

By: Senator(s) Tollison, Collins

To: Education

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



47 PUBLIC CHARTER SCHOOLS; TO AMEND SECTION 37-13-63, MISSISSIPPI
48 CODE OF 1972, TO CLARIFY THAT PUBLIC CHARTER SCHOOLS SHALL COMPLY
49 WITH THE MINIMUM LENGTH OF SCHOOL TERM APPLICABLE TO PUBLIC
50 SCHOOLS; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO
51 CLARIFY THAT STUDENTS ATTENDING PUBLIC CHARTER SCHOOLS SHALL
52 COMPLY WITH THE PROVISIONS OF THE MISSISSIPPI COMPULSORY SCHOOL
53 ATTENDANCE LAW; TO REPEAL SECTIONS 37-165-1 THROUGH 37-165-27,
54 MISSISSIPPI CODE OF 1972, WHICH ARE THE "CONVERSION CHARTER SCHOOL
55 ACT OF 2010," AND SECTION 37-167-1, MISSISSIPPI CODE OF 1972,
56 WHICH IS THE NEW START SCHOOL PROGRAM; 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 Kindergarten 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,
155 start-up public charter school or virtual 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 (p) A "virtual public school" means a public charter
162 school that offers educational services predominantly through an
163 online program.

164 **SECTION 4. Enrollment.** (1) Open enrollment and lottery
165 requirements.

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

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

170 (c) A public charter school shall not limit admission
171 based on ethnicity, national origin, religion, gender, income
172 level, disabling condition, proficiency in the English language,
173 or academic or athletic ability, except as provided in Section
174 4(2)(d) of this act.

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

179 (e) The at-risk composition of the charter school
180 enrollment shall reflect that of students in similar grades as
181 determined by the most recent census data for school-aged kids for
182 the school district in which the charter school is located, to be



183 defined for the purposes of this act as differing by no more than
184 twenty-five percent (25%) from that population. In the event that
185 the at-risk composition of an applicant's or charter school's
186 enrollment differs from the enrollment of students in similar
187 grades as determined by the most recent census data for
188 school-aged kids for the school district in which the charter
189 school is located by more than twenty-five percent (25%), despite
190 its best efforts, the authorizer from which the applicant is
191 seeking sponsorship shall consider the applicant's or the charter
192 school's recruitment efforts and at-risk composition of the
193 applicant pool in determining whether the applicant or charter
194 school is operating in a nondiscriminatory manner. A finding by
195 the authorizer that the applicant is not operating in a
196 discriminatory manner justifies approval of the charter without
197 regard to the at-risk percentage requirement if the application is
198 acceptable in all other aspects. A finding by the authorizer that
199 the applicant or charter school is operating in a discriminatory
200 manner justifies the denial of a charter school application or the
201 revocation of a charter, as may be applicable.

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

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

209 (2) Enrollment preferences.

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



216 of the former attendance area of the school shall be eligible for
217 enrollment. If the number of these additional students exceeds
218 the capacity of a program, class, grade level, or building, the
219 students will be entered into a lottery.

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

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

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

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

246 (4) Information to parents and the general public. A school
247 district shall provide or publicize to parents and the general
248 public information about public charter schools as an enrollment



249 option within the district to the same extent and through the same
250 means that the district provides and publicizes information about
251 noncharter public schools in the district.

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

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

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

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

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

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



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

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

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

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

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



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

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

329 (3) State Department of Education. The Mississippi
330 Department of Education shall assist the Mississippi Public
331 Charter School Authorizer Board with implementing the authorizer's
332 decisions by providing technical assistance and information
333 relating to the implementation of this act.

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 (9) Services purchased from authorizer.

396 (a) With the exception of oversight services as
397 required by subsection (6) of this section, no public charter
398 school shall be required to purchase services from the authorizer
399 as a condition of charter approval or of executing a charter
400 contract, nor may any such condition be implied.

401 (b) A public charter school may, at its discretion,
402 choose to purchase services from its authorizer. In such event,
403 the public charter school and authorizer shall execute an annual
404 service contract, separate from the charter contract, stating the
405 parties' mutual agreement concerning any services to be provided
406 by the authorizer and any service fees to be charged to the public
407 charter school. The authorizer may not charge more than market
408 rates for services provided to a public charter school.

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

410 (a) To solicit, encourage and guide the development of
411 quality public charter school applications, the authorizer
412 operating under this act shall issue and broadly publicize a



413 request for proposals by September 1, except in the authorizer's
414 first year of operation in which the authorizer shall issue and
415 broadly publicize a request for proposals by December 1. The
416 content and dissemination of the request for proposals shall be
417 consistent with the purposes and requirements of this act.

418 (b) The authorizer shall annually establish and
419 disseminate a statewide timeline for charter approval or denial
420 decisions.

421 (c) The authorizer's request for proposals shall
422 include a clear statement of any preferences the authorizer wishes
423 to grant to applications that help at-risk students.

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

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

431 (f) The request for proposals shall state clear,
432 appropriately detailed questions as well as guidelines concerning
433 the format and content essential for applicants to demonstrate the
434 capacities necessary to establish and operate a successful public
435 charter school.

436 (g) The request for proposals shall require charter
437 applications to provide or describe thoroughly, and each charter
438 application shall provide or describe thoroughly, all of the
439 following essential elements of the proposed school plan:

440 (i) An executive summary;

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

444 (iii) The location or geographic area proposed for
445 the school;



- 446 (iv) The grades to be served each year for the
447 full term of the charter contract;
- 448 (v) Minimum, planned and maximum enrollment per
449 grade per year for the term of the charter contract;
- 450 (vi) Evidence of need and community support for
451 the proposed public charter school;
- 452 (vii) Background information on the proposed
453 founding governing board members and, if identified, the proposed
454 school leadership and management team that includes a record of
455 success in raising student achievement;
- 456 (viii) The school's proposed calendar and sample
457 daily schedule, which shall be no less than state minimum number
458 of school days set forth in Section 37-13-63;
- 459 (ix) A description of the academic program aligned
460 with state standards;
- 461 (x) A description of the school's instructional
462 design, including the type of learning environment (such as
463 classroom-based or independent study), class size and structure,
464 curriculum overview, and teaching methods;
- 465 (xi) The school's plan for using internal and
466 external assessments to measure and report student progress on the
467 performance framework developed by the authorizer in accordance
468 with Section 7(1) of this act;
- 469 (xii) The school's plans for identifying and
470 successfully serving students with disabilities (including all of
471 the school's proposed policies pursuant to the individuals with
472 Disabilities Education Improvement Act of 2004, 20 USC Section
473 1400 et seq., Section 504 of the Rehabilitation Act of 1973, 29
474 USC Section 794, and Title 11 of the Americans with Disabilities
475 Act, 42 USC Section 12101 et seq., and the school's procedures for
476 securing and providing evaluations and related services pursuant
477 to federal law), students who are English language learners,
478 students who are academically behind, and gifted students,



479 including, but not limited to, compliance with applicable laws and
480 regulations;

481 (xiii) A description of co-curricular or
482 extracurricular programs and how they will be funded and
483 delivered;

484 (xiv) Plans and timelines for student recruitment
485 and enrollment, including lottery policies and procedures that
486 ensure that every student has an equal opportunity to be
487 considered in the lottery and that ensure the lottery is
488 equitable, randomized, transparent and impartial such that
489 students are assigned to charter schools without regard to
490 disability, income level, race, religion or national origin;

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

493 (xvi) An organization chart that clearly presents
494 the school's organizational structure, including lines of
495 authority and reporting between the governing board, staff, any
496 related bodies (such as advisory bodies or parent and teacher
497 councils), and any external organizations that will play a role in
498 managing the school;

499 (xvii) A clear description of the roles and
500 responsibilities for the governing board, the school's leadership
501 and management team, and any other entities shown in the
502 organization chart;

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

505 (xix) Plans for recruiting and developing school
506 leadership and staff;

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

509 (xxi) Proposed governing bylaws;



510 (xxii) Explanations of any partnerships or
511 contractual relationships central to the school's operations or
512 mission;

513 (xxiii) The school's plans for providing
514 transportation, food service, and all other significant
515 operational or ancillary services;

516 (xxiv) Opportunities and expectations for parent
517 involvement;

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

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

522 (xxvii) A description of the insurance coverage
523 the school will obtain;

524 (xxviii) Start-up and five-year budgets with
525 clearly stated assumptions;

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

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

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

532 (h) In the case of an application to establish a public
533 charter school by converting an existing noncharter public school
534 to public charter school status, the request for proposals shall
535 additionally require the applicants to demonstrate support for the
536 proposed public charter school conversion by a petition signed by
537 a majority of teachers or a petition signed by a majority of
538 parents of students in the existing noncharter public school, or
539 by a majority vote of the local school board or, in the case of
540 schools in districts under state conservatorship, by the State
541 Board of Education.



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

546 (i) Monitor and verify full-time student
547 enrollment, student participation in a full course load, credit
548 accrual and course completion;

549 (ii) Monitor and verify student progress and
550 performance in each course through regular, proctored assessments
551 and submissions of coursework;

552 (iii) Conduct parent-teacher conferences; and

553 (iv) Administer state-required assessments to all
554 students in a proctored setting.

555 (j) In the case of a proposed public charter school
556 that intends to contract with an education service provider for
557 substantial educational services, management services, or both
558 types of services, the request for proposals shall additionally
559 require the applicants to:

560 (i) Provide evidence of the education service
561 provider's success in serving student populations similar to the
562 targeted population, including demonstrated academic achievement
563 as well as successful management of nonacademic school functions
564 if applicable;

565 (ii) Provide a term sheet setting forth the
566 proposed duration of the service contract; roles and
567 responsibilities of the governing board, the school staff, and the
568 service provider; scope of services and resources to be provided
569 by the service provider; performance evaluation measures and
570 timelines; compensation structure, including clear identification
571 of all fees to be paid to the service provider; methods of
572 contract oversight and enforcement; investment disclosure; and
573 conditions for renewal and termination of the contract; and



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

577 (k) In the case of a public charter school proposal
578 from an applicant that currently operates one or more schools in
579 any state or nation, the request for proposals shall additionally
580 require the applicant to provide evidence of past performance and
581 current capacity for growth. The applicant shall be required to
582 submit clear evidence that it has produced statistically
583 significant gains in student achievement or consistently produced
584 proficiency levels as measured on state achievement tests;

585 (l) The request for proposals shall require each
586 charter school applicant to provide evidence that the applicant
587 sent a copy of its completed charter school application to the
588 local school board in the district in which the charter school is
589 proposed.

590 (2) Application decision-making process.

591 (a) In reviewing and evaluating charter applications,
592 the authorizer shall employ procedures, practices and criteria
593 consistent with nationally recognized principles and standards for
594 quality charter authorizing. The application review process shall
595 include thorough evaluation of each written charter application,
596 an in-person interview with the applicant group, and an
597 opportunity in a public forum for local residents to learn about
598 and provide input on each application.

599 (b) In deciding whether to approve charter
600 applications, authorizers shall:

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

605 (ii) Base decisions on documented evidence
606 collected through the application review process;



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

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

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

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

622 (f) Within ten (10) days of taking action to approve or
623 deny a charter application, the authorizer shall provide a report
624 to the charter applicant. The report shall include a copy of the
625 authorizer's resolution setting forth the action taken and reasons
626 for the decision and assurances as to compliance with all of the
627 procedural requirements and application elements set forth in
628 Section 6 of this act.

629 (3) Purposes and limitations of charter applications. The
630 purposes of the charter application are to present the proposed
631 public charter school's academic and operational vision and plans,
632 demonstrate the applicant's capacities to execute the proposed
633 vision and plans, and provide the authorizer a clear basis for
634 assessing the applicant's plans and capacities. An approved
635 charter application shall not serve as the school's charter
636 contract.

637 (4) Initial charter term. An initial charter shall be
638 granted for a term of five (5) operating years. The charter term
639 shall commence on the public charter school's first day of



640 operation. An approved public charter school may delay its
641 opening for one (1) school year in order to plan and prepare for
642 the school's opening. If the school requires an opening delay of
643 more than one (1) school year, the school must request an
644 extension from its authorizer. The authorizer may grant or deny
645 the extension depending on the particular school's circumstances.

646 (5) Charter contracts.

647 (a) At the same time that a charter application is
648 approved, the authorizer and the governing board of the approved
649 public charter school shall execute a charter contract that
650 clearly sets forth the academic and operational performance
651 expectations and measures by which the public charter school will
652 be judged and the administrative relationship between the
653 authorizer and public charter school, including each party's
654 rights and duties. The performance expectations and measures set
655 forth in the charter contract shall include, but need not be
656 limited to, applicable federal and state accountability
657 requirements. The performance provisions may be refined or
658 amended by mutual agreement after the public charter school is
659 operating and has collected baseline achievement data for its
660 enrolled students.

661 (b) The charter contract for a virtual public charter
662 school shall include description and agreement regarding the
663 methods by which the school will:

664 (i) Monitor and verify full-time student
665 enrollment, student participation in a full course load, credit
666 accrual, and course completion;

667 (ii) Monitor and verify student progress and
668 performance in each course through regular, proctored assessments
669 and submissions of coursework;

670 (iii) Conduct parent-teacher conferences; and

671 (iv) Administer state-required assessments to all
672 students in a proctored setting.



673 (c) The charter contract shall be signed by the
674 president of the authorizer's governing board and the president of
675 the public charter school's governing body.

676 (d) No public charter school may commence operations
677 without a charter contract executed in accordance with this
678 provision and approved in an open meeting of the authorizer's
679 governing board.

680 (6) Pre-Opening requirements or conditions.

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

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

688 (a) The performance provisions within the charter
689 contract shall be based on a performance framework that clearly
690 sets forth the academic and operational performance indicators,
691 measures and metrics that will guide the authorizer's evaluations
692 of each public charter school. The performance framework shall
693 include indicators, measures and metrics for, at a minimum:

694 (i) Student academic proficiency;

695 (ii) Student academic growth;

696 (iii) Achievement gaps in both proficiency and
697 growth between major student subgroups;

698 (iv) Attendance;

699 (v) Recurrent enrollment from year to year;

700 (vi) In-school and out-of-school suspension rates
701 and expulsion rates;

702 (vii) Postsecondary readiness (for high schools),
703 including the percentage of graduates submitting applications to
704 postsecondary institutions, high school completion, postsecondary
705 admission, and postsecondary enrollment or employment;



706 (viii) Financial performance and sustainability;
707 and

708 (ix) Board performance and stewardship, including
709 compliance with all applicable laws, regulations and terms of the
710 charter contract.

711 (b) Annual performance targets shall be set by each
712 public charter school in conjunction with its authorizer, and
713 shall be designed to help each school meet applicable federal,
714 state, and authorizer expectations.

715 (c) The performance framework shall allow the inclusion
716 of additional rigorous, valid and reliable indicators proposed by
717 a public charter school to augment external evaluations of its
718 performance, provided that the authorizer approves the quality and
719 rigor of such school-proposed indicators, and they are consistent
720 with the purposes of this act.

721 (d) The performance framework shall require the
722 disaggregation of all student performance data by major student
723 subgroups (gender, race, poverty status, special education status,
724 English Learner status, and gifted status).

725 (e) For each public charter school it oversees, the
726 authorizer shall be responsible for collecting, analyzing and
727 reporting all data from state assessments in accordance with the
728 performance framework. Multiple schools overseen by a single
729 governing board shall be required to report their performance as
730 separate, individual schools, and each school shall be held
731 independently accountable for its performance.

732 (2) Oversight and corrective actions.

733 (a) An authorizer shall annually monitor the
734 performance and legal compliance of the public charter schools it
735 oversees, including collecting and analyzing data to support
736 evaluation according to the charter contract. Every authorizer
737 shall have the authority to conduct or require oversight
738 activities that enable the authorizer to fulfill its



739 responsibilities under this act, including conducting appropriate
740 inquiries and investigations, so long as those activities are
741 consistent with the intent of this act, adhere to the terms of the
742 charter contract, and do not unduly inhibit the autonomy granted
743 to public charter schools.

744 (b) Each authorizer shall annually publish and provide,
745 as part of its annual report to the Legislature, a performance
746 report for each public charter school it oversees, in accordance
747 with the performance framework set forth in the charter contract.
748 This report shall be made available to the public at the same time
749 as it is submitted to the Legislature. The authorizer may require
750 each public charter school it oversees to submit an annual report
751 to assist the authorizer in gathering complete information about
752 each school, consistent with the performance framework.

753 (c) In the event that a public charter school's
754 performance or legal compliance is unsatisfactory, the authorizer
755 shall promptly notify the public charter school of the problem and
756 provide reasonable opportunity for the school to remedy the
757 problem, unless the problem warrants revocation in which case the
758 revocation timeframes will apply.

759 (d) The authorizer shall have the authority to take
760 appropriate corrective actions or exercise sanctions short of
761 revocation in response to apparent deficiencies in public charter
762 school performance or legal compliance. Such actions or sanctions
763 may include, if warranted, requiring a school to develop and
764 execute a corrective action plan within a specified timeframe.

765 (3) Renewals, revocations and nonrenewals.

766 (a) A charter may be renewed for successive five-year
767 terms of duration. The authorizer may grant renewal with specific
768 conditions for necessary improvements to a public charter school,
769 including lessening the renewal term based on the performance,
770 demonstrated capacities, and particular circumstances of each
771 public charter school.



772 (b) No later than September 30, the authorizer shall
773 issue a public charter school performance report and charter
774 renewal application guidance to any public charter school whose
775 charter will expire the following year. The performance report
776 shall summarize the public charter school's performance record to
777 date, based on the data required by this act and the charter
778 contract, and shall provide notice of any weaknesses or concerns
779 perceived by the authorizer concerning the public charter school
780 that may jeopardize its position in seeking renewal if not timely
781 rectified. The public charter school shall have ninety (90) days
782 to respond to the performance report and submit any corrections or
783 clarifications for the report.

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

786 (i) Present additional evidence, beyond the data
787 contained in the performance report, supporting its case for
788 charter renewal;

789 (ii) Describe improvements undertaken or planned
790 for the school; and

791 (iii) Detail the school's plans for the next
792 charter term.

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

798 (e) No later than February 1, the governing board of a
799 public charter school seeking renewal shall submit a renewal
800 application to the charter authorizer pursuant to the renewal
801 application guidance issued by the authorizer. The authorizer
802 shall rule by resolution on the renewal application no later than
803 ninety (90) days after the filing of the renewal application.



804 (f) In making charter renewal decisions, every
805 authorizer shall:

806 (i) Ground its decisions in evidence of the
807 school's performance over the term of the charter contract in
808 accordance with the performance framework set forth in the charter
809 contract;

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

812 (iii) Provide a public report summarizing the
813 evidence basis for each decision.

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

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

821 (ii) Fails to meet or make sufficient progress
822 toward the performance expectations set forth in the charter
823 contract;

824 (iii) Fails to meet generally accepted standards
825 of fiscal management; or

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

828 (h) The authorizer shall develop revocation and
829 nonrenewal processes that:

830 (i) Provide the charter holders with a timely
831 notification of the prospect of revocation or nonrenewal and of
832 the reasons for such possible closure;

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

835 (iii) Provide the charter holders with an
836 opportunity to submit documents and give testimony challenging the



837 rationale for closure and in support of the continuation of the
838 school at an orderly proceeding held for that purpose;

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

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

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

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

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

854 (4) School closure and dissolution.

855 (a) Prior to any public charter school closure
856 decision, an authorizer shall have developed a public charter
857 school closure protocol to ensure timely notification to parents,
858 orderly transition of students and student records to new schools,
859 and proper disposition of school funds, property, and assets in
860 accordance with the requirements of this act. The protocol shall
861 specify tasks, timelines, and responsible parties, including
862 delineating the respective duties of the school and the
863 authorizer. In the event of a public charter school closure for
864 any reason, the authorizer shall oversee and work with the closing
865 school to ensure a smooth and orderly closure and transition for
866 students and parents, as guided by the closure protocol.

867 (b) If a charter school closes, all unspent government
868 funds, unspent earnings from those funds and assets purchased with
869 government funds will revert to the Mississippi Charter School



870 Authorizer which shall determine the appropriate disbursement of the
871 unspent government funds to the State Treasury or the local taxing
872 authority, as is appropriate. Unspent funds from nongovernmental
873 sources, unspent earnings from those funds, assets purchased with
874 those funds and debts of the school (unless otherwise provided for
875 in the charter or debt instrument) shall revert to the nonprofit
876 entity created to operate the school and may be disposed of
877 according to applicable laws for nonprofit corporations.

878 (5) Annual report. On or before September 30 of each year
879 beginning in the first year after the state will have had public
880 charter schools operating for a full school year, the Mississippi
881 Public Schools Charter Authorizer Board shall issue to the
882 Governor, the Legislature, the State Board of Education and the
883 public at large, an annual report on the state's public charter
884 schools, for the school year ending in the preceding calendar
885 year. The annual report shall include a comparison of the
886 performance of public charter school students with the performance
887 of academically, ethnically and economically comparable groups of
888 students in public schools in the resident school district. In
889 addition, the annual report shall include the authorizer's
890 assessment of the successes, challenges and areas for improvement
891 in meeting the purposes of this act, including a report by the
892 Joint Legislative Committee on Performance Evaluation and
893 Expenditure Review Committee (PEER) on an assessment of the
894 sufficiency of funding for public charter schools, the efficacy of
895 the state formula for authorizer funding, and any suggested
896 changes in state law or policy necessary to strengthen the state's
897 public charter schools. The report shall also assess whether the
898 creation of public charter schools is sufficient to meet demand,
899 as calculated according to admissions data and the number of
900 students denied enrollment as based on lottery results.

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



903 (a) Notwithstanding any provision of law to the
904 contrary, to the extent that any provision of this act is
905 inconsistent with any other state or local law, rule or
906 regulation, the provisions of this act shall govern and be
907 controlling.

908 (b) A public charter school shall be a nonprofit
909 education organization.

910 (c) A public charter school shall be subject to all
911 federal laws and authorities enumerated herein or arranged by
912 charter contract with the school's authorizer, where such
913 contracting is consistent with applicable laws, rules and
914 regulations.

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

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

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

929 (2) Local educational agency status.

930 (a) The public charter school functions for all
931 purposes as a local educational agency. Local educational agency
932 status does not preclude a public charter school from developing
933 links to local school districts for services, resources and
934 programs, by mutual agreement or by formal contract;



935 (b) Consistent with federal, state or local laws, the
936 public charter school is responsible for meeting the requirements
937 of local educational agencies under applicable federal, state and
938 local laws, including those relating to special education, receipt
939 of funds and compliance with funding requirements; and

940 (c) Consistent with federal, state or local laws, the
941 public charter school has primary responsibility for special
942 education at the school, including identification and provision of
943 service, and is responsible for meeting the needs of enrolled
944 students with disabilities.

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

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

949 (b) To secure appropriate insurance and to enter into
950 contracts and leases;

951 (c) To contract with an education service provider for
952 the management and operation of the public charter school so long
953 as the school's governing board retains oversight authority over
954 the school;

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

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

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

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

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

965 (4) General requirements.

966 (a) A public charter school shall not discriminate
967 against any person on the basis of race, creed, color, sex,



968 disability, or national origin or any other category that would be
969 unlawful if done by a noncharter public school.

970 (b) No public charter school may engage in any
971 sectarian practices in its educational program, admissions or
972 employment policies, or operations.

973 (c) A public charter school shall not discriminate
974 against any student on the basis of national origin, minority
975 status, or limited proficiency in English. Consistent with
976 federal civil rights laws, public charter schools shall provide
977 limited English proficient students with appropriate services
978 designed to teach them English and the general curriculum.

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

982 (e) The terms of each public charter school shall
983 include a transportation plan for students that will be attending
984 the charter school. Charter schools shall comply with
985 transportation regulations application to all other school
986 districts under Section 37-41-3. The transportation must be
987 provided by the public charter school within the district in which
988 the public charter school is located.

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

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

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

997 (b) Public charter schools shall be subject to the
998 student assessment and accountability requirements applicable to
999 other public schools in the state, but nothing herein shall
1000 preclude a public charter school from establishing additional



1001 student assessment measures that go beyond state requirements if
1002 the school's authorizer approves such measures.

1003 (c) Public charter school governing boards shall be
1004 subject to and comply with state open meetings and freedom of
1005 information laws.

1006 (6) Public charter school employees.

1007 (a) Public charter schools shall comply with applicable
1008 federal laws, rules, and regulations regarding the qualification
1009 of teachers and other instructional staff. Fifty percent (50%) of
1010 teachers in a public charter school may be exempt from state
1011 teacher certification requirements. Administrators of public
1012 charter schools are exempt from state administrator certification
1013 requirements. However, teachers and administrators shall have a
1014 bachelor's degree as a minimum requirement.

1015 (b) Employees in public charter schools shall have the
1016 same rights and privileges as other public school employees except
1017 as otherwise stated herein; however, such employees shall not be
1018 subject to the provisions of the Education Employment Procedures
1019 law, Section 32-9-103, and shall not be deemed as members of the
1020 Public Employees' Retirement System.

1021 (c) Employees in public charter schools are eligible
1022 for participation in retirement and other benefits programs if the
1023 public charter school chooses to participate.

1024 (d) Teachers and other school personnel, as well as
1025 governing board trustees, shall be subject to criminal history
1026 record checks and fingerprinting requirements applicable to other
1027 public schools.

1028 (e) Teachers and administrators shall be subject to
1029 disqualification or termination for sexual misconduct as is
1030 applicable to other public schools under Section 37-3-2(g) (h) and
1031 (i).

1032 (7) Access to interscholastic activities. A public charter
1033 school shall be eligible for state-sponsored or district-sponsored



1034 interscholastic leagues, competitions, awards, scholarships and
1035 recognition programs for students, educators, administrators and
1036 schools to the same extent as noncharter public schools.

1037 **SECTION 9. Funding.** (1) Enrollment.

1038 (a) Each public charter school shall annually certify
1039 to the State Department of Education its student enrollment,
1040 average daily attendance and student participation in the national
1041 school lunch program, special education, vocational education,
1042 gifted education, alternative school program and federal programs,
1043 in the same manner as school districts.

1044 (b) Each public charter school shall annually certify
1045 to the tax collector in the county in which the charter school is
1046 located the number of enrolled public charter school students
1047 residing in each school district in the county. In the event a
1048 student enrolled in a public charter school resides in an
1049 adjoining county, the public charter school shall certify this
1050 enrollment to the tax collector of the county where the student
1051 resides.

1052 (c) By October 15 of each year, the State Department of
1053 Education shall send each tax collector of any county in which is
1054 located a public charter school the current amount of ad valorem
1055 millage for operations in dollars per pupil which is levied for
1056 the support of each school district located in every county in the
1057 state based upon the certified budget request in dollars for the
1058 first month of enrollment. The ad valorem millage for operations
1059 in dollars to be reported shall include all levies for the support
1060 of the school district under Sections 37-57-1 (local contribution
1061 to the adequate education program) and 37-57-105 (school district
1062 operational levy), plus an estimated amount each district
1063 anticipates to receive for in lieu payments, and shall not include
1064 any taxes levied for the retirement of school district bonded
1065 indebtedness or short-term notes or any taxes levied for the
1066 support of vocational-technical education programs.



1067 (2) Operational funding.

1068 (a) The State Department of Education shall make
1069 payments to public charter schools for each student in average
1070 daily attendance at the public charter school equal to the state
1071 share of the adequate education program payments for each student
1072 in average daily attendance at the public school district in which
1073 the public charter school is located. In calculating the local
1074 contribution for purposes of determining the state share of the
1075 adequate education program payments, the department shall deduct
1076 the pro rata local contribution of the school district in which
1077 the student resides, to be determined as provided in Section
1078 37-151-7(2) (a).

1079 (b) The tax collector in the county in which the public
1080 charter school is located shall pay directly to the public charter
1081 school an amount for each student enrolled in the public charter
1082 school equal to the ad valorem taxes levied and in lieu payments
1083 per pupil for the support of the school district in which the
1084 student resides, and the tax collector shall withhold an equal
1085 amount from the local school district in which the public charter
1086 school student resides. The pro rata ad valorem taxes and in lieu
1087 payments to be transferred to the public charter school shall
1088 include all levies for the support of the school district under
1089 Sections 37-57-1 (local contribution to the adequate education
1090 program) and 37-57-105 (school district operational levy) and
1091 shall not include any taxes levied for the retirement of school
1092 district bonded indebtedness or short-term notes or any taxes
1093 levied for the support of vocational-technical education programs.
1094 In the event a student attending the public charter school resides
1095 in an adjoining county, it shall be the responsibility of the tax
1096 collector of the county of the student's residence to make local
1097 ad valorem payments under this section to the public charter
1098 school, but in no event shall such payment exceed the pro rata
1099 amount of the local ad valorem payment for the local contribution



1100 to the adequate education program under Section 37-57-1 for the
1101 school district in which the student resides. Payments made
1102 pursuant to this section by the tax collector to the charter
1103 schools shall be made at the same time and manner as funds are
1104 distributed to the school districts in the county on a per pupil
1105 basis. It shall be the duty of the tax collector to verify that
1106 payments of local school district ad valorem and in lieu receipts
1107 made to public charter schools and withheld from local school
1108 districts are based on the number of students actually attending
1109 the public charter school. If the tax collector collects ad
1110 valorem receipts for multiple school districts, the tax collecting
1111 entity will ensure that the deductions from each local school
1112 district's ad valorem and in lieu receipts that are diverted to
1113 the charter school are based on the number of students attending
1114 the charter school that reside in each local school district.

1115 (3) Payment schedule. Payments made pursuant to this
1116 section by the State Department of Education shall be made in
1117 twelve (12) substantially equal installments each year at the same
1118 time and in the same manner as adequate education program payments
1119 are made to public school districts. Amounts payable under this
1120 section shall be determined by the State Department of Education.
1121 Amounts payable to a public charter school in its first year of
1122 operation shall be based on the projections of initial-year
1123 enrollment and federal school level funding set forth in the
1124 charter contracts. Such projections shall be reconciled with the
1125 average daily attendance at the end of the school's first year of
1126 operation, and any necessary adjustments shall be made to payments
1127 during the school's second year of operation.

1128 (4) Categorical funding.

1129 (a) The state shall direct the proportionate share of
1130 monies generated under federal and state categorical aid programs,
1131 including special education, vocational, gifted and alternative
1132 school programs, to public charter schools serving students



1133 eligible for such aid. The state shall ensure that public charter
1134 schools with rapidly expanding enrollments are treated equitably
1135 in the calculation and disbursement of all federal and state
1136 categorical aid program dollars. Each public charter school that
1137 serves students who may be eligible to receive services provided
1138 through such programs shall comply with all reporting requirements
1139 to receive the aid.

1140 (b) A public charter school shall pay to a local school
1141 district any federal or state aid attributable to a student with a
1142 disability attending a public charter school in proportion to the
1143 level of services for such student that the local school district
1144 provides directly or indirectly.

1145 (c) At either party's request, a public charter school
1146 and a local school district may negotiate and include in the
1147 charter contract alternate arrangements for the provision of and
1148 payment for special education services, including, but not
1149 necessarily limited to, a reasonable reserve not to exceed five
1150 percent (5%) of the local school district's total budget for
1151 providing special education services. The reserve shall only be
1152 used by the local school district to offset excess costs of
1153 providing services to students with disabilities enrolled in one
1154 (1) of the public charter schools that has paid into it.

1155 (5) Generally accepted accounting principles independent
1156 audit.

1157 (a) A public charter school shall adhere to generally
1158 accepted accounting principles.

1159 (b) A public charter school shall annually engage an
1160 external auditor to do an independent audit of the school's
1161 finances. A public charter school shall file a copy of each audit
1162 report and accompanying management letter to the authorizer by
1163 July 30.

1164 (6) Transportation funding.



1165 (a) The State Department of Education shall disburse
1166 state transportation funding to a public charter school on the
1167 same basis and in the same manner as it is paid to school
1168 districts under the adequate education program.

1169 (b) A public charter school may enter into a contract
1170 with a school district or private provider to provide
1171 transportation to the school's students.

1172 (7) Budget reserves. Any monies received by a public
1173 charter school from any source and remaining in the public charter
1174 school's accounts at the end of any budget year shall remain in
1175 the public charter school's accounts for use by the public charter
1176 school during subsequent budget years.

1177 (8) Ability to accept gifts, donations and grants. Nothing
1178 in this act shall be construed to prohibit any person or
1179 organization from providing funding or other assistance to the
1180 establishment or operation of a public charter school. The
1181 governing board of a public charter school is authorized to accept
1182 gifts, donations and grants of any kind made to the public charter
1183 school and to expend or use such gifts, donations and grants in
1184 accordance with the conditions prescribed by the donor; provided,
1185 however, that no gift, donation or grant may be accepted if
1186 subject to a condition that is contrary to any provision of law or
1187 term of the charter contract.

1188 **SECTION 10. Facilities.** (1) Access to district facilities
1189 and land. A public charter school shall have a right of first
1190 refusal to purchase or lease at or below fair market value a
1191 closed public school facility or property or unused portions of a
1192 public school facility or property located in a school district
1193 from which it draws its students if the school district decides to
1194 sell or lease the public school facility or property.

1195 (2) Contracting for use of facilities. A public charter
1196 school may negotiate and contract at or below fair market value
1197 with a school district, the governing body of a state college or



1198 university or public community college, or any other public or
1199 for-profit or nonprofit private entity for the use of facility for
1200 a school building.

1201 (3) Use of other facilities under preexisting zoning and
1202 land use designations. Library, community service, museum,
1203 performing arts, theatre, cinema, church, community college,
1204 college and university facilities may provide space to public
1205 charter schools within their facilities under their preexisting
1206 zoning and land use designations.

1207 **SECTION 11.** Section 37-151-7, Mississippi Code of 1972, is
1208 amended as follows:

1209 37-151-7. The annual allocation to each school district for
1210 the operation of the adequate education program shall be
1211 determined as follows:

1212 (1) **Computation of the basic amount to be included for**
1213 **current operation in the adequate education program.** The
1214 following procedure shall be followed in determining the annual
1215 allocation to each school district:

1216 (a) **Determination of average daily attendance.**
1217 Effective with fiscal year 2011, the State Department of Education
1218 shall determine the percentage change from the prior year of each
1219 year of each school district's average of months two (2) and three
1220 (3) average daily attendance (ADA) for the three (3) immediately
1221 preceding school years of the year for which funds are being
1222 appropriated. For any school district that experiences a positive
1223 growth in the average of months two (2) and three (3) ADA each
1224 year of the three (3) years, the average percentage growth over
1225 the three-year period shall be multiplied times the school
1226 district's average of months two (2) and three (3) ADA for the
1227 year immediately preceding the year for which MAEP funds are being
1228 appropriated. The resulting amount shall be added to the school
1229 district's average of months two (2) and three (3) ADA for the
1230 year immediately preceding the year for which MAEP funds are being



1231 appropriated to arrive at the ADA to be used in determining a
1232 school district's MAEP allocation. Otherwise, months two (2) and
1233 three (3) ADA for the year immediately preceding the year for
1234 which MAEP funds are being appropriated will be used in
1235 determining a school district's MAEP allocation. In any fiscal
1236 year prior to 2010 in which the MAEP formula is not fully funded,
1237 for those districts that do not demonstrate a three-year positive
1238 growth in months two (2) and three (3) ADA, months one (1) through
1239 nine (9) ADA of the second preceding year for which funds are
1240 being appropriated or months two (2) and three (3) ADA of the
1241 preceding year for which funds are being appropriated, whichever
1242 is greater, shall be used to calculate the district's MAEP
1243 allocation. The district's average daily attendance shall be
1244 computed and currently maintained in accordance with regulations
1245 promulgated by the State Board of Education.

1246 (b) **Determination of base student cost.** Effective with
1247 fiscal year 2011 and every fourth fiscal year thereafter, the
1248 State Board of Education, on or before August 1, with adjusted
1249 estimate no later than January 2, shall submit to the Legislative
1250 Budget Office and the Governor a proposed base student cost
1251 adequate to provide the following cost components of educating a
1252 pupil in a successful school district: (i) Instructional Cost;
1253 (ii) Administrative Cost; (iii) Operation and Maintenance of
1254 Plant; and (iv) Ancillary Support Cost. For purposes of these
1255 calculations, the Department of Education shall utilize financial
1256 data from the second preceding year of the year for which funds
1257 are being appropriated.

1258 For the instructional cost component, the Department of
1259 Education shall select districts that have been identified as
1260 instructionally successful and have a ratio of a number of
1261 teachers per one thousand (1,000) students that is between one (1)
1262 standard deviation above the mean and two (2) standard deviations
1263 below the mean of the statewide average of teachers per one



1264 thousand (1,000) students. The instructional cost component shall
1265 be calculated by dividing the latest available months one (1)
1266 through nine (9) ADA into the instructional expenditures of these
1267 selected districts. For the purpose of this calculation, the
1268 Department of Education shall use the following funds, functions
1269 and objects:

1270 Fund 1120 Functions 1110-1199 Objects 100-999, Functions
1271 1210, 1220, 2150-2159 Objects 210 and 215;
1272 Fund 1130 All Functions, Object Code 210 and 215;
1273 Fund 2001 Functions 1110-1199 Objects 100-999;
1274 Fund 2070 Functions 1110-1199 Objects 100-999;
1275 Fund 2420 Functions 1110-1199 Objects 100-999;
1276 Fund 2711 All Functions, Object Code 210 and 215.

1277 Prior to the calculation of the instructional cost component,
1278 there shall be subtracted from the above expenditures any revenue
1279 received for Chickasaw Cession payments, Master Teacher
1280 Certification payments and the district's portion of state revenue
1281 received from the MAEP at-risk allocation.

1282 For the administrative cost component, the Department of
1283 Education shall select districts that have been identified as
1284 instructionally successful and have a ratio of an administrative
1285 staff to nonadministrative staff between one (1) standard
1286 deviation above the mean and two (2) standard deviations below the
1287 mean of the statewide average administrative staff to
1288 nonadministrative staff. The administrative cost component shall
1289 be calculated by dividing the latest available months one (1)
1290 through nine (9) ADA of the selected districts into the
1291 administrative expenditures of these selected districts. For the
1292 purpose of this calculation, the Department of Education shall use
1293 the following funds, functions and objects:

1294 Fund 1120 Functions 2300-2599, Functions 2800-2899,
1295 Objects 100-999;
1296 Fund 2711 Functions 2300-2599, Functions 2800-2899,



1297 Objects 100-999.

1298 For the plant and maintenance cost component, the Department
1299 of Education shall select districts that have been identified as
1300 instructionally successful and have a ratio of plant and
1301 maintenance expenditures per one hundred thousand (100,000) square
1302 feet of building space and a ratio of maintenance workers per one
1303 hundred thousand (100,000) square feet of building space that are
1304 both between one (1) standard deviation above the mean and two (2)
1305 standard deviations below the mean of the statewide average. The
1306 plant and maintenance cost component shall be calculated by
1307 dividing the latest available months one (1) through nine (9) ADA
1308 of the selected districts into the plant and maintenance
1309 expenditures of these selected districts. For the purpose of this
1310 calculation, the Department of Education shall use the following
1311 funds, functions and objects:

1312 Fund 1120 Functions 2600-2699, Objects 100-699
1313 and Objects 800-999;

1314 Fund 2711 Functions 2600-2699, Objects 100-699
1315 and Objects 800-999;

1316 Fund 2430 Functions 2600-2699, Objects 100-699
1317 and Objects 800-999.

1318 For the ancillary support cost component, the Department of
1319 Education shall select districts that have been identified as
1320 instructionally successful and have a ratio of a number of
1321 librarians, media specialists, guidance counselors and
1322 psychologists per one thousand (1,000) students that is between
1323 one (1) standard deviation above the mean and two (2) standard
1324 deviations below the mean of the statewide average of librarians,
1325 media specialists, guidance counselors and psychologists per one
1326 thousand (1,000) students. The ancillary cost component shall be
1327 calculated by dividing the latest available months one (1) through
1328 nine (9) ADA into the ancillary expenditures instructional
1329 expenditures of these selected districts. For the purpose of this



1330 calculation, the Department of Education shall use the following
1331 funds, functions and objects:

- 1332 Fund 1120 Functions 2110-2129, Objects 100-999;
- 1333 Fund 1120 Functions 2140-2149, Objects 100-999;
- 1334 Fund 1120 Functions 2220-2229, Objects 100-999;
- 1335 Fund 2001 Functions 2100-2129, Objects 100-999;
- 1336 Fund 2001 Functions 2140-2149, Objects 100-999;
- 1337 Fund 2001 Functions 2220-2229, Objects 100-999.

1338 The total base cost for each year shall be the sum of the
1339 instructional cost component, administrative cost component, plant
1340 and maintenance cost component and ancillary support cost
1341 component, and any estimated adjustments for additional state
1342 requirements as determined by the State Board of Education.

1343 Provided, however, that the base student cost in fiscal year 1998
1344 shall be Two Thousand Six Hundred Sixty-four Dollars (\$2,664.00).

1345 For each of the fiscal years between the recalculation of the
1346 base student cost under the provisions of this paragraph (b), the
1347 base student cost shall be increased by an amount equal to forty
1348 percent (40%) of the base student cost for the previous fiscal
1349 year, multiplied by the latest annual rate of inflation for the
1350 State of Mississippi as determined by the State Economist, plus
1351 any adjustments for additional state requirements such as, but not
1352 limited to, teacher pay raises and health insurance premium
1353 increases.

1354 (c) **Determination of the basic adequate education**

1355 **program cost.** The basic amount for current operation to be
1356 included in the Mississippi Adequate Education Program for each
1357 school district shall be computed as follows:

1358 Multiply the average daily attendance of the district by the
1359 base student cost as established by the Legislature, which yields
1360 the total base program cost for each school district.

1361 (d) **Adjustment to the base student cost for at-risk**

1362 **pupils.** The amount to be included for at-risk pupil programs for



1363 each school district shall be computed as follows: Multiply the
1364 base student cost for the appropriate fiscal year as determined
1365 under paragraph (b) by five percent (5%), and multiply that
1366 product by the number of pupils participating in the federal free
1367 school lunch program in such school district, which yields the
1368 total adjustment for at-risk pupil programs for such school
1369 district.

1370 (e) **Add-on program cost.** The amount to be allocated to
1371 school districts in addition to the adequate education program
1372 cost for add-on programs for each school district shall be
1373 computed as follows:

1374 (i) Transportation cost shall be the amount
1375 allocated to such school district for the operational support of
1376 the district transportation system from state funds.

1377 (ii) Vocational or technical education program
1378 cost shall be the amount allocated to such school district from
1379 state funds for the operational support of such programs.

1380 (iii) Special education program cost shall be the
1381 amount allocated to such school district from state funds for the
1382 operational support of such programs.

1383 (iv) Gifted education program cost shall be the
1384 amount allocated to such school district from state funds for the
1385 operational support of such programs.

1386 (v) Alternative school program cost shall be the
1387 amount allocated to such school district from state funds for the
1388 operational support of such programs.

1389 (vi) Extended school year programs shall be the
1390 amount allocated to school districts for those programs authorized
1391 by law which extend beyond the normal school year.

1392 (vii) University-based programs shall be the
1393 amount allocated to school districts for those university-based
1394 programs for handicapped children as defined and provided for in
1395 Section 37-23-131 et seq., Mississippi Code of 1972.



1396 (viii) Bus driver training programs shall be the
1397 amount provided for those driver training programs as provided for
1398 in Section 37-41-1, Mississippi Code of 1972.

1399 The sum of the items listed above (i) transportation, (ii)
1400 vocational or technical education, (iii) special education, (iv)
1401 gifted education, (v) alternative school, (vi) extended school
1402 year, (vii) university-based, and (viii) bus driver training shall
1403 yield the add-on cost for each school district.

1404 (f) **Total projected adequate education program cost.**
1405 The total Mississippi Adequate Education Program cost shall be the
1406 sum of the total basic adequate education program cost (paragraph
1407 (c)), and the adjustment to the base student cost for at-risk
1408 pupils (paragraph (d)) for each school district. In any year in
1409 which the MAEP is not fully funded, the Legislature shall direct
1410 the Department of Education in the K-12 appropriation bill as to
1411 how to allocate MAEP funds to school districts for that year.

1412 (g) The State Auditor shall annually verify the State
1413 Board of Education's estimated calculations for the Mississippi
1414 Adequate Education Program that are submitted each year to the
1415 Legislative Budget Office on August 1 and the final calculation
1416 that is submitted on January 2.

1417 (2) **Computation of the required local revenue in support of**
1418 **the adequate education program.** The amount that each district
1419 shall provide toward the cost of the adequate education program
1420 shall be calculated as follows:

1421 (a) The State Department of Education shall certify to
1422 each school district that twenty-eight (28) mills, less the
1423 estimated amount of the yield of the School Ad Valorem Tax
1424 Reduction Fund grants as determined by the State Department of
1425 Education, is the millage rate required to provide the district
1426 required local effort for that year, or twenty-seven percent (27%)
1427 of the basic adequate education program cost for such school
1428 district as determined under paragraph (c), whichever is a lesser



1429 amount. In the case of an agricultural high school, the millage
1430 requirement shall be set at a level which generates an equitable
1431 amount per pupil to be determined by the State Board of Education.
1432 Local contribution amount for school districts in which public
1433 charter school students reside will be calculated using the
1434 following methodology: using the adequate education program
1435 twenty-eight (28) mill value, or the twenty-seven percent (27%)
1436 cap amount (whichever is less) for each public school district
1437 with a student attending the charter school, an average per pupil
1438 amount will be calculated. This average per pupil amount will be
1439 multiplied times the number of students attending the charter
1440 school from the resident district. The sum becomes the charter
1441 school's local contribution to the adequate education program.

1442 (b) The State Department of Education shall determine
1443 (i) the total assessed valuation of nonexempt property for school
1444 purposes in each school district; (ii) assessed value of exempt
1445 property owned by homeowners aged sixty-five (65) or older or
1446 disabled as defined in Section 27-33-67(2), Mississippi Code of
1447 1972; (iii) the school district's tax loss from exemptions
1448 provided to applicants under the age of sixty-five (65) and not
1449 disabled as defined in Section 27-33-67(1), Mississippi Code of
1450 1972; and (iv) the school district's homestead reimbursement
1451 revenues.

1452 (c) The amount of the total adequate education program
1453 funding which shall be contributed by each school district shall
1454 be the sum of the ad valorem receipts generated by the millage
1455 required under this subsection plus the following local revenue
1456 sources for the appropriate fiscal year which are or may be
1457 available for current expenditure by the school district:

1458 One hundred percent (100%) of Grand Gulf income as prescribed
1459 in Section 27-35-309.

1460 One hundred percent (100%) of any fees in lieu of taxes as
1461 prescribed in Section 27-31-104.



1462 (3) **Computation of the required state effort in support of**
1463 **the adequate education program.**

1464 (a) The required state effort in support of the
1465 adequate education program shall be determined by subtracting the
1466 sum of the required local tax effort as set forth in subsection
1467 (2) (a) of this section and the other local revenue sources as set
1468 forth in subsection (2) (c) of this section in an amount not to
1469 exceed twenty-seven percent (27%) of the total projected adequate
1470 education program cost as set forth in subsection (1) (f) of this
1471 section from the total projected adequate education program cost
1472 as set forth in subsection (1) (f) of this section.

1473 (b) Provided, however, that in fiscal year 1998 and in
1474 the fiscal year in which the adequate education program is fully
1475 funded by the Legislature, any increase in the said state
1476 contribution to any district calculated under this section shall
1477 be not less than eight percent (8%) in excess of the amount
1478 received by said district from state funds for the fiscal year
1479 immediately preceding. For purposes of this paragraph (b), state
1480 funds shall include minimum program funds less the add-on
1481 programs, State Uniform Millage Assistance Grant Funds, Education
1482 Enhancement Funds appropriated for Uniform Millage Assistance
1483 Grants and state textbook allocations, and State General Funds
1484 allocated for textbooks.

1485 (c) If the school board of any school district shall
1486 determine that it is not economically feasible or practicable to
1487 operate any school within the district for the full one hundred
1488 eighty (180) days required for a school term of a scholastic year
1489 as required in Section 37-13-63, Mississippi Code of 1972, due to
1490 an enemy attack, a man-made, technological or natural disaster in
1491 which the Governor has declared a disaster emergency under the
1492 laws of this state or the President of the United States has
1493 declared an emergency or major disaster to exist in this state,
1494 said school board may notify the State Department of Education of



1495 such disaster and submit a plan for altering the school term. If
1496 the State Board of Education finds such disaster to be the cause
1497 of the school not operating for the contemplated school term and
1498 that such school was in a school district covered by the
1499 Governor's or President's disaster declaration, it may permit said
1500 school board to operate the schools in its district for less than
1501 one hundred eighty (180) days and, in such case, the State
1502 Department of Education shall not reduce the state contributions
1503 to the adequate education program allotment for such district,
1504 because of the failure to operate said schools for one hundred
1505 eighty (180) days.

1506 (4) The Interim School District Capital Expenditure Fund is
1507 hereby established in the State Treasury which shall be used to
1508 distribute any funds specifically appropriated by the Legislature
1509 to such fund to school districts entitled to increased allocations
1510 of state funds under the adequate education program funding
1511 formula prescribed in Sections 37-151-3 through 37-151-7,
1512 Mississippi Code of 1972, until such time as the said adequate
1513 education program is fully funded by the Legislature. The
1514 following percentages of the total state cost of increased
1515 allocations of funds under the adequate education program funding
1516 formula shall be appropriated by the Legislature into the Interim
1517 School District Capital Expenditure Fund to be distributed to all
1518 school districts under the formula: Nine and two-tenths percent
1519 (9.2%) shall be appropriated in fiscal year 1998, twenty percent
1520 (20%) shall be appropriated in fiscal year 1999, forty percent
1521 (40%) shall be appropriated in fiscal year 2000, sixty percent
1522 (60%) shall be appropriated in fiscal year 2001, eighty percent
1523 (80%) shall be appropriated in fiscal year 2002, and one hundred
1524 percent (100%) shall be appropriated in fiscal year 2003 into the
1525 state adequate education program Fund. Until July 1, 2002, such
1526 money shall be used by school districts for the following
1527 purposes:



1528 (a) Purchasing, erecting, repairing, equipping,
1529 remodeling and enlarging school buildings and related facilities,
1530 including gymnasiums, auditoriums, lunchrooms, vocational training
1531 buildings, libraries, school barns and garages for transportation
1532 vehicles, school athletic fields and necessary facilities
1533 connected therewith, and purchasing land therefor. Any such
1534 capital improvement project by a school district shall be approved
1535 by the State Board of Education, and based on an approved
1536 long-range plan. The State Board of Education shall promulgate
1537 minimum requirements for the approval of school district capital
1538 expenditure plans.

1539 (b) Providing necessary water, light, heating, air
1540 conditioning, and sewerage facilities for school buildings, and
1541 purchasing land therefor.

1542 (c) Paying debt service on existing capital improvement
1543 debt of the district or refinancing outstanding debt of a district
1544 if such refinancing will result in an interest cost savings to the
1545 district.

1546 (d) From and after October 1, 1997, through June 30,
1547 1998, pursuant to a school district capital expenditure plan
1548 approved by the State Department of Education, a school district
1549 may pledge such funds until July 1, 2002, plus funds provided for
1550 in paragraph (e) of this subsection (4) that are not otherwise
1551 permanently pledged under such paragraph (e) to pay all or a
1552 portion of the debt service on debt issued by the school district
1553 under Sections 37-59-1 through 37-59-45, 37-59-101 through
1554 37-59-115, 37-7-351 through 37-7-359, 37-41-89 through 37-41-99,
1555 37-7-301, 37-7-302 and 37-41-81, Mississippi Code of 1972, or debt
1556 issued by boards of supervisors for agricultural high schools
1557 pursuant to Section 37-27-65, Mississippi Code of 1972, or
1558 lease-purchase contracts entered into pursuant to Section 31-7-13,
1559 Mississippi Code of 1972, or to retire or refinance outstanding
1560 debt of a district, if such pledge is accomplished pursuant to a



1561 written contract or resolution approved and spread upon the
1562 minutes of an official meeting of the district's school board or
1563 board of supervisors. It is the intent of this provision to allow
1564 school districts to irrevocably pledge their Interim School
1565 District Capital Expenditure Fund allotments as a constant stream
1566 of revenue to secure a debt issued under the foregoing code
1567 sections. To allow school districts to make such an irrevocable
1568 pledge, the state shall take all action necessary to ensure that
1569 the amount of a district's Interim School District Capital
1570 Expenditure Fund allotments shall not be reduced below the amount
1571 certified by the department or the district's total allotment
1572 under the Interim Capital Expenditure Fund if fully funded, so
1573 long as such debt remains outstanding.

1574 (e) [Repealed]

1575 (f) [Repealed]

1576 (g) The State Board of Education may authorize the
1577 school district to expend not more than twenty percent (20%) of
1578 its annual allotment of such funds or Twenty Thousand Dollars
1579 (\$20,000.00), whichever is greater, for technology needs of the
1580 school district, including computers, software,
1581 telecommunications, cable television, interactive video, film,
1582 low-power television, satellite communications, microwave
1583 communications, technology-based equipment installation and
1584 maintenance, and the training of staff in the use of such
1585 technology-based instruction. Any such technology expenditure
1586 shall be reflected in the local district technology plan approved
1587 by the State Board of Education under Section 37-151-17,
1588 Mississippi Code of 1972.

1589 (h) To the extent a school district has not utilized
1590 twenty percent (20%) of its annual allotment for technology
1591 purposes under paragraph (g), a school district may expend not
1592 more than twenty percent (20%) of its annual allotment or Twenty
1593 Thousand Dollars (\$20,000.00), whichever is greater, for



1594 instructional purposes. The State Board of Education may
1595 authorize a school district to expend more than said twenty
1596 percent (20%) of its annual allotment for instructional purposes
1597 if it determines that such expenditures are needed for
1598 accreditation purposes.

1599 (i) The State Department of Education or the State
1600 Board of Education may require that any project commenced under
1601 this section with an estimated project cost of not less than Five
1602 Million Dollars (\$5,000,000.00) shall be done only pursuant to
1603 program management of the process with respect to design and
1604 construction. Any individuals, partnerships, companies or other
1605 entities acting as a program manager on behalf of a local school
1606 district and performing program management services for projects
1607 covered under this subsection shall be approved by the State
1608 Department of Education.

1609 Any interest accruing on any unexpended balance in the
1610 Interim School District Capital Expenditure Fund shall be invested
1611 by the State Treasurer and placed to the credit of each school
1612 district participating in such fund in its proportionate share.

1613 The provisions of this subsection (4) shall be cumulative and
1614 supplemental to any existing funding programs or other authority
1615 conferred upon school districts or school boards.

1616 (5) The State Department of Education shall make payments to
1617 public charter schools for each student in average daily
1618 attendance at the public charter school equal to the state share
1619 of the adequate education program payments for each student in
1620 average daily attendance at the public school district in which
1621 the public charter school is located. In calculating the local
1622 contribution for purposes of determining the state share of the
1623 adequate education program payments, the department shall deduct
1624 the pro rata local contribution of the school district in which
1625 the student resides as determined in subsection (2) (a).



1626 **SECTION 12.** Section 37-57-107, Mississippi Code of 1972, is
1627 amended as follows:

1628 37-57-107. (1) Beginning with the tax levy for the 1997
1629 fiscal year and for each fiscal year thereafter, the aggregate
1630 receipts from taxes levied for school district purposes pursuant
1631 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
1632 receipts from those sources during any one (1) of the immediately
1633 preceding three (3) fiscal years, as determined by the school
1634 board, plus an increase not to exceed seven percent (7%). For the
1635 purpose of this limitation, the term "aggregate receipts" when
1636 used in connection with the amount of funds generated in a
1637 preceding fiscal year shall not include excess receipts required
1638 by law to be deposited into a special account, however the term
1639 "aggregate receipts" shall include any receipts required by law to
1640 be diverted to a public charter school. The additional revenue
1641 from the ad valorem tax on any newly constructed properties or any
1642 existing properties added to the tax rolls or any properties
1643 previously exempt which were not assessed in the next preceding
1644 year may be excluded from the seven percent (7%) increase
1645 limitation set forth herein. Taxes levied for payment of
1646 principal of and interest on general obligation school bonds
1647 issued heretofore or hereafter shall be excluded from the seven
1648 percent (7%) increase limitation set forth herein. Any additional
1649 millage levied to fund any new program mandated by the Legislature
1650 shall be excluded from the limitation for the first year of the
1651 levy and included within such limitation in any year thereafter.
1652 For the purposes of this section, the term "new program" shall
1653 include, but shall not be limited to, (a) the Early Childhood
1654 Education Program required to commence with the 1986-1987 school
1655 year as provided by Section 37-21-7 and any additional millage
1656 levied and the revenue generated therefrom, which is excluded from
1657 the limitation for the first year of the levy, to support the
1658 mandated Early Childhood Education Program shall be specified on



1659 the minutes of the school board and of the governing body making
1660 such tax levy; (b) any additional millage levied and the revenue
1661 generated therefrom which shall be excluded from the limitation
1662 for the first year of the levy, for the purpose of generating
1663 additional local contribution funds required for the adequate
1664 education program for the 2003 fiscal year and for each fiscal
1665 year thereafter under Section 37-151-7(2); and (c) any additional
1666 millage levied and the revenue generated therefrom which shall be
1667 excluded from the limitation for the first year of the levy, for
1668 the purpose of support and maintenance of any agricultural high
1669 school which has been transferred to the control, operation and
1670 maintenance of the school board by the board of trustees of the
1671 community college district under provisions of Section 37-29-272.

1672 (2) The seven percent (7%) increase limitation prescribed in
1673 this section may be increased an additional amount only when the
1674 school board has determined the need for additional revenues and
1675 has held an election on the question of raising the limitation
1676 prescribed in this section. The limitation may be increased only
1677 if three-fifths (3/5) of those voting in the election shall vote
1678 for the proposed increase. The resolution, notice and manner of
1679 holding the election shall be as prescribed by law for the holding
1680 of elections for the issuance of bonds by the respective school
1681 boards. Revenues collected for the fiscal year in excess of the
1682 seven percent (7%) increase limitation pursuant to an election
1683 shall be included in the tax base for the purpose of determining
1684 aggregate receipts for which the seven percent (7%) increase
1685 limitation applies for subsequent fiscal years.

1686 (3) Except as otherwise provided for excess revenues
1687 generated pursuant to an election, if revenues collected as the
1688 result of the taxes levied for the fiscal year pursuant to this
1689 section and Section 37-57-1 exceed the increase limitation, then
1690 it shall be the mandatory duty of the school board of the school
1691 district to deposit such excess receipts over and above the



1692 increase limitation into a special account and credit it to the
1693 fund for which the levy was made. It will be the further duty of
1694 such board to hold said funds and invest the same as authorized by
1695 law. Such excess funds shall be calculated in the budgets for the
1696 school districts for the purpose for which such levies were made,
1697 for the succeeding fiscal year. Taxes imposed for the succeeding
1698 year shall be reduced by the amount of excess funds available.
1699 Under no circumstances shall such excess funds be expended during
1700 the fiscal year in which such excess funds are collected.

1701 (4) For the purposes of determining ad valorem tax receipts
1702 for a preceding fiscal year under this section, the term "fiscal
1703 year" means the fiscal year beginning October 1 and ending
1704 September 30.

1705 (5) Effective with the 2012-2013 school year, the tax
1706 collector in the county in which the public charter school is
1707 located shall pay directly to the public charter school an amount
1708 for each student enrolled in the public charter school equal to
1709 the ad valorem taxes levied per pupil for the support of the
1710 school district in which the student resides, and the tax
1711 collector shall withhold an equal amount from the local school
1712 district in which the public charter school student resides. The
1713 pro rata ad valorem taxes to be transferred to the public charter
1714 school shall include all levies for the support of the school
1715 district under Sections 37-57-1 (local contribution to the
1716 adequate education program) and 37-57-105 (school district
1717 operational levy) and shall not include any taxes levied for the
1718 retirement of school district bonded indebtedness or short-term
1719 notes or any taxes levied for the support of vocational-technical
1720 education programs. In the event a student attending the public
1721 charter school resides in an adjoining county, it shall be the
1722 responsibility of the tax collector of the county of the student's
1723 residence to make local ad valorem payments under this section to
1724 the public charter school, but in no event shall such payment



1725 exceed the pro rata amount of the local ad valorem payment for the
1726 local contribution to the adequate education program under Section
1727 37-57-1 for the school district in which the student resides.
1728 Payments made pursuant to this section by the tax collector to the
1729 charter schools shall be made at the same time and manner as funds
1730 are distributed to the school districts in the county on a per
1731 pupil basis.

1732 (6) Any funds withheld from the school district for the
1733 purpose of making pro rata payments of ad valorem taxes levied in
1734 the school district to any public charter school located in the
1735 school district shall not be considered a shortfall within the
1736 meaning of Section 37-57-108.

1737 **SECTION 13.** Section 37-9-103, Mississippi Code of 1972, is
1738 amended as follows:

1739 37-9-103. (1) As used in Sections 37-9-101 through
1740 37-9-113, the word "employee" shall include:

1741 (a) Any teacher, principal, superintendent or other
1742 professional personnel employed by the local school district for a
1743 continuous period of two (2) years with that district and required
1744 to have a valid license issued by the State Department of
1745 Education as a prerequisite of employment; or

1746 (b) Any teacher, principal, superintendent or other
1747 professional personnel who has completed a continuous period of
1748 two (2) years of employment in a Mississippi public school
1749 district and one (1) full year of employment with the school
1750 district of current employment, and who is required to have a
1751 valid license issued by the State Department of Education as a
1752 prerequisite of employment.

1753 (2) (a) The Education Employment Procedures Law shall not
1754 apply to any category of employee as defined in this section
1755 employed in any school district after the Governor declares a
1756 state of emergency under the provisions of Section 37-17-6(11).
1757 The Education Employment Procedures Law shall not be applicable in



1758 any school district for the full period of time that those
1759 conditions, as defined in Section 37-17-6(11), exist.

1760 (b) The Education Employment Procedures Law shall not
1761 apply to any category of employee as defined in this section
1762 employed in any school that is a new start school, as provided for
1763 under Section 37-167-1.

1764 (c) The Education Employment Procedures Law shall not
1765 apply to any category of teacher, administrator or employee of a
1766 public charter school established under the terms and provisions
1767 of this act.

1768 (3) For purposes of Sections 37-9-101 through 37-9-113, the
1769 term "days" means calendar days.

1770 **SECTION 14.** Section 37-13-63, Mississippi Code of 1972, is
1771 amended as follows:

1772 37-13-63. (1) Except as otherwise provided, all public
1773 schools in the state and public charter schools shall be kept in
1774 session for at least one hundred eighty (180) days in each
1775 scholastic year.

1776 (2) If the school board of any school district or the
1777 governing board of the public charter school shall determine that
1778 it is not economically feasible or practicable to operate any
1779 school within the district for the full one hundred eighty (180)
1780 days required for a scholastic year as contemplated due to an
1781 enemy attack, a man-made, technological or natural disaster or
1782 extreme weather emergency in which the Governor has declared a
1783 disaster or state of emergency under the laws of this state or the
1784 President of the United States has declared an emergency or major
1785 disaster to exist in this state, the school board may notify the
1786 State Department of Education of the disaster or weather
1787 emergency, and the local governing board of the public charter
1788 school may notify the Mississippi Public Charter School Authorizer
1789 Board, and submit a plan for altering the school term. If the
1790 State Board of Education, or the Mississippi Public Charter School



1791 Authorizer Board, as the case may be, finds the disaster or
1792 extreme weather emergency to be the cause of the school not
1793 operating for the contemplated school term and that such school
1794 was in a school district covered by the Governor's or President's
1795 disaster or state of emergency declaration, it may permit that
1796 school board to operate the schools in its district for less than
1797 one hundred eighty (180) days; however, in no instance of a
1798 declared disaster or state of emergency under the provisions of
1799 this subsection shall a school board or a public charter school
1800 receive payment from the State Department of Education for per
1801 pupil expenditure for pupils in average daily attendance in excess
1802 of ten (10) days.

1803 **SECTION 15.** Section 37-13-91, Mississippi Code of 1972, is
1804 amended as follows:

1805 37-13-91. (1) This section shall be referred to as the
1806 "Mississippi Compulsory School Attendance Law."

1807 (2) The following terms as used in this section are defined
1808 as follows:

1809 (a) "Parent" means the father or mother to whom a child
1810 has been born, or the father or mother by whom a child has been
1811 legally adopted.

1812 (b) "Guardian" means a guardian of the person of a
1813 child, other than a parent, who is legally appointed by a court of
1814 competent jurisdiction.

1815 (c) "Custodian" means any person having the present
1816 care or custody of a child, other than a parent or guardian of the
1817 child.

1818 (d) "School day" means not less than five (5) and not
1819 more than eight (8) hours of actual teaching in which both
1820 teachers and pupils are in regular attendance for scheduled
1821 schoolwork.

1822 (e) "School" means any public school in this state or
1823 any nonpublic school in this state which is in session each school



1824 year for at least one hundred eighty (180) school days, except
1825 that the "nonpublic" school term shall be the number of days that
1826 each school shall require for promotion from grade to grade.

1827 (f) "Compulsory-school-age child" means a child who has
1828 attained or will attain the age of six (6) years on or before
1829 September 1 of the calendar year and who has not attained the age
1830 of seventeen (17) years on or before September 1 of the calendar
1831 year; and shall include any child who has attained or will attain
1832 the age of five (5) years on or before September 1 and has
1833 enrolled in a full-day public school kindergarten program.
1834 Provided, however, that the parent or guardian of any child
1835 enrolled in a full-day public school kindergarten program shall be
1836 allowed to disenroll the child from the program on a one-time
1837 basis, and such child shall not be deemed a compulsory-school-age
1838 child until the child attains the age of six (6) years.

1839 (g) "School attendance officer" means a person employed
1840 by the State Department of Education pursuant to Section 37-13-89.

1841 (h) "Appropriate school official" means the
1842 superintendent of the school district, or his designee, or, in the
1843 case of a nonpublic school, the principal or the headmaster.

1844 (i) (i) "Nonpublic school" means an institution for
1845 the teaching of children, consisting of a physical plant, whether
1846 owned or leased, including a home, instructional staff members and
1847 students, and which is in session each school year. This
1848 definition shall include, but not be limited to, private, church,
1849 parochial and home instruction programs.

1850 (ii) "Public charter school" means a public
1851 charter school as defined in Section 3 of this act and approved to
1852 operate by the Mississippi Public Charter School Authorizer Board.

1853 (3) A parent, guardian or custodian of a
1854 compulsory-school-age child in this state shall cause the child to
1855 enroll in and attend a public school, a legitimate nonpublic
1856 school or a public charter school for the period of time that the



1857 child is of compulsory school age, except under the following
1858 circumstances:

1859 (a) When a compulsory-school-age child is physically,
1860 mentally or emotionally incapable of attending school as
1861 determined by the appropriate school official based upon
1862 sufficient medical documentation.

1863 (b) When a compulsory-school-age child is enrolled in
1864 and pursuing a course of special education, remedial education or
1865 education for handicapped or physically or mentally disadvantaged
1866 children.

1867 (c) When a compulsory-school-age child is being
1868 educated in a legitimate home instruction program.

1869 The parent, guardian or custodian of a compulsory-school-age
1870 child described in this subsection, or the parent, guardian or
1871 custodian of a compulsory-school-age child attending any nonpublic
1872 school or public charter school, or the appropriate school
1873 official for any or all children attending a nonpublic school or
1874 public charter school shall complete a "certificate of enrollment"
1875 in order to facilitate the administration of this section.

1876 The form of the certificate of enrollment shall be prepared
1877 by the Office of Compulsory School Attendance Enforcement of the
1878 State Department of Education and shall be designed to obtain the
1879 following information only:

1880 (i) The name, address, telephone number and date
1881 of birth of the compulsory-school-age child;

1882 (ii) The name, address and telephone number of the
1883 parent, guardian or custodian of the compulsory-school-age child;

1884 (iii) A simple description of the type of
1885 education the compulsory-school-age child is receiving and, if the
1886 child is enrolled in a nonpublic school, the name and address of
1887 the school; and

1888 (iv) The signature of the parent, guardian or
1889 custodian of the compulsory-school-age child or, for any or all



1890 compulsory-school-age child or children attending a nonpublic
1891 school or public charter school, the signature of the appropriate
1892 school official and the date signed.

1893 The certificate of enrollment shall be returned to the school
1894 attendance officer where the child resides on or before September
1895 15 of each year. Any parent, guardian or custodian found by the
1896 school attendance officer to be in noncompliance with this section
1897 shall comply, after written notice of the noncompliance by the
1898 school attendance officer, with this subsection within ten (10)
1899 days after the notice or be in violation of this section.

1900 However, in the event the child has been enrolled in a public
1901 school within fifteen (15) calendar days after the first day of
1902 the school year as required in subsection (6), the parent or
1903 custodian may, at a later date, enroll the child in a legitimate
1904 nonpublic school or legitimate home instruction program or public
1905 charter school and send the certificate of enrollment to the
1906 school attendance officer and be in compliance with this
1907 subsection.

1908 For the purposes of this subsection, a legitimate nonpublic
1909 school, public charter school or legitimate home instruction
1910 program shall be those not operated or instituted for the purpose
1911 of avoiding or circumventing the compulsory attendance law.

1912 (4) An "unlawful absence" is an absence during a school day
1913 by a compulsory-school-age child, which absence is not due to a
1914 valid excuse for temporary nonattendance. Days missed from school
1915 due to disciplinary suspension shall not be considered an
1916 "excused" absence under this section. This subsection shall not
1917 apply to children enrolled in a nonpublic school.

1918 Each of the following shall constitute a valid excuse for
1919 temporary nonattendance of a compulsory-school-age child enrolled
1920 in a public school, provided satisfactory evidence of the excuse
1921 is provided to the superintendent of the school district, or his
1922 designee:



1923 (a) An absence is excused when the absence results from
1924 the compulsory-school-age child's attendance at an authorized
1925 school activity with the prior approval of the superintendent of
1926 the school district, or his designee. These activities may
1927 include field trips, athletic contests, student conventions,
1928 musical festivals and any similar activity.

1929 (b) An absence is excused when the absence results from
1930 illness or injury which prevents the compulsory-school-age child
1931 from being physically able to attend school.

1932 (c) An absence is excused when isolation of a
1933 compulsory-school-age child is ordered by the county health
1934 officer, by the State Board of Health or appropriate school
1935 official.

1936 (d) An absence is excused when it results from the
1937 death or serious illness of a member of the immediate family of a
1938 compulsory-school-age child. The immediate family members of a
1939 compulsory-school-age child shall include children, spouse,
1940 grandparents, parents, brothers and sisters, including
1941 stepbrothers and stepsisters.

1942 (e) An absence is excused when it results from a
1943 medical or dental appointment of a compulsory-school-age child.

1944 (f) An absence is excused when it results from the
1945 attendance of a compulsory-school-age child at the proceedings of
1946 a court or an administrative tribunal if the child is a party to
1947 the action or under subpoena as a witness.

1948 (g) An absence may be excused if the religion to which
1949 the compulsory-school-age child or the child's parents adheres,
1950 requires or suggests the observance of a religious event. The
1951 approval of the absence is within the discretion of the
1952 superintendent of the school district, or his designee, but
1953 approval should be granted unless the religion's observance is of
1954 such duration as to interfere with the education of the child.



1955 (h) An absence may be excused when it is demonstrated
1956 to the satisfaction of the superintendent of the school district,
1957 or his designee, that the purpose of the absence is to take
1958 advantage of a valid educational opportunity such as travel,
1959 including vacations or other family travel. Approval of the
1960 absence must be gained from the superintendent of the school
1961 district, or his designee, before the absence, but the approval
1962 shall not be unreasonably withheld.

1963 (i) An absence may be excused when it is demonstrated
1964 to the satisfaction of the superintendent of the school district,
1965 or his designee, that conditions are sufficient to warrant the
1966 compulsory-school-age child's nonattendance. However, no absences
1967 shall be excused by the school district superintendent, or his
1968 designee, when any student suspensions or expulsions circumvent
1969 the intent and spirit of the compulsory attendance law.

1970 (5) Any parent, guardian or custodian of a
1971 compulsory-school-age child subject to this section who refuses or
1972 willfully fails to perform any of the duties imposed upon him or
1973 her under this section or who intentionally falsifies any
1974 information required to be contained in a certificate of
1975 enrollment, shall be guilty of contributing to the neglect of a
1976 child and, upon conviction, shall be punished in accordance with
1977 Section 97-5-39.

1978 Upon prosecution of a parent, guardian or custodian of a
1979 compulsory-school-age child for violation of this section, the
1980 presentation of evidence by the prosecutor that shows that the
1981 child has not been enrolled in school within eighteen (18)
1982 calendar days after the first day of the school year of the public
1983 school which the child is eligible to attend, or that the child
1984 has accumulated twelve (12) unlawful absences during the school
1985 year at the public school in which the child has been enrolled,
1986 shall establish a prima facie case that the child's parent,
1987 guardian or custodian is responsible for the absences and has



1988 refused or willfully failed to perform the duties imposed upon him
1989 or her under this section. However, no proceedings under this
1990 section shall be brought against a parent, guardian or custodian
1991 of a compulsory-school-age child unless the school attendance
1992 officer has contacted promptly the home of the child and has
1993 provided written notice to the parent, guardian or custodian of
1994 the requirement for the child's enrollment or attendance.

1995 (6) If a compulsory-school-age child has not been enrolled
1996 in a school within fifteen (15) calendar days after the first day
1997 of the school year of the school which the child is eligible to
1998 attend or the child has accumulated five (5) unlawful absences
1999 during the school year of the public school in which the child is
2000 enrolled, the school district superintendent or his designee shall
2001 report, within two (2) school days or within five (5) calendar
2002 days, whichever is less, the absences to the school attendance
2003 officer. The State Department of Education shall prescribe a
2004 uniform method for schools to utilize in reporting the unlawful
2005 absences to the school attendance officer. The superintendent, or
2006 his designee, also shall report any student suspensions or student
2007 expulsions to the school attendance officer when they occur.

2008 (7) When a school attendance officer has made all attempts
2009 to secure enrollment and/or attendance of a compulsory-school-age
2010 child and is unable to effect the enrollment and/or attendance,
2011 the attendance officer shall file a petition with the youth court
2012 under Section 43-21-451 or shall file a petition in a court of
2013 competent jurisdiction as it pertains to parent or child.
2014 Sheriffs, deputy sheriffs and municipal law enforcement officers
2015 shall be fully authorized to investigate all cases of
2016 nonattendance and unlawful absences by compulsory-school-age
2017 children, and shall be authorized to file a petition with the
2018 youth court under Section 43-21-451 or file a petition or
2019 information in the court of competent jurisdiction as it pertains
2020 to parent or child for violation of this section. The youth court



2021 shall expedite a hearing to make an appropriate adjudication and a
2022 disposition to ensure compliance with the Compulsory School
2023 Attendance Law, and may order the child to enroll or re-enroll in
2024 school. The superintendent of the school district to which the
2025 child is ordered may assign, in his discretion, the child to the
2026 alternative school program of the school established pursuant to
2027 Section 37-13-92.

2028 (8) The State Board of Education shall adopt rules and
2029 regulations for the purpose of reprimanding any school
2030 superintendents who fail to timely report unexcused absences under
2031 the provisions of this section.

2032 (9) Notwithstanding any provision or implication herein to
2033 the contrary, it is not the intention of this section to impair
2034 the primary right and the obligation of the parent or parents, or
2035 person or persons in loco parentis to a child, to choose the
2036 proper education and training for such child, and nothing in this
2037 section shall ever be construed to grant, by implication or
2038 otherwise, to the State of Mississippi, any of its officers,
2039 agencies or subdivisions any right or authority to control,
2040 manage, supervise or make any suggestion as to the control,
2041 management or supervision of any private or parochial school or
2042 institution for the education or training of children, of any kind
2043 whatsoever that is not a public school according to the laws of
2044 this state; and this section shall never be construed so as to
2045 grant, by implication or otherwise, any right or authority to any
2046 state agency or other entity to control, manage, supervise,
2047 provide for or affect the operation, management, program,
2048 curriculum, admissions policy or discipline of any such school or
2049 home instruction program.

2050 **SECTION 16.** Sections 37-165-1, 37-165-3, 37-165-5, 37-165-7,
2051 37-165-9, 37-165-11, 37-165-13, 37-165-15, 37-165-17, 37-165-19,
2052 37-165-21, 37-165-23, 37-165-25 and 37-165-27, Mississippi Code of
2053 1972, which are the "Conversion Charter School Act of 2010," and



2054 Section 37-167-1, Mississippi Code of 1972, which is the New Start
2055 School Program, are repealed.

2056 **SECTION 17.** This act shall take effect and be in force from
2057 and after July 1, 2012, provided that Sections 1 through 10 shall
2058 stand repealed from and after July 1, 2020.

