is located, to
180 be defined for the purposes of this act as differing by no more
181 than twenty-five percent (25%) from that population. In the event



182 that the at-risk composition of an applicant's or charter school's
183 enrollment differs from the enrollment of students in similar
184 grades as determined by the most recent census data for
185 school-aged students for the school district in which the charter
186 school is located by more than twenty-five percent (25%), despite
187 its best efforts, the authorizer from which the applicant is
188 seeking sponsorship shall consider the applicant's or the charter
189 school's recruitment efforts and at-risk composition of the
190 applicant pool in determining whether the applicant or charter
191 school is operating in a nondiscriminatory manner. A finding by
192 the authorizer that the applicant is not operating in a
193 discriminatory manner justifies approval of the charter without
194 regard to the at-risk percentage requirement if the application is
195 acceptable in all other aspects. A finding by the authorizer that
196 the applicant or charter school is operating in a discriminatory
197 manner justifies the denial of a charter school application or the
198 revocation of a charter, as may be applicable.

199 (f) A public charter school shall enroll all students
200 who wish to attend the school, unless the number of students
201 exceeds the capacity of a program, class, grade level, or
202 building.

203 (g) If capacity is insufficient to enroll all students
204 who wish to attend the school based on initial application, the
205 public charter school shall select students through a lottery.

206 (2) Enrollment preferences.

207 (a) Any noncharter public school converting partially
208 or entirely to a public charter school shall adopt and maintain a
209 policy giving enrollment preference to students who reside within
210 the former attendance area of that public school. If the charter
211 school has excess capacity after enrolling students residing
212 within the former attendance area of the school, students outside
213 of the former attendance area of the school shall be eligible for
214 enrollment. If the number of these additional students exceeds



215 the capacity of a program, class, grade level, or building, the
216 students will be entered into a lottery.

217 (b) A public charter school shall give enrollment
218 preference to students enrolled in the public charter school the
219 previous school year and to siblings of students already enrolled
220 in the public charter school. An enrollment preference for
221 returning students excludes those students from entering into a
222 lottery.

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

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

236 (3) Credit transferability. If a student who was previously
237 enrolled in a public charter school enrolls in another public
238 school in this state, the student's new school shall accept
239 credits earned by the student in courses or instructional programs
240 at the public charter school in a uniform and consistent manner
241 and according to the same criteria that are used to accept
242 academic credits from other public schools.

243 (4) Information to parents and the general public. A school
244 district shall provide or publicize to parents and the general
245 public information about public charter schools as an enrollment
246 option within the district to the same extent and through the same



247 means that the district provides and publicizes information about
248 noncharter public schools in the district.

249 **SECTION 5. Authorizer.** (1) The Mississippi Public Charter
250 School Authorizer Board created under subsection (2) of this
251 section may authorize public charter schools in any county in the
252 State of Mississippi. In High-Performing or Star school
253 districts, the Mississippi Public Charter School Authorizer Board
254 may authorize public charter schools only if a majority of the
255 members of the local school board votes at a public meeting to
256 endorse the application.

257 (2) The Mississippi Public Charter School Authorizer Board.

258 (a) There is hereby established the Mississippi Public
259 Charter School Authorizer Board (the authorizer) as an independent
260 state agency with statewide chartering jurisdiction as described
261 in subsection (1) of this section.

262 (b) The mission of the Mississippi Public Charter
263 School Authorizer Board shall be to authorize high-quality public
264 charter schools throughout the state, particularly schools
265 designed to expand opportunities for at-risk students, consistent
266 with the purposes of this act.

267 (c) The Mississippi Public Charter School Authorizer
268 Board shall consist of seven (7) members. Two (2) members shall
269 be appointed by the Governor; two (2) members shall be appointed
270 by the Lieutenant Governor; two (2) members shall be appointed by
271 the State Superintendent of Education and one (1) member who shall
272 be appointed by the Commissioner of Higher Education. All
273 appointments shall be made with the advice and consent of the
274 Senate. In making the appointments, the appointing authority
275 shall ensure statewide geographic and racial diversity among
276 Public Charter School Authorizer members.

277 (d) Members appointed to the Mississippi Public Charter
278 School Authorizer Board shall collectively possess strong
279 experience and expertise in public and nonprofit governance,



280 management and finance, public school leadership, assessment, and
281 curriculum and instruction, and public education law. All members
282 of the Mississippi Public Charter School Authorizer Board shall
283 have demonstrated understanding of and commitment to charter
284 schooling as a strategy for strengthening public education.

285 (e) To establish staggered terms of office, the initial
286 term of office for the two (2) Mississippi Public Charter School
287 Authorizer Board members appointed by the Governor shall be four
288 (4) years and thereafter shall be three (3) years; the initial
289 term of office for the two (2) members appointed by the Lieutenant
290 Governor shall be three (3) years and thereafter shall be three
291 (3) years; the initial term of office for the two (2) members
292 appointed by the State Superintendent of Education shall be two
293 (2) years and thereafter shall be three (3) years; and the initial
294 term of office of the member appointed by the Commissioner of
295 Higher Education shall be four (4) years and thereafter shall be
296 three (3) years. No appointed member shall serve more than two
297 (2) consecutive terms. The initial appointments shall be made no
298 later than September 1, 2012.

299 (f) The Authorizer shall meet as soon as practical
300 after September 1, 2012, upon the call of the Governor, and shall
301 organize for business by selecting a chairman and adopting bylaws.
302 Subsequent meetings shall be called by the chairman.

303 (g) A member of the Mississippi Public Charter School
304 Authorizer Board may be removed by the authorizer for any cause
305 that renders the member incapable or unfit to discharge the duties
306 of the office. Whenever a vacancy on the Mississippi Public
307 Charter School Authorizer Board exists, the original appointing
308 authority shall appoint a member for the remaining portion of the
309 term.

310 (h) The Mississippi Public Charter School Authorizer
311 Board is authorized to receive and expend appropriate gifts,
312 grants and donations of any kind from any public or private entity



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

316 (i) The Mississippi Public Charter School Authorizer
317 Board shall appoint an executive director to serve at the
318 discretion of the authorizer with qualifications established by
319 the authorizer based on national best practices. The Mississippi
320 Public Charter School Authorizer Board shall be located for
321 administrative purposes within the offices of the State
322 Institutions of Higher Learning which shall provide meeting space
323 and clerical support for the authorizer, and shall assist the
324 Mississippi Public Charter School Authorizer Board with
325 implementing the authorizer's decisions that relate to charter
326 schools.

327 (3) State Department of Education. The Mississippi
328 Department of Education shall assist the Mississippi Public
329 Charter School Authorizer Board with implementing the authorizer's
330 decisions by providing technical assistance and information
331 relating to the implementation of this act, and shall apply for
332 any federal funds available for the implementation of charter
333 school programs.

334 (4) Authorizer powers, duties and liabilities.

335 (a) The authorizer is responsible for executing, in
336 accordance with this act, the following essential powers and
337 duties:

338 (i) Soliciting and evaluating charter
339 applications;

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

343 (iii) Declining to approve weak or inadequate
344 charter applications;



345 (iv) Negotiating and executing sound charter
346 contracts with each approved public charter school;

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

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

352 (b) The authorizer may delegate its duties to the
353 executive director or to contractors.

354 (c) Regulation by the authorizer shall be limited to
355 these powers and duties, and consistent with the spirit and intent
356 of this act.

357 (d) The authorizer, members of the board of the
358 authorizer in their official capacity, and employees of the
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 (5) Principles and standards for charter authorizing. The
363 authorizer shall be required to develop and maintain chartering
364 policies and practices consistent with nationally recognized
365 principles and standards for quality charter authorizing in all
366 major areas of authorizing responsibility including:
367 organizational capacity and infrastructure; soliciting and
368 evaluating charter applications; performance contracting; ongoing
369 public charter school oversight and evaluation; and charter
370 renewal decision-making. The authorizer shall carry out all its
371 duties under this act in a manner consistent with such nationally
372 recognized principles and standards and with the spirit and intent
373 of this act. Evidence of material or persistent failure to do so
374 shall constitute grounds for losing charter authorizing powers.

375 (6) Authorizer funding.

376 (a) To cover costs for overseeing public charter
377 schools in accordance with this act, the authorizer shall receive



378 three percent (3%) of annual per-pupil allocations received by the
379 public charter school from state and local funds for each public
380 charter school it authorizes. These funds must be used to cover
381 the costs for the authorizer to oversee its public charter
382 schools.

383 (b) The authorizer may expend its resources, seek grant
384 funds, and establish partnerships to support its public charter
385 school authorizing activities.

386 (7) Conflicts of interest. No employee, trustee, agent or
387 representative of the authorizer may simultaneously serve as an
388 employee, trustee, agent, representative, vendor or contractor of
389 a public charter school authorized by that entity.

390 (8) Exclusivity of authorizing functions and rights. No
391 governmental or other entity, other than those expressly granted
392 chartering authority as set forth in this act, may assume any
393 charter authorizing function or duty in any form, unless expressly
394 allowed by law.

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

396 (a) To solicit, encourage and guide the development of
397 quality public charter school applications, the authorizer
398 operating under this act shall issue and broadly publicize a
399 request for proposals by September 1, except in the authorizer's
400 first year of operation in which the authorizer shall issue and
401 broadly publicize a request for proposals by December 1. The
402 content and dissemination of the request for proposals shall be
403 consistent with the purposes and requirements of this act.

404 (b) The authorizer shall annually establish and
405 disseminate a statewide timeline for charter approval or denial
406 decisions.

407 (c) The authorizer's request for proposals shall
408 include a clear statement of any preferences the authorizer wishes
409 to grant to applications that help at-risk students and may
410 include preferences for prekindergarten programs.



411 (d) The request for proposals shall include or
412 otherwise direct applicants to the performance framework that the
413 authorizer has developed for public charter school oversight and
414 evaluation in accordance with Section 7(1) of this act.

415 (e) The request for proposals shall include the
416 criteria that will guide the authorizer's decision to approve or
417 deny a charter application.

418 (f) The request for proposals shall state clear,
419 appropriately detailed questions as well as guidelines concerning
420 the format and content essential for applicants to demonstrate the
421 capacities necessary to establish and operate a successful public
422 charter school.

423 (g) The request for proposals shall require charter
424 applications to provide or describe thoroughly, and each charter
425 application shall provide or describe thoroughly, all of the
426 following essential elements of the proposed school plan:

427 (i) An executive summary;

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

431 (iii) The location or geographic area proposed for
432 the school;

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

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

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

439 (vii) Background information on the proposed
440 founding governing board members and, if identified, the proposed
441 school leadership and management team that includes a record of
442 success in raising student achievement;



443 (viii) The school's proposed calendar and sample
444 daily schedule, which shall be no less than state minimum number
445 of school days set forth in Section 37-13-63;

446 (ix) A description of the academic program aligned
447 with state standards;

448 (x) A description of the school's instructional
449 design, including the type of learning environment (such as
450 classroom-based or independent study), class size and structure,
451 curriculum overview, and teaching methods;

452 (xi) The school's plan for using internal and
453 external assessments to measure and report student progress on the
454 performance framework developed by the authorizer in accordance
455 with Section 7(1) of this act;

456 (xii) The school's plans for identifying and
457 successfully serving students with disabilities (including all of
458 the school's proposed policies pursuant to the individuals with
459 Disabilities Education Improvement Act of 2004, 20 USC Section
460 1400 et seq., Section 504 of the Rehabilitation Act of 1973, 29
461 USC Section 794, and Title 11 of the Americans with Disabilities
462 Act, 42 USC Section 12101 et seq., and the school's procedures for
463 securing and providing evaluations and related services pursuant
464 to federal law), students who are English language learners,
465 students who are academically behind, and gifted students,
466 including, but not limited to, compliance with applicable laws and
467 regulations;

468 (xiii) A description of co-curricular or
469 extracurricular programs and how they will be funded and
470 delivered;

471 (xiv) Plans and timelines for student recruitment
472 and enrollment, including lottery policies and procedures that
473 ensure that every student has an equal opportunity to be
474 considered in the lottery and that ensure the lottery is
475 equitable, randomized, transparent and impartial such that



476 students are assigned to charter schools without regard to
477 disability, income level, race, religion or national origin;

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

480 (xvi) An organization chart that clearly presents
481 the school's organizational structure, including lines of
482 authority and reporting between the governing board, staff, any
483 related bodies (such as advisory bodies or parent and teacher
484 councils), and any external organizations that will play a role in
485 managing the school;

486 (xvii) A clear description of the roles and
487 responsibilities for the governing board, the school's leadership
488 and management team, and any other entities shown in the
489 organization chart;

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

492 (xix) Plans for recruiting and developing school
493 leadership and staff;

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

496 (xxi) Proposed governing bylaws;

497 (xxii) Explanations of any partnerships or
498 contractual relationships central to the school's operations or
499 mission;

500 (xxiii) The school's plans for providing
501 transportation, food service, and all other significant
502 operational or ancillary services;

503 (xxiv) Opportunities and expectations for parent
504 involvement;

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

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



509 (xxvii) A description of the insurance coverage
510 the school will obtain;

511 (xxviii) Start-up and five-year budgets with
512 clearly stated assumptions;

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

515 (xxx) Evidence of anticipated fundraising
516 contributions, if claimed in the application; and

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

519 (h) In the case of an application to establish a public
520 charter school by converting an existing noncharter public school
521 to public charter school status, the request for proposals shall
522 additionally require the applicants to demonstrate support for the
523 proposed public charter school conversion by a petition signed by
524 a majority of teachers or a petition signed by a majority of
525 parents of students in the existing noncharter public school, or
526 by a majority vote of the local school board or, in the case of
527 schools in districts under state conservatorship, by the State
528 Board of Education.

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

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

539 (ii) Provide a term sheet setting forth the
540 proposed duration of the service contract; roles and
541 responsibilities of the governing board, the school staff, and the



542 service provider; scope of services and resources to be provided
543 by the service provider; performance evaluation measures and
544 timelines; compensation structure, including clear identification
545 of all fees to be paid to the service provider; methods of
546 contract oversight and enforcement; investment disclosure; and
547 conditions for renewal and termination of the contract; and

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

551 (j) In the case of a public charter school proposal
552 from an applicant that currently operates one or more schools in
553 any state or nation, the request for proposals shall additionally
554 require the applicant to provide evidence of past performance and
555 current capacity for growth. The applicant shall be required to
556 submit clear evidence that it has produced statistically
557 significant gains in student achievement or consistently produced
558 proficiency levels as measured on state achievement tests;

559 (k) The request for proposals shall require each
560 charter school applicant to provide evidence that the applicant
561 sent a copy of its completed charter school application to the
562 local school board in the district in which the charter school is
563 proposed.

564 (2) Application decision-making process.

565 (a) In reviewing and evaluating charter applications,
566 the authorizer shall employ procedures, practices and criteria
567 consistent with nationally recognized principles and standards for
568 quality charter authorizing. The application review process shall
569 include thorough evaluation of each written charter application,
570 an in-person interview with the applicant group, and an
571 opportunity in a public forum for local residents to learn about
572 and provide input on each application.

573 (b) In deciding whether to approve charter
574 applications, authorizers shall:



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

579 (ii) Base decisions on documented evidence
580 collected through the application review process;

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

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

589 (d) An approval decision may include, if appropriate,
590 reasonable conditions that the charter applicant must meet before
591 a charter contract may be executed pursuant to Section 6(6) of
592 this act.

593 (e) For any charter denial, the authorizer shall
594 clearly state, for public record, its reasons for denial. A
595 denied applicant may subsequently reapply to the authorizer.

596 (f) Within ten (10) days of taking action to approve or
597 deny a charter application, the authorizer shall provide a report
598 to the charter applicant. The report shall include a copy of the
599 authorizer's resolution setting forth the action taken and reasons
600 for the decision and assurances as to compliance with all of the
601 procedural requirements and application elements set forth in
602 Section 6 of this act.

603 (3) Purposes and limitations of charter applications. The
604 purposes of the charter application are to present the proposed
605 public charter school's academic and operational vision and plans,
606 demonstrate the applicant's capacities to execute the proposed
607 vision and plans, and provide the authorizer a clear basis for



608 assessing the applicant's plans and capacities. An approved
609 charter application shall not serve as the school's charter
610 contract.

611 (4) Initial charter term. An initial charter shall be
612 granted for a term of five (5) operating years. The charter term
613 shall commence on the public charter school's first day of
614 operation. An approved public charter school may delay its
615 opening for one (1) school year in order to plan and prepare for
616 the school's opening. If the school requires an opening delay of
617 more than one (1) school year, the school must request an
618 extension from its authorizer. The authorizer may grant or deny
619 the extension depending on the particular school's circumstances.

620 (5) Charter contracts.

621 (a) At the same time that a charter application is
622 approved, the authorizer and the governing board of the approved
623 public charter school shall execute a charter contract that
624 clearly sets forth the academic and operational performance
625 expectations and measures by which the public charter school will
626 be judged and the administrative relationship between the
627 authorizer and public charter school, including each party's
628 rights and duties. The performance expectations and measures set
629 forth in the charter contract shall include, but need not be
630 limited to, applicable federal and state accountability
631 requirements. The performance provisions may be refined or
632 amended by mutual agreement after the public charter school is
633 operating and has collected baseline achievement data for its
634 enrolled students.

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

638 (c) No public charter school may commence operations
639 without a charter contract executed in accordance with this



640 provision and approved in an open meeting of the authorizer's
641 governing board.

642 (6) Pre-Opening requirements or conditions.

643 (a) The authorizer may establish reasonable pre-opening
644 requirements or conditions to monitor the start -up progress of
645 newly approved public charter schools and ensure that they are
646 prepared to open smoothly on the date agreed, and to ensure that
647 each school meets all building, health, safety, insurance and
648 other legal requirements for school opening.

649 **SECTION 7. Accountability.** (1) Performance framework.

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

656 (i) Student academic proficiency;

657 (ii) Student academic growth;

658 (iii) Achievement gaps in both proficiency and
659 growth between major student subgroups;

660 (iv) Attendance;

661 (v) Recurrent enrollment from year to year;

662 (vi) In-school and out-of-school suspension rates
663 and expulsion rates;

664 (vii) Postsecondary readiness (for high schools),
665 including the percentage of graduates submitting applications to
666 postsecondary institutions, high school completion, postsecondary
667 admission, and postsecondary enrollment or employment;

668 (viii) Financial performance and sustainability;

669 and

670 (ix) Board performance and stewardship, including
671 compliance with all applicable laws, regulations and terms of the
672 charter contract.



673 (b) Annual performance targets shall be set by each
674 public charter school in conjunction with its authorizer, and
675 shall be designed to help each school meet applicable federal,
676 state, and authorizer expectations.

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

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

687 (e) For each public charter school it oversees, the
688 authorizer shall be responsible for collecting, analyzing and
689 reporting all data from state assessments in accordance with the
690 performance framework. Multiple schools overseen by a single
691 governing board shall be required to report their performance as
692 separate, individual schools, and each school shall be held
693 independently accountable for its performance.

694 (2) Oversight and corrective actions.

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



706 (b) The authorizer shall annually publish and provide,
707 as part of its annual report to the Legislature, a performance
708 report for each public charter school it oversees, in accordance
709 with the performance framework set forth in the charter contract.
710 This report shall be made available to the public at the same time
711 as it is submitted to the Legislature. The authorizer may require
712 each public charter school it oversees to submit an annual report
713 to assist the authorizer in gathering complete information about
714 each school, consistent with the performance framework.

715 (c) In the event that a public charter school's
716 performance or legal compliance is unsatisfactory, the authorizer
717 shall promptly notify the public charter school of the problem and
718 provide reasonable opportunity for the school to remedy the
719 problem, unless the problem warrants revocation in which case the
720 revocation timeframes will apply.

721 (d) The authorizer shall have the authority to take
722 appropriate corrective actions or exercise sanctions short of
723 revocation in response to apparent deficiencies in public charter
724 school performance or legal compliance. Such actions or sanctions
725 may include, if warranted, requiring a school to develop and
726 execute a corrective action plan within a specified timeframe.

727 (3) Renewals, revocations and nonrenewals.

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

734 (b) No later than September 30, the authorizer shall
735 issue a public charter school performance report and charter
736 renewal application guidance to any public charter school whose
737 charter will expire the following year. The performance report
738 shall summarize the public charter school's performance record to



739 date, based on the data required by this act and the charter
740 contract, and shall provide notice of any weaknesses or concerns
741 perceived by the authorizer concerning the public charter school
742 that may jeopardize its position in seeking renewal if not timely
743 rectified. The public charter school shall have ninety (90) days
744 to respond to the performance report and submit any corrections or
745 clarifications for the report.

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

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

751 (ii) Describe improvements undertaken or planned
752 for the school; and

753 (iii) Detail the school's plans for the next
754 charter term.

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

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

766 (f) In making charter renewal decisions, every
767 authorizer shall:

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



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

774 (iii) Provide a public report summarizing the
775 evidence basis for each decision.

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

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

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

786 (iii) Fails to meet generally accepted standards
787 of fiscal management; or

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

790 (h) The authorizer shall develop revocation and
791 nonrenewal processes that:

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

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

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

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

803 (v) Permit the recording of such proceedings; and



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

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

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

816 (4) School closure and dissolution.

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

829 (b) If a charter school closes, all unspent government
830 funds, unspent earnings from those funds and assets purchased with
831 government funds will revert to the Mississippi Charter School
832 Authorizer which shall determine the appropriate disbursement of the
833 unspent government funds to the State Treasury or the local taxing
834 authority, as is appropriate. Unspent funds from nongovernmental
835 sources, unspent earnings from those funds, assets purchased with
836 those funds and debts of the school (unless otherwise provided for



837 in the charter or debt instrument) shall revert to the nonprofit
838 entity created to operate the school and may be disposed of
839 according to applicable laws for nonprofit corporations.

840 (5) Annual report. On or before September 30 of each year
841 beginning in the first year after the state will have had public
842 charter schools operating for a full school year, the Mississippi
843 Public Schools Charter Authorizer Board shall issue to the
844 Governor, the Legislature, the State Board of Education and the
845 public at large, an annual report on the state's public charter
846 schools, for the school year ending in the preceding calendar
847 year. The annual report shall include a comparison of the
848 performance of public charter school students with the performance
849 of academically, ethnically and economically comparable groups of
850 students in public schools in the resident school district. In
851 addition, the annual report shall include the authorizer's
852 assessment of the successes, challenges and areas for improvement
853 in meeting the purposes of this act, including a report by the
854 Joint Legislative Committee on Performance Evaluation and
855 Expenditure Review Committee (PEER) on an assessment of the
856 sufficiency of funding for public charter schools, the efficacy of
857 the state formula for authorizer funding, and any suggested
858 changes in state law or policy necessary to strengthen the state's
859 public charter schools. The report shall also assess whether the
860 creation of public charter schools is sufficient to meet demand,
861 as calculated according to admissions data and the number of
862 students denied enrollment as based on lottery results.

863 **SECTION 8. Operations and autonomy.** (1) Legal status of
864 public charter school.

865 (a) Notwithstanding any provision of law to the
866 contrary, to the extent that any provision of this act is
867 inconsistent with any other state or local law, rule or
868 regulation, the provisions of this act shall govern and be
869 controlling.



870 (b) A public charter school shall be a nonprofit
871 education organization.

872 (c) A public charter school shall be subject to all
873 federal laws and authorities enumerated herein or arranged by
874 charter contract with the school's authorizer, where such
875 contracting is consistent with applicable laws, rules and
876 regulations.

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

884 (e) A charter contract may consist of one or more
885 schools, to the extent approved by the authorizer and consistent
886 with applicable law. Each public charter school that is part of a
887 charter contract shall be separate and distinct from any others.

888 (f) A single governing board may hold one or more
889 charter contracts. Each public charter school that is part of a
890 charter contract shall be separate and distinct from any others.

891 (2) Local educational agency status.

892 (a) The public charter school functions for all
893 purposes as a local educational agency. Local educational agency
894 status does not preclude a public charter school from developing
895 links to local school districts for services, resources and
896 programs, by mutual agreement or by formal contract;

897 (b) Consistent with federal, state or local laws, the
898 public charter school is responsible for meeting the requirements
899 of local educational agencies under applicable federal, state and
900 local laws, including those relating to special education, receipt
901 of funds and compliance with funding requirements; and



902 (c) Consistent with federal, state or local laws, the
903 public charter school has primary responsibility for special
904 education at the school, including identification and provision of
905 service, and is responsible for meeting the needs of enrolled
906 students with disabilities.

907 (3) Powers of public charter school. A public charter
908 school shall have all the powers necessary for carrying out the
909 terms of its charter contract including the following powers:

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

911 (b) To secure appropriate insurance and to enter into
912 contracts and leases;

913 (c) To contract with an education service provider for
914 the management and operation of the public charter school so long
915 as the school's governing board retains oversight authority over
916 the school;

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

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

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

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

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

927 (4) General requirements.

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

932 (b) No public charter school may engage in any
933 sectarian practices in its educational program, admissions or
934 employment policies, or operations.



935 (c) A public charter school shall not discriminate
936 against any student on the basis of national origin, minority
937 status, or limited proficiency in English. Consistent with
938 federal civil rights laws, public charter schools shall provide
939 limited English proficient students with appropriate services
940 designed to teach them English and the general curriculum.

941 (d) A public charter school shall not charge tuition
942 and shall abide by Section 37-7-335 of state law in the
943 establishment and waiver of fees.

944 (e) The terms of each public charter school shall
945 include a transportation plan for students that will be attending
946 the charter school. Charter schools shall comply with
947 transportation regulations application to all other school
948 districts under Section 37-41-3. The transportation must be
949 provided by the public charter school within the district in which
950 the public charter school is located.

951 (f) The powers, obligations and responsibilities set
952 forth in the charter contract cannot be delegated or assigned by
953 either party.

954 (5) Applicability of other laws, rules and regulations.

955 (a) Public charter schools shall be subject to the same
956 civil rights, health and safety requirements applicable to other
957 public schools in the state, except as otherwise specifically
958 provided in this act.

959 (b) Public charter schools shall be subject to the
960 student assessment and accountability requirements applicable to
961 other public schools in the state, but nothing herein shall
962 preclude a public charter school from establishing additional
963 student assessment measures that go beyond state requirements if
964 the school's authorizer approves such measures.

965 (c) Public charter school governing boards shall be
966 subject to and comply with state open meetings and public records
967 laws.



968 (6) Public charter school employees.

969 (a) Public charter schools shall comply with applicable
970 federal laws, rules, and regulations regarding the qualification
971 of teachers and other instructional staff. Fifty percent (50%) of
972 teachers in a public charter school may be exempt from state
973 teacher certification requirements. Administrators of public
974 charter schools are exempt from state administrator certification
975 requirements. However, teachers and administrators shall have a
976 bachelor's degree as a minimum requirement.

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

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

986 (d) Teachers and other school personnel, as well as
987 governing board trustees, shall be subject to criminal history
988 record checks and fingerprinting requirements applicable to other
989 public schools.

990 (e) Teachers and administrators shall be subject to
991 disqualification or termination for sexual misconduct as is
992 applicable to other public schools under Section 37-3-2(g) (h) and
993 (i).

994 (7) Access to interscholastic activities. A public charter
995 school shall be eligible for state-sponsored or district-sponsored
996 interscholastic leagues, competitions, awards, scholarships and
997 recognition programs for students, educators, administrators and
998 schools to the same extent as noncharter public schools.

999 **SECTION 9. Funding.** (1) Enrollment.



1000 (a) Each public charter school shall annually certify
1001 to the State Department of Education its student enrollment,
1002 average daily attendance and student participation in the national
1003 school lunch program, special education, vocational education,
1004 gifted education, alternative school program and federal programs,
1005 in the same manner as school districts.

1006 (b) Each public charter school shall annually certify
1007 to the tax collector in the county in which the charter school is
1008 located the number of enrolled public charter school students
1009 residing in each school district in the county. In the event a
1010 student enrolled in a public charter school resides in an
1011 adjoining county, the public charter school shall certify this
1012 enrollment to the tax collector of the county where the student
1013 resides.

1014 (c) By October 15 of each year, the State Department of
1015 Education shall send each tax collector of any county in which is
1016 located a public charter school the current amount of ad valorem
1017 millage for operations in dollars per pupil which is levied for
1018 the support of each school district located in every county in the
1019 state based upon the certified budget request in dollars for the
1020 first month of enrollment. The ad valorem millage for operations
1021 in dollars to be reported shall include all levies for the support
1022 of the school district under Sections 37-57-1 (local contribution
1023 to the adequate education program) and 37-57-105 (school district
1024 operational levy), plus an estimated amount each district
1025 anticipates to receive for in lieu payments, and shall not include
1026 any taxes levied for the retirement of school district bonded
1027 indebtedness or short-term notes or any taxes levied for the
1028 support of vocational-technical education programs.

1029 (2) Operational funding.

1030 (a) The State Department of Education shall make
1031 payments to public charter schools for each student in average
1032 daily attendance at the public charter school equal to the state



1033 share of the adequate education program payments for each student
1034 in average daily attendance at the public school district in which
1035 the public charter school is located. In calculating the local
1036 contribution for purposes of determining the state share of the
1037 adequate education program payments, the department shall deduct
1038 the pro rata local contribution of the school district in which
1039 the student resides, to be determined as provided in Section
1040 37-151-7(2) (a) .

1041 (b) The tax collector in the county in which the public
1042 charter school is located shall pay directly to the public charter
1043 school an amount for each student enrolled in the public charter
1044 school equal to the ad valorem taxes levied and in lieu payments
1045 per pupil for the support of the school district in which the
1046 student resides, and the tax collector shall withhold an equal
1047 amount from the local school district in which the public charter
1048 school student resides. The pro rata ad valorem taxes and in lieu
1049 payments to be transferred to the public charter school shall
1050 include all levies for the support of the school district under
1051 Sections 37-57-1 (local contribution to the adequate education
1052 program) and 37-57-105 (school district operational levy) and
1053 shall not include any taxes levied for the retirement of school
1054 district bonded indebtedness or short-term notes or any taxes
1055 levied for the support of vocational-technical education programs.
1056 In the event a student attending the public charter school resides
1057 in an adjoining county, it shall be the responsibility of the tax
1058 collector of the county of the student's residence to make local
1059 ad valorem payments under this section to the public charter
1060 school, but in no event shall such payment exceed the pro rata
1061 amount of the local ad valorem payment for the local contribution
1062 to the adequate education program under Section 37-57-1 for the
1063 school district in which the student resides. Payments made
1064 pursuant to this section by the tax collector to the charter
1065 schools shall be made at the same time and manner as funds are



1066 distributed to the school districts in the county on a per pupil
1067 basis. It shall be the duty of the tax collector to verify that
1068 payments of local school district ad valorem and in lieu receipts
1069 made to public charter schools and withheld from local school
1070 districts are based on the number of students actually attending
1071 the public charter school. If the tax collector collects ad
1072 valorem receipts for multiple school districts, the tax collecting
1073 entity will ensure that the deductions from each local school
1074 district's ad valorem and in lieu receipts that are diverted to
1075 the charter school are based on the number of students attending
1076 the charter school that reside in each local school district.

1077 (3) Payment schedule. Payments made pursuant to this
1078 section by the State Department of Education shall be made in
1079 twelve (12) substantially equal installments each year at the same
1080 time and in the same manner as adequate education program payments
1081 are made to public school districts. Amounts payable under this
1082 section shall be determined by the State Department of Education.
1083 Amounts payable to a public charter school in its first year of
1084 operation shall be based on the projections of initial-year
1085 enrollment and federal school level funding set forth in the
1086 charter contracts. Such projections shall be reconciled with the
1087 average daily attendance at the end of the school's first year of
1088 operation, and any necessary adjustments shall be made to payments
1089 during the school's second year of operation.

1090 (4) Categorical funding.

1091 (a) The state shall direct the proportionate share of
1092 monies generated under federal and state categorical aid programs,
1093 including special education, vocational, gifted and alternative
1094 school programs, to public charter schools serving students
1095 eligible for such aid. The state shall ensure that public charter
1096 schools with rapidly expanding enrollments are treated equitably
1097 in the calculation and disbursement of all federal and state
1098 categorical aid program dollars. Each public charter school that



1099 serves students who may be eligible to receive services provided
1100 through such programs shall comply with all reporting requirements
1101 to receive the aid.

1102 (b) A public charter school shall pay to a local school
1103 district any federal or state aid attributable to a student with a
1104 disability attending a public charter school in proportion to the
1105 level of services for such student that the local school district
1106 provides directly or indirectly.

1107 (c) At either party's request, a public charter school
1108 and a local school district may negotiate and include in the
1109 charter contract alternate arrangements for the provision of and
1110 payment for special education services, including, but not
1111 necessarily limited to, a reasonable reserve not to exceed five
1112 percent (5%) of the local school district's total budget for
1113 providing special education services. The reserve shall only be
1114 used by the local school district to offset excess costs of
1115 providing services to students with disabilities enrolled in one
1116 (1) of the public charter schools that has paid into it.

1117 (5) Generally accepted accounting principles independent
1118 audit.

1119 (a) A public charter school shall adhere to generally
1120 accepted accounting principles.

1121 (b) A public charter school shall annually engage an
1122 external auditor to do an independent audit of the school's
1123 finances. A public charter school shall file a copy of each audit
1124 report and accompanying management letter to the authorizer by
1125 July 30.

1126 (6) Transportation funding.

1127 (a) The State Department of Education shall disburse
1128 state transportation funding to a public charter school on the
1129 same basis and in the same manner as it is paid to school
1130 districts under the adequate education program.



1131 (b) A public charter school may enter into a contract
1132 with a school district or private provider to provide
1133 transportation to the school's students.

1134 (7) Budget reserves. Any monies received by a public
1135 charter school from any source and remaining in the public charter
1136 school's accounts at the end of any budget year shall remain in
1137 the public charter school's accounts for use by the public charter
1138 school during subsequent budget years.

1139 (8) Ability to accept gifts, donations and grants. Nothing
1140 in this act shall be construed to prohibit any person or
1141 organization from providing funding or other assistance to the
1142 establishment or operation of a public charter school. The
1143 governing board of a public charter school is authorized to accept
1144 gifts, donations and grants of any kind made to the public charter
1145 school and to expend or use such gifts, donations and grants in
1146 accordance with the conditions prescribed by the donor; provided,
1147 however, that no gift, donation or grant may be accepted if
1148 subject to a condition that is contrary to any provision of law or
1149 term of the charter contract.

1150 (9) This act expressly prohibits the payment of state funds
1151 to virtual public charter schools and/or their management
1152 organizations.

1153 **SECTION 10. Facilities.** (1) Access to district facilities
1154 and land. A public charter school shall have a right of first
1155 refusal to purchase or lease at or below fair market value a
1156 closed public school facility or property or unused portions of a
1157 public school facility or property located in a school district
1158 from which it draws its students if the school district decides to
1159 sell or lease the public school facility or property.

1160 (2) Contracting for use of facilities. A public charter
1161 school may negotiate and contract at or below fair market value
1162 with a school district, the governing body of a state college or
1163 university or public community college, or any other public or



1164 for-profit or nonprofit private entity for the use of facility for
1165 a school building.

1166 (3) Use of other facilities under preexisting zoning and
1167 land use designations. Library, community service, museum,
1168 performing arts, theatre, cinema, church, community college,
1169 college and university facilities may provide space to public
1170 charter schools within their facilities under their preexisting
1171 zoning and land use designations.

1172 **SECTION 11.** Section 37-151-7, Mississippi Code of 1972, is
1173 amended as follows:

1174 37-151-7. The annual allocation to each school district for
1175 the operation of the adequate education program shall be
1176 determined as follows:

1177 (1) **Computation of the basic amount to be included for**
1178 **current operation in the adequate education program.** The
1179 following procedure shall be followed in determining the annual
1180 allocation to each school district:

1181 (a) **Determination of average daily attendance.**
1182 Effective with fiscal year 2011, the State Department of Education
1183 shall determine the percentage change from the prior year of each
1184 year of each school district's average of months two (2) and three
1185 (3) average daily attendance (ADA) for the three (3) immediately
1186 preceding school years of the year for which funds are being
1187 appropriated. For any school district that experiences a positive
1188 growth in the average of months two (2) and three (3) ADA each
1189 year of the three (3) years, the average percentage growth over
1190 the three-year period shall be multiplied times the school
1191 district's average of months two (2) and three (3) ADA for the
1192 year immediately preceding the year for which MAEP funds are being
1193 appropriated. The resulting amount shall be added to the school
1194 district's average of months two (2) and three (3) ADA for the
1195 year immediately preceding the year for which MAEP funds are being
1196 appropriated to arrive at the ADA to be used in determining a



1197 school district's MAEP allocation. Otherwise, months two (2) and
1198 three (3) ADA for the year immediately preceding the year for
1199 which MAEP funds are being appropriated will be used in
1200 determining a school district's MAEP allocation. In any fiscal
1201 year prior to 2010 in which the MAEP formula is not fully funded,
1202 for those districts that do not demonstrate a three-year positive
1203 growth in months two (2) and three (3) ADA, months one (1) through
1204 nine (9) ADA of the second preceding year for which funds are
1205 being appropriated or months two (2) and three (3) ADA of the
1206 preceding year for which funds are being appropriated, whichever
1207 is greater, shall be used to calculate the district's MAEP
1208 allocation. The district's average daily attendance shall be
1209 computed and currently maintained in accordance with regulations
1210 promulgated by the State Board of Education.

1211 (b) **Determination of base student cost.** Effective with
1212 fiscal year 2011 and every fourth fiscal year thereafter, the
1213 State Board of Education, on or before August 1, with adjusted
1214 estimate no later than January 2, shall submit to the Legislative
1215 Budget Office and the Governor a proposed base student cost
1216 adequate to provide the following cost components of educating a
1217 pupil in a successful school district: (i) Instructional Cost;
1218 (ii) Administrative Cost; (iii) Operation and Maintenance of
1219 Plant; and (iv) Ancillary Support Cost. For purposes of these
1220 calculations, the Department of Education shall utilize financial
1221 data from the second preceding year of the year for which funds
1222 are being appropriated.

1223 For the instructional cost component, the Department of
1224 Education shall select districts that have been identified as
1225 instructionally successful and have a ratio of a number of
1226 teachers per one thousand (1,000) students that is between one (1)
1227 standard deviation above the mean and two (2) standard deviations
1228 below the mean of the statewide average of teachers per one
1229 thousand (1,000) students. The instructional cost component shall



1230 be calculated by dividing the latest available months one (1)
1231 through nine (9) ADA into the instructional expenditures of these
1232 selected districts. For the purpose of this calculation, the
1233 Department of Education shall use the following funds, functions
1234 and objects:

1235 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
1236 1210, 1220, 2150-2159 Objects 210 and 215;
1237 Fund 1130 All Functions, Object Code 210 and 215;
1238 Fund 2001 Functions 1110-1199 Objects 100-999;
1239 Fund 2070 Functions 1110-1199 Objects 100-999;
1240 Fund 2420 Functions 1110-1199 Objects 100-999;
1241 Fund 2711 All Functions, Object Code 210 and 215.

1242 Prior to the calculation of the instructional cost component,
1243 there shall be subtracted from the above expenditures any revenue
1244 received for Chickasaw Cession payments, Master Teacher
1245 Certification payments and the district's portion of state revenue
1246 received from the MAEP at-risk allocation.

1247 For the administrative cost component, the Department of
1248 Education shall select districts that have been identified as
1249 instructionally successful and have a ratio of an administrative
1250 staff to nonadministrative staff between one (1) standard
1251 deviation above the mean and two (2) standard deviations below the
1252 mean of the statewide average administrative staff to
1253 nonadministrative staff. The administrative cost component shall
1254 be calculated by dividing the latest available months one (1)
1255 through nine (9) ADA of the selected districts into the
1256 administrative expenditures of these selected districts. For the
1257 purpose of this calculation, the Department of Education shall use
1258 the following funds, functions and objects:

1259 Fund 1120 Functions 2300-2599, Functions 2800-2899,
1260 Objects 100-999;
1261 Fund 2711 Functions 2300-2599, Functions 2800-2899,
1262 Objects 100-999.



1263 For the plant and maintenance cost component, the Department
1264 of Education shall select districts that have been identified as
1265 instructionally successful and have a ratio of plant and
1266 maintenance expenditures per one hundred thousand (100,000) square
1267 feet of building space and a ratio of maintenance workers per one
1268 hundred thousand (100,000) square feet of building space that are
1269 both between one (1) standard deviation above the mean and two (2)
1270 standard deviations below the mean of the statewide average. The
1271 plant and maintenance cost component shall be calculated by
1272 dividing the latest available months one (1) through nine (9) ADA
1273 of the selected districts into the plant and maintenance
1274 expenditures of these selected districts. For the purpose of this
1275 calculation, the Department of Education shall use the following
1276 funds, functions and objects:

1277 Fund 1120 Functions 2600-2699, Objects 100-699
1278 and Objects 800-999;

1279 Fund 2711 Functions 2600-2699, Objects 100-699
1280 and Objects 800-999;

1281 Fund 2430 Functions 2600-2699, Objects 100-699
1282 and Objects 800-999.

1283 For the ancillary support cost component, the Department of
1284 Education shall select districts that have been identified as
1285 instructionally successful and have a ratio of a number of
1286 librarians, media specialists, guidance counselors and
1287 psychologists per one thousand (1,000) students that is between
1288 one (1) standard deviation above the mean and two (2) standard
1289 deviations below the mean of the statewide average of librarians,
1290 media specialists, guidance counselors and psychologists per one
1291 thousand (1,000) students. The ancillary cost component shall be
1292 calculated by dividing the latest available months one (1) through
1293 nine (9) ADA into the ancillary expenditures instructional
1294 expenditures of these selected districts. For the purpose of this



1295 calculation, the Department of Education shall use the following
1296 funds, functions and objects:

1297 Fund 1120 Functions 2110-2129, Objects 100-999;

1298 Fund 1120 Functions 2140-2149, Objects 100-999;

1299 Fund 1120 Functions 2220-2229, Objects 100-999;

1300 Fund 2001 Functions 2100-2129, Objects 100-999;

1301 Fund 2001 Functions 2140-2149, Objects 100-999;

1302 Fund 2001 Functions 2220-2229, Objects 100-999.

1303 The total base cost for each year shall be the sum of the
1304 instructional cost component, administrative cost component, plant
1305 and maintenance cost component and ancillary support cost
1306 component, and any estimated adjustments for additional state
1307 requirements as determined by the State Board of Education.

1308 Provided, however, that the base student cost in fiscal year 1998
1309 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

1310 For each of the fiscal years between the recalculation of the
1311 base student cost under the provisions of this paragraph (b), the
1312 base student cost shall be increased by an amount equal to forty
1313 percent (40%) of the base student cost for the previous fiscal
1314 year, multiplied by the latest annual rate of inflation for the
1315 State of Mississippi as determined by the State Economist, plus
1316 any adjustments for additional state requirements such as, but not
1317 limited to, teacher pay raises and health insurance premium
1318 increases.

1319 (c) **Determination of the basic adequate education**

1320 **program cost.** The basic amount for current operation to be
1321 included in the Mississippi Adequate Education Program for each
1322 school district shall be computed as follows:

1323 Multiply the average daily attendance of the district by the
1324 base student cost as established by the Legislature, which yields
1325 the total base program cost for each school district.

1326 (d) **Adjustment to the base student cost for at-risk**

1327 **pupils.** The amount to be included for at-risk pupil programs for



1328 each school district shall be computed as follows: Multiply the
1329 base student cost for the appropriate fiscal year as determined
1330 under paragraph (b) by five percent (5%), and multiply that
1331 product by the number of pupils participating in the federal free
1332 school lunch program in such school district, which yields the
1333 total adjustment for at-risk pupil programs for such school
1334 district.

1335 (e) **Add-on program cost.** The amount to be allocated to
1336 school districts in addition to the adequate education program
1337 cost for add-on programs for each school district shall be
1338 computed as follows:

1339 (i) Transportation cost shall be the amount
1340 allocated to such school district for the operational support of
1341 the district transportation system from state funds.

1342 (ii) Vocational or technical education program
1343 cost shall be the amount allocated to such school district from
1344 state funds for the operational support of such programs.

1345 (iii) Special education program cost shall be the
1346 amount allocated to such school district from state funds for the
1347 operational support of such programs.

1348 (iv) Gifted education program cost shall be the
1349 amount allocated to such school district from state funds for the
1350 operational support of such programs.

1351 (v) Alternative school program cost shall be the
1352 amount allocated to such school district from state funds for the
1353 operational support of such programs.

1354 (vi) Extended school year programs shall be the
1355 amount allocated to school districts for those programs authorized
1356 by law which extend beyond the normal school year.

1357 (vii) University-based programs shall be the
1358 amount allocated to school districts for those university-based
1359 programs for handicapped children as defined and provided for in
1360 Section 37-23-131 et seq., Mississippi Code of 1972.



1361 (viii) Bus driver training programs shall be the
1362 amount provided for those driver training programs as provided for
1363 in Section 37-41-1, Mississippi Code of 1972.

1364 The sum of the items listed above (i) transportation, (ii)
1365 vocational or technical education, (iii) special education, (iv)
1366 gifted education, (v) alternative school, (vi) extended school
1367 year, (vii) university-based, and (viii) bus driver training shall
1368 yield the add-on cost for each school district.

1369 (f) **Total projected adequate education program cost.**
1370 The total Mississippi Adequate Education Program cost shall be the
1371 sum of the total basic adequate education program cost (paragraph
1372 (c)), and the adjustment to the base student cost for at-risk
1373 pupils (paragraph (d)) for each school district. In any year in
1374 which the MAEP is not fully funded, the Legislature shall direct
1375 the Department of Education in the K-12 appropriation bill as to
1376 how to allocate MAEP funds to school districts for that year.

1377 (g) The State Auditor shall annually verify the State
1378 Board of Education's estimated calculations for the Mississippi
1379 Adequate Education Program that are submitted each year to the
1380 Legislative Budget Office on August 1 and the final calculation
1381 that is submitted on January 2.

1382 (2) **Computation of the required local revenue in support of**
1383 **the adequate education program.** The amount that each district
1384 shall provide toward the cost of the adequate education program
1385 shall be calculated as follows:

1386 (a) The State Department of Education shall certify to
1387 each school district that twenty-eight (28) mills, less the
1388 estimated amount of the yield of the School Ad Valorem Tax
1389 Reduction Fund grants as determined by the State Department of
1390 Education, is the millage rate required to provide the district
1391 required local effort for that year, or twenty-seven percent (27%)
1392 of the basic adequate education program cost for such school
1393 district as determined under paragraph (c), whichever is a lesser



1394 amount. In the case of an agricultural high school, the millage
1395 requirement shall be set at a level which generates an equitable
1396 amount per pupil to be determined by the State Board of Education.
1397 Local contribution amount for school districts in which public
1398 charter school students reside will be calculated using the
1399 following methodology: using the adequate education program
1400 twenty-eight (28) mill value, or the twenty-seven percent (27%)
1401 cap amount (whichever is less) for each public school district
1402 with a student attending the charter school, an average per pupil
1403 amount will be calculated. This average per pupil amount will be
1404 multiplied times the number of students attending the charter
1405 school from the resident district. The sum becomes the charter
1406 school's local contribution to the adequate education program.

1407 (b) The State Department of Education shall determine
1408 (i) the total assessed valuation of nonexempt property for school
1409 purposes in each school district; (ii) assessed value of exempt
1410 property owned by homeowners aged sixty-five (65) or older or
1411 disabled as defined in Section 27-33-67(2), Mississippi Code of
1412 1972; (iii) the school district's tax loss from exemptions
1413 provided to applicants under the age of sixty-five (65) and not
1414 disabled as defined in Section 27-33-67(1), Mississippi Code of
1415 1972; and (iv) the school district's homestead reimbursement
1416 revenues.

1417 (c) The amount of the total adequate education program
1418 funding which shall be contributed by each school district shall
1419 be the sum of the ad valorem receipts generated by the millage
1420 required under this subsection plus the following local revenue
1421 sources for the appropriate fiscal year which are or may be
1422 available for current expenditure by the school district:

1423 One hundred percent (100%) of Grand Gulf income as prescribed
1424 in Section 27-35-309.

1425 One hundred percent (100%) of any fees in lieu of taxes as
1426 prescribed in Section 27-31-104.



1427 (3) **Computation of the required state effort in support of**
1428 **the adequate education program.**

1429 (a) The required state effort in support of the
1430 adequate education program shall be determined by subtracting the
1431 sum of the required local tax effort as set forth in subsection
1432 (2) (a) of this section and the other local revenue sources as set
1433 forth in subsection (2) (c) of this section in an amount not to
1434 exceed twenty-seven percent (27%) of the total projected adequate
1435 education program cost as set forth in subsection (1) (f) of this
1436 section from the total projected adequate education program cost
1437 as set forth in subsection (1) (f) of this section.

1438 (b) Provided, however, that in fiscal year 1998 and in
1439 the fiscal year in which the adequate education program is fully
1440 funded by the Legislature, any increase in the said state
1441 contribution to any district calculated under this section shall
1442 be not less than eight percent (8%) in excess of the amount
1443 received by said district from state funds for the fiscal year
1444 immediately preceding. For purposes of this paragraph (b), state
1445 funds shall include minimum program funds less the add-on
1446 programs, State Uniform Millage Assistance Grant Funds, Education
1447 Enhancement Funds appropriated for Uniform Millage Assistance
1448 Grants and state textbook allocations, and State General Funds
1449 allocated for textbooks.

1450 (c) If the school board of any school district shall
1451 determine that it is not economically feasible or practicable to
1452 operate any school within the district for the full one hundred
1453 eighty (180) days required for a school term of a scholastic year
1454 as required in Section 37-13-63, Mississippi Code of 1972, due to
1455 an enemy attack, a man-made, technological or natural disaster in
1456 which the Governor has declared a disaster emergency under the
1457 laws of this state or the President of the United States has
1458 declared an emergency or major disaster to exist in this state,
1459 said school board may notify the State Department of Education of



1460 such disaster and submit a plan for altering the school term. If
1461 the State Board of Education finds such disaster to be the cause
1462 of the school not operating for the contemplated school term and
1463 that such school was in a school district covered by the
1464 Governor's or President's disaster declaration, it may permit said
1465 school board to operate the schools in its district for less than
1466 one hundred eighty (180) days and, in such case, the State
1467 Department of Education shall not reduce the state contributions
1468 to the adequate education program allotment for such district,
1469 because of the failure to operate said schools for one hundred
1470 eighty (180) days.

1471 (4) The Interim School District Capital Expenditure Fund is
1472 hereby established in the State Treasury which shall be used to
1473 distribute any funds specifically appropriated by the Legislature
1474 to such fund to school districts entitled to increased allocations
1475 of state funds under the adequate education program funding
1476 formula prescribed in Sections 37-151-3 through 37-151-7,
1477 Mississippi Code of 1972, until such time as the said adequate
1478 education program is fully funded by the Legislature. The
1479 following percentages of the total state cost of increased
1480 allocations of funds under the adequate education program funding
1481 formula shall be appropriated by the Legislature into the Interim
1482 School District Capital Expenditure Fund to be distributed to all
1483 school districts under the formula: Nine and two-tenths percent
1484 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
1485 (20%) shall be appropriated in fiscal year 1999, forty percent
1486 (40%) shall be appropriated in fiscal year 2000, sixty percent
1487 (60%) shall be appropriated in fiscal year 2001, eighty percent
1488 (80%) shall be appropriated in fiscal year 2002, and one hundred
1489 percent (100%) shall be appropriated in fiscal year 2003 into the
1490 state adequate education program Fund. Until July 1, 2002, such
1491 money shall be used by school districts for the following
1492 purposes:



1493 (a) Purchasing, erecting, repairing, equipping,
1494 remodeling and enlarging school buildings and related facilities,
1495 including gymnasiums, auditoriums, lunchrooms, vocational training
1496 buildings, libraries, school barns and garages for transportation
1497 vehicles, school athletic fields and necessary facilities
1498 connected therewith, and purchasing land therefor. Any such
1499 capital improvement project by a school district shall be approved
1500 by the State Board of Education, and based on an approved
1501 long-range plan. The State Board of Education shall promulgate
1502 minimum requirements for the approval of school district capital
1503 expenditure plans.

1504 (b) Providing necessary water, light, heating, air
1505 conditioning, and sewerage facilities for school buildings, and
1506 purchasing land therefor.

1507 (c) Paying debt service on existing capital improvement
1508 debt of the district or refinancing outstanding debt of a district
1509 if such refinancing will result in an interest cost savings to the
1510 district.

1511 (d) From and after October 1, 1997, through June 30,
1512 1998, pursuant to a school district capital expenditure plan
1513 approved by the State Department of Education, a school district
1514 may pledge such funds until July 1, 2002, plus funds provided for
1515 in paragraph (e) of this subsection (4) that are not otherwise
1516 permanently pledged under such paragraph (e) to pay all or a
1517 portion of the debt service on debt issued by the school district
1518 under Sections 37-59-1 through 37-59-45, 37-59-101 through
1519 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
1520 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
1521 issued by boards of supervisors for agricultural high schools
1522 pursuant to Section 37-27-65, Mississippi Code of 1972, or
1523 lease-purchase contracts entered into pursuant to Section 31-7-13,
1524 Mississippi Code of 1972, or to retire or refinance outstanding
1525 debt of a district, if such pledge is accomplished pursuant to a



1526 written contract or resolution approved and spread upon the
1527 minutes of an official meeting of the district's school board or
1528 board of supervisors. It is the intent of this provision to allow
1529 school districts to irrevocably pledge their Interim School
1530 District Capital Expenditure Fund allotments as a constant stream
1531 of revenue to secure a debt issued under the foregoing code
1532 sections. To allow school districts to make such an irrevocable
1533 pledge, the state shall take all action necessary to ensure that
1534 the amount of a district's Interim School District Capital
1535 Expenditure Fund allotments shall not be reduced below the amount
1536 certified by the department or the district's total allotment
1537 under the Interim Capital Expenditure Fund if fully funded, so
1538 long as such debt remains outstanding.

1539 (e) [Repealed]

1540 (f) [Repealed]

1541 (g) The State Board of Education may authorize the
1542 school district to expend not more than twenty percent (20%) of
1543 its annual allotment of such funds or Twenty Thousand Dollars
1544 (\$20,000.00), whichever is greater, for technology needs of the
1545 school district, including computers, software,
1546 telecommunications, cable television, interactive video, film,
1547 low-power television, satellite communications, microwave
1548 communications, technology-based equipment installation and
1549 maintenance, and the training of staff in the use of such
1550 technology-based instruction. Any such technology expenditure
1551 shall be reflected in the local district technology plan approved
1552 by the State Board of Education under Section 37-151-17,
1553 Mississippi Code of 1972.

1554 (h) To the extent a school district has not utilized
1555 twenty percent (20%) of its annual allotment for technology
1556 purposes under paragraph (g), a school district may expend not
1557 more than twenty percent (20%) of its annual allotment or Twenty
1558 Thousand Dollars (\$20,000.00), whichever is greater, for



1559 instructional purposes. The State Board of Education may
1560 authorize a school district to expend more than said twenty
1561 percent (20%) of its annual allotment for instructional purposes
1562 if it determines that such expenditures are needed for
1563 accreditation purposes.

1564 (i) The State Department of Education or the State
1565 Board of Education may require that any project commenced under
1566 this section with an estimated project cost of not less than Five
1567 Million Dollars (\$5,000,000.00) shall be done only pursuant to
1568 program management of the process with respect to design and
1569 construction. Any individuals, partnerships, companies or other
1570 entities acting as a program manager on behalf of a local school
1571 district and performing program management services for projects
1572 covered under this subsection shall be approved by the State
1573 Department of Education.

1574 Any interest accruing on any unexpended balance in the
1575 Interim School District Capital Expenditure Fund shall be invested
1576 by the State Treasurer and placed to the credit of each school
1577 district participating in such fund in its proportionate share.

1578 The provisions of this subsection (4) shall be cumulative and
1579 supplemental to any existing funding programs or other authority
1580 conferred upon school districts or school boards.

1581 (5) The State Department of Education shall make payments to
1582 public charter schools for each student in average daily
1583 attendance at the public charter school equal to the state share
1584 of the adequate education program payments for each student in
1585 average daily attendance at the public school district in which
1586 the public charter school is located. In calculating the local
1587 contribution for purposes of determining the state share of the
1588 adequate education program payments, the department shall deduct
1589 the pro rata local contribution of the school district in which
1590 the student resides as determined in subsection (2) (a).



1591 **SECTION 12.** Section 37-57-107, Mississippi Code of 1972, is
1592 amended as follows:

1593 37-57-107. (1) Beginning with the tax levy for the 1997
1594 fiscal year and for each fiscal year thereafter, the aggregate
1595 receipts from taxes levied for school district purposes pursuant
1596 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
1597 receipts from those sources during any one (1) of the immediately
1598 preceding three (3) fiscal years, as determined by the school
1599 board, plus an increase not to exceed seven percent (7%). For the
1600 purpose of this limitation, the term "aggregate receipts" when
1601 used in connection with the amount of funds generated in a
1602 preceding fiscal year shall not include excess receipts required
1603 by law to be deposited into a special account, however the term
1604 "aggregate receipts" shall include any receipts required by law to
1605 be diverted to a public charter school. The additional revenue
1606 from the ad valorem tax on any newly constructed properties or any
1607 existing properties added to the tax rolls or any properties
1608 previously exempt which were not assessed in the next preceding
1609 year may be excluded from the seven percent (7%) increase
1610 limitation set forth herein. Taxes levied for payment of
1611 principal of and interest on general obligation school bonds
1612 issued heretofore or hereafter shall be excluded from the seven
1613 percent (7%) increase limitation set forth herein. Any additional
1614 millage levied to fund any new program mandated by the Legislature
1615 shall be excluded from the limitation for the first year of the
1616 levy and included within such limitation in any year thereafter.
1617 For the purposes of this section, the term "new program" shall
1618 include, but shall not be limited to, (a) the Early Childhood
1619 Education Program required to commence with the 1986-1987 school
1620 year as provided by Section 37-21-7 and any additional millage
1621 levied and the revenue generated therefrom, which is excluded from
1622 the limitation for the first year of the levy, to support the
1623 mandated Early Childhood Education Program shall be specified on



1624 the minutes of the school board and of the governing body making
1625 such tax levy; (b) any additional millage levied and the revenue
1626 generated therefrom which shall be excluded from the limitation
1627 for the first year of the levy, for the purpose of generating
1628 additional local contribution funds required for the adequate
1629 education program for the 2003 fiscal year and for each fiscal
1630 year thereafter under Section 37-151-7(2); and (c) any additional
1631 millage levied and the revenue generated therefrom which shall be
1632 excluded from the limitation for the first year of the levy, for
1633 the purpose of support and maintenance of any agricultural high
1634 school which has been transferred to the control, operation and
1635 maintenance of the school board by the board of trustees of the
1636 community college district under provisions of Section 37-29-272.

1637 (2) The seven percent (7%) increase limitation prescribed in
1638 this section may be increased an additional amount only when the
1639 school board has determined the need for additional revenues and
1640 has held an election on the question of raising the limitation
1641 prescribed in this section. The limitation may be increased only
1642 if three-fifths (3/5) of those voting in the election shall vote
1643 for the proposed increase. The resolution, notice and manner of
1644 holding the election shall be as prescribed by law for the holding
1645 of elections for the issuance of bonds by the respective school
1646 boards. Revenues collected for the fiscal year in excess of the
1647 seven percent (7%) increase limitation pursuant to an election
1648 shall be included in the tax base for the purpose of determining
1649 aggregate receipts for which the seven percent (7%) increase
1650 limitation applies for subsequent fiscal years.

1651 (3) Except as otherwise provided for excess revenues
1652 generated pursuant to an election, if revenues collected as the
1653 result of the taxes levied for the fiscal year pursuant to this
1654 section and Section 37-57-1 exceed the increase limitation, then
1655 it shall be the mandatory duty of the school board of the school
1656 district to deposit such excess receipts over and above the



1657 increase limitation into a special account and credit it to the
1658 fund for which the levy was made. It will be the further duty of
1659 such board to hold said funds and invest the same as authorized by
1660 law. Such excess funds shall be calculated in the budgets for the
1661 school districts for the purpose for which such levies were made,
1662 for the succeeding fiscal year. Taxes imposed for the succeeding
1663 year shall be reduced by the amount of excess funds available.
1664 Under no circumstances shall such excess funds be expended during
1665 the fiscal year in which such excess funds are collected.

1666 (4) For the purposes of determining ad valorem tax receipts
1667 for a preceding fiscal year under this section, the term "fiscal
1668 year" means the fiscal year beginning October 1 and ending
1669 September 30.

1670 (5) Effective with the 2012-2013 school year, the tax
1671 collector in the county in which the public charter school is
1672 located shall pay directly to the public charter school an amount
1673 for each student enrolled in the public charter school equal to
1674 the ad valorem taxes levied per pupil for the support of the
1675 school district in which the student resides, and the tax
1676 collector shall withhold an equal amount from the local school
1677 district in which the public charter school student resides. The
1678 pro rata ad valorem taxes to be transferred to the public charter
1679 school shall include all levies for the support of the school
1680 district under Sections 37-57-1 (local contribution to the
1681 adequate education program) and 37-57-105 (school district
1682 operational levy) and shall not include any taxes levied for the
1683 retirement of school district bonded indebtedness or short-term
1684 notes or any taxes levied for the support of vocational-technical
1685 education programs. In the event a student attending the public
1686 charter school resides in an adjoining county, it shall be the
1687 responsibility of the tax collector of the county of the student's
1688 residence to make local ad valorem payments under this section to
1689 the public charter school, but in no event shall such payment



1690 exceed the pro rata amount of the local ad valorem payment for the
1691 local contribution to the adequate education program under Section
1692 37-57-1 for the school district in which the student resides.
1693 Payments made pursuant to this section by the tax collector to the
1694 charter schools shall be made at the same time and manner as funds
1695 are distributed to the school districts in the county on a per
1696 pupil basis.

1697 (6) Any funds withheld from the school district for the
1698 purpose of making pro rata payments of ad valorem taxes levied in
1699 the school district to any public charter school located in the
1700 school district shall not be considered a shortfall within the
1701 meaning of Section 37-57-108.

1702 **SECTION 13.** Section 37-9-103, Mississippi Code of 1972, is
1703 amended as follows:

1704 37-9-103. (1) As used in Sections 37-9-101 through
1705 37-9-113, the word "employee" shall include:

1706 (a) Any teacher, principal, superintendent or other
1707 professional personnel employed by the local school district for a
1708 continuous period of two (2) years with that district and required
1709 to have a valid license issued by the State Department of
1710 Education as a prerequisite of employment; or

1711 (b) Any teacher, principal, superintendent or other
1712 professional personnel who has completed a continuous period of
1713 two (2) years of employment in a Mississippi public school
1714 district and one (1) full year of employment with the school
1715 district of current employment, and who is required to have a
1716 valid license issued by the State Department of Education as a
1717 prerequisite of employment.

1718 (2) (a) The Education Employment Procedures Law shall not
1719 apply to any category of employee as defined in this section
1720 employed in any school district after the Governor declares a
1721 state of emergency under the provisions of Section 37-17-6(11).

1722 The Education Employment Procedures Law shall not be applicable in



1723 any school district for the full period of time that those
1724 conditions, as defined in Section 37-17-6(11), exist.

1725 (b) The Education Employment Procedures Law shall not
1726 apply to any category of employee as defined in this section
1727 employed in any school that is a new start school, as provided for
1728 under Section 37-167-1.

1729 (c) The Education Employment Procedures Law shall not
1730 apply to any category of teacher, administrator or employee of a
1731 public charter school established under the terms and provisions
1732 of this act.

1733 (3) For purposes of Sections 37-9-101 through 37-9-113, the
1734 term "days" means calendar days.

1735 **SECTION 14.** Section 37-13-63, Mississippi Code of 1972, is
1736 amended as follows:

1737 37-13-63. (1) Except as otherwise provided, all public
1738 schools in the state and public charter schools shall be kept in
1739 session for at least one hundred eighty (180) days in each
1740 scholastic year.

1741 (2) If the school board of any school district or the
1742 governing board of the public charter school shall determine that
1743 it is not economically feasible or practicable to operate any
1744 school within the district for the full one hundred eighty (180)
1745 days required for a scholastic year as contemplated due to an
1746 enemy attack, a man-made, technological or natural disaster or
1747 extreme weather emergency in which the Governor has declared a
1748 disaster or state of emergency under the laws of this state or the
1749 President of the United States has declared an emergency or major
1750 disaster to exist in this state, the school board may notify the
1751 State Department of Education of the disaster or weather
1752 emergency, and the local governing board of the public charter
1753 school may notify the Mississippi Public Charter School Authorizer
1754 Board, and submit a plan for altering the school term. If the
1755 State Board of Education, or the Mississippi Public Charter School



1756 Authorizer Board, as the case may be, finds the disaster or
1757 extreme weather emergency to be the cause of the school not
1758 operating for the contemplated school term and that such school
1759 was in a school district covered by the Governor's or President's
1760 disaster or state of emergency declaration, it may permit that
1761 school board to operate the schools in its district for less than
1762 one hundred eighty (180) days; however, in no instance of a
1763 declared disaster or state of emergency under the provisions of
1764 this subsection shall a school board or a public charter school
1765 receive payment from the State Department of Education for per
1766 pupil expenditure for pupils in average daily attendance in excess
1767 of ten (10) days.

1768 **SECTION 15.** Section 37-13-91, Mississippi Code of 1972, is
1769 amended as follows:

1770 37-13-91. (1) This section shall be referred to as the
1771 "Mississippi Compulsory School Attendance Law."

1772 (2) The following terms as used in this section are defined
1773 as follows:

1774 (a) "Parent" means the father or mother to whom a child
1775 has been born, or the father or mother by whom a child has been
1776 legally adopted.

1777 (b) "Guardian" means a guardian of the person of a
1778 child, other than a parent, who is legally appointed by a court of
1779 competent jurisdiction.

1780 (c) "Custodian" means any person having the present
1781 care or custody of a child, other than a parent or guardian of the
1782 child.

1783 (d) "School day" means not less than five (5) and not
1784 more than eight (8) hours of actual teaching in which both
1785 teachers and pupils are in regular attendance for scheduled
1786 schoolwork.

1787 (e) "School" means any public school in this state or
1788 any nonpublic school in this state which is in session each school



1789 year for at least one hundred eighty (180) school days, except
1790 that the "nonpublic" school term shall be the number of days that
1791 each school shall require for promotion from grade to grade.

1792 (f) "Compulsory-school-age child" means a child who has
1793 attained or will attain the age of six (6) years on or before
1794 September 1 of the calendar year and who has not attained the age
1795 of seventeen (17) years on or before September 1 of the calendar
1796 year; and shall include any child who has attained or will attain
1797 the age of five (5) years on or before September 1 and has
1798 enrolled in a full-day public school kindergarten program.
1799 Provided, however, that the parent or guardian of any child
1800 enrolled in a full-day public school kindergarten program shall be
1801 allowed to disenroll the child from the program on a one-time
1802 basis, and such child shall not be deemed a compulsory-school-age
1803 child until the child attains the age of six (6) years.

1804 (g) "School attendance officer" means a person employed
1805 by the State Department of Education pursuant to Section 37-13-89.

1806 (h) "Appropriate school official" means the
1807 superintendent of the school district, or his designee, or, in the
1808 case of a nonpublic school, the principal or the headmaster.

1809 (i) (i) "Nonpublic school" means an institution for
1810 the teaching of children, consisting of a physical plant, whether
1811 owned or leased, including a home, instructional staff members and
1812 students, and which is in session each school year. This
1813 definition shall include, but not be limited to, private, church,
1814 parochial and home instruction programs.

1815 (ii) "Public charter school" means a public
1816 charter school as defined in Section 3 of this act and approved to
1817 operate by the Mississippi Public Charter School Authorizer Board.

1818 (3) A parent, guardian or custodian of a
1819 compulsory-school-age child in this state shall cause the child to
1820 enroll in and attend a public school, a legitimate nonpublic
1821 school or a public charter school for the period of time that the



1822 child is of compulsory school age, except under the following
1823 circumstances:

1824 (a) When a compulsory-school-age child is physically,
1825 mentally or emotionally incapable of attending school as
1826 determined by the appropriate school official based upon
1827 sufficient medical documentation.

1828 (b) When a compulsory-school-age child is enrolled in
1829 and pursuing a course of special education, remedial education or
1830 education for handicapped or physically or mentally disadvantaged
1831 children.

1832 (c) When a compulsory-school-age child is being
1833 educated in a legitimate home instruction program.

1834 The parent, guardian or custodian of a compulsory-school-age
1835 child described in this subsection, or the parent, guardian or
1836 custodian of a compulsory-school-age child attending any nonpublic
1837 school or public charter school, or the appropriate school
1838 official for any or all children attending a nonpublic school or
1839 public charter school shall complete a "certificate of enrollment"
1840 in order to facilitate the administration of this section.

1841 The form of the certificate of enrollment shall be prepared
1842 by the Office of Compulsory School Attendance Enforcement of the
1843 State Department of Education and shall be designed to obtain the
1844 following information only:

1845 (i) The name, address, telephone number and date
1846 of birth of the compulsory-school-age child;

1847 (ii) The name, address and telephone number of the
1848 parent, guardian or custodian of the compulsory-school-age child;

1849 (iii) A simple description of the type of
1850 education the compulsory-school-age child is receiving and, if the
1851 child is enrolled in a nonpublic school, the name and address of
1852 the school; and

1853 (iv) The signature of the parent, guardian or
1854 custodian of the compulsory-school-age child or, for any or all



1855 compulsory-school-age child or children attending a nonpublic
1856 school or public charter school, the signature of the appropriate
1857 school official and the date signed.

1858 The certificate of enrollment shall be returned to the school
1859 attendance officer where the child resides on or before September
1860 15 of each year. Any parent, guardian or custodian found by the
1861 school attendance officer to be in noncompliance with this section
1862 shall comply, after written notice of the noncompliance by the
1863 school attendance officer, with this subsection within ten (10)
1864 days after the notice or be in violation of this section.

1865 However, in the event the child has been enrolled in a public
1866 school within fifteen (15) calendar days after the first day of
1867 the school year as required in subsection (6), the parent or
1868 custodian may, at a later date, enroll the child in a legitimate
1869 nonpublic school or legitimate home instruction program or public
1870 charter school and send the certificate of enrollment to the
1871 school attendance officer and be in compliance with this
1872 subsection.

1873 For the purposes of this subsection, a legitimate nonpublic
1874 school, public charter school or legitimate home instruction
1875 program shall be those not operated or instituted for the purpose
1876 of avoiding or circumventing the compulsory attendance law.

1877 (4) An "unlawful absence" is an absence during a school day
1878 by a compulsory-school-age child, which absence is not due to a
1879 valid excuse for temporary nonattendance. Days missed from school
1880 due to disciplinary suspension shall not be considered an
1881 "excused" absence under this section. This subsection shall not
1882 apply to children enrolled in a nonpublic school.

1883 Each of the following shall constitute a valid excuse for
1884 temporary nonattendance of a compulsory-school-age child enrolled
1885 in a public school, provided satisfactory evidence of the excuse
1886 is provided to the superintendent of the school district, or his
1887 designee:



1888 (a) An absence is excused when the absence results from
1889 the compulsory-school-age child's attendance at an authorized
1890 school activity with the prior approval of the superintendent of
1891 the school district, or his designee. These activities may
1892 include field trips, athletic contests, student conventions,
1893 musical festivals and any similar activity.

1894 (b) An absence is excused when the absence results from
1895 illness or injury which prevents the compulsory-school-age child
1896 from being physically able to attend school.

1897 (c) An absence is excused when isolation of a
1898 compulsory-school-age child is ordered by the county health
1899 officer, by the State Board of Health or appropriate school
1900 official.

1901 (d) An absence is excused when it results from the
1902 death or serious illness of a member of the immediate family of a
1903 compulsory-school-age child. The immediate family members of a
1904 compulsory-school-age child shall include children, spouse,
1905 grandparents, parents, brothers and sisters, including
1906 stepbrothers and stepsisters.

1907 (e) An absence is excused when it results from a
1908 medical or dental appointment of a compulsory-school-age child.

1909 (f) An absence is excused when it results from the
1910 attendance of a compulsory-school-age child at the proceedings of
1911 a court or an administrative tribunal if the child is a party to
1912 the action or under subpoena as a witness.

1913 (g) An absence may be excused if the religion to which
1914 the compulsory-school-age child or the child's parents adheres,
1915 requires or suggests the observance of a religious event. The
1916 approval of the absence is within the discretion of the
1917 superintendent of the school district, or his designee, but
1918 approval should be granted unless the religion's observance is of
1919 such duration as to interfere with the education of the child.



1920 (h) An absence may be excused when it is demonstrated
1921 to the satisfaction of the superintendent of the school district,
1922 or his designee, that the purpose of the absence is to take
1923 advantage of a valid educational opportunity such as travel,
1924 including vacations or other family travel. Approval of the
1925 absence must be gained from the superintendent of the school
1926 district, or his designee, before the absence, but the approval
1927 shall not be unreasonably withheld.

1928 (i) An absence may be excused when it is demonstrated
1929 to the satisfaction of the superintendent of the school district,
1930 or his designee, that conditions are sufficient to warrant the
1931 compulsory-school-age child's nonattendance. However, no absences
1932 shall be excused by the school district superintendent, or his
1933 designee, when any student suspensions or expulsions circumvent
1934 the intent and spirit of the compulsory attendance law.

1935 (5) Any parent, guardian or custodian of a
1936 compulsory-school-age child subject to this section who refuses or
1937 willfully fails to perform any of the duties imposed upon him or
1938 her under this section or who intentionally falsifies any
1939 information required to be contained in a certificate of
1940 enrollment, shall be guilty of contributing to the neglect of a
1941 child and, upon conviction, shall be punished in accordance with
1942 Section 97-5-39.

1943 Upon prosecution of a parent, guardian or custodian of a
1944 compulsory-school-age child for violation of this section, the
1945 presentation of evidence by the prosecutor that shows that the
1946 child has not been enrolled in school within eighteen (18)
1947 calendar days after the first day of the school year of the public
1948 school which the child is eligible to attend, or that the child
1949 has accumulated twelve (12) unlawful absences during the school
1950 year at the public school in which the child has been enrolled,
1951 shall establish a prima facie case that the child's parent,
1952 guardian or custodian is responsible for the absences and has



1953 refused or willfully failed to perform the duties imposed upon him
1954 or her under this section. However, no proceedings under this
1955 section shall be brought against a parent, guardian or custodian
1956 of a compulsory-school-age child unless the school attendance
1957 officer has contacted promptly the home of the child and has
1958 provided written notice to the parent, guardian or custodian of
1959 the requirement for the child's enrollment or attendance.

1960 (6) If a compulsory-school-age child has not been enrolled
1961 in a school within fifteen (15) calendar days after the first day
1962 of the school year of the school which the child is eligible to
1963 attend or the child has accumulated five (5) unlawful absences
1964 during the school year of the public school in which the child is
1965 enrolled, the school district superintendent or his designee shall
1966 report, within two (2) school days or within five (5) calendar
1967 days, whichever is less, the absences to the school attendance
1968 officer. The State Department of Education shall prescribe a
1969 uniform method for schools to utilize in reporting the unlawful
1970 absences to the school attendance officer. The superintendent, or
1971 his designee, also shall report any student suspensions or student
1972 expulsions to the school attendance officer when they occur.

1973 (7) When a school attendance officer has made all attempts
1974 to secure enrollment and/or attendance of a compulsory-school-age
1975 child and is unable to effect the enrollment and/or attendance,
1976 the attendance officer shall file a petition with the youth court
1977 under Section 43-21-451 or shall file a petition in a court of
1978 competent jurisdiction as it pertains to parent or child.
1979 Sheriffs, deputy sheriffs and municipal law enforcement officers
1980 shall be fully authorized to investigate all cases of
1981 nonattendance and unlawful absences by compulsory-school-age
1982 children, and shall be authorized to file a petition with the
1983 youth court under Section 43-21-451 or file a petition or
1984 information in the court of competent jurisdiction as it pertains
1985 to parent or child for violation of this section. The youth court



1986 shall expedite a hearing to make an appropriate adjudication and a
1987 disposition to ensure compliance with the Compulsory School
1988 Attendance Law, and may order the child to enroll or re-enroll in
1989 school. The superintendent of the school district to which the
1990 child is ordered may assign, in his discretion, the child to the
1991 alternative school program of the school established pursuant to
1992 Section 37-13-92.

1993 (8) The State Board of Education shall adopt rules and
1994 regulations for the purpose of reprimanding any school
1995 superintendents who fail to timely report unexcused absences under
1996 the provisions of this section.

1997 (9) Notwithstanding any provision or implication herein to
1998 the contrary, it is not the intention of this section to impair
1999 the primary right and the obligation of the parent or parents, or
2000 person or persons in loco parentis to a child, to choose the
2001 proper education and training for such child, and nothing in this
2002 section shall ever be construed to grant, by implication or
2003 otherwise, to the State of Mississippi, any of its officers,
2004 agencies or subdivisions any right or authority to control,
2005 manage, supervise or make any suggestion as to the control,
2006 management or supervision of any private or parochial school or
2007 institution for the education or training of children, of any kind
2008 whatsoever that is not a public school according to the laws of
2009 this state; and this section shall never be construed so as to
2010 grant, by implication or otherwise, any right or authority to any
2011 state agency or other entity to control, manage, supervise,
2012 provide for or affect the operation, management, program,
2013 curriculum, admissions policy or discipline of any such school or
2014 home instruction program.

2015 **SECTION 16.** Sections 37-165-1, 37-165-3, 37-165-5, 37-165-7,
2016 37-165-9, 37-165-11, 37-165-13, 37-165-15, 37-165-17, 37-165-19,
2017 37-165-21, 37-165-23, 37-165-25 and 37-165-27, Mississippi Code of
2018 1972, which are the "Conversion Charter School Act of 2010," and



2019 Section 37-167-1, Mississippi Code of 1972, which is the New Start
2020 School Program, are repealed.

2021 **SECTION 17.** This act shall take effect and be in force from
2022 and after July 1, 2012, provided that Sections 1 through 10 shall
2023 stand repealed from and after July 1, 2020.

