

By: Representative Paden

To: Education;
Appropriations

HOUSE BILL NO. 1283

1 AN ACT TO AMEND SECTION 37-28-55, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REQUIREMENT OF THE STATE DEPARTMENT OF EDUCATION TO
3 REDUCE A SCHOOL DISTRICT'S JANUARY TRANSFER OF MISSISSIPPI
4 ADEQUATE EDUCATION PROGRAM FUNDS BY THE AMOUNT OWED TO THE CHARTER
5 SCHOOL AND REMOVE THE REQUIREMENT THAT THOSE MONIES BE REDIRECTED
6 TO THE CHARTER SCHOOL; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-28-55, Mississippi Code of 1972, is
9 amended as follows:

10 37-28-55. (1) (a) The State Department of Education shall
11 make payments to charter schools for each student in average daily
12 attendance at the charter school equal to the state share of the
13 adequate education program payments for each student in average
14 daily attendance at the school district in which the charter
15 school is located. In calculating the local contribution for
16 purposes of determining the state share of the adequate education
17 program payments, the department shall deduct the pro rata local
18 contribution of the school district in which the student resides,
19 to be determined as provided in Section 37-151-7(2) (a).



20 (b) Payments made pursuant to this subsection by the
21 State Department of Education must be made at the same time and in
22 the same manner as adequate education program payments are made to
23 school districts under Sections 37-151-101 and 37-151-103.
24 Amounts payable to a charter school must be determined by the
25 State Department of Education. Amounts payable to a charter
26 school over its charter term must be based on the enrollment
27 projections set forth over the term of the charter contract. Such
28 projections must be reconciled with the average daily attendance
29 using months two (2) and three (3) ADA for the current year for
30 which adequate education program funds are being appropriated and
31 any necessary adjustments must be made to payments during the
32 school's following year of operation.

33 (2) For students attending a charter school located in the
34 school district in which the student resides, the school district
35 in which a charter school is located shall pay directly to the
36 charter school an amount for each student enrolled in the charter
37 school equal to the ad valorem tax receipts and in-lieu payments
38 received per pupil for the support of the local school district in
39 which the student resides. The pro rata ad valorem receipts and
40 in-lieu receipts to be transferred to the charter school shall
41 include all levies for the support of the local school district
42 under Sections 37-57-1 (local contribution to the adequate
43 education program) and 37-57-105 (school district operational
44 levy) and may not include any taxes levied for the retirement of



45 the local school district's bonded indebtedness or short-term
46 notes or any taxes levied for the support of vocational-technical
47 education programs. The amount of funds payable to the charter
48 school by the school district must be based on the previous year's
49 enrollment data and ad valorem receipts and in-lieu receipts of
50 the local school district in which the student resides. The pro
51 rata amount must be calculated by dividing the local school
52 district's months one (1) through nine (9) average daily
53 membership into the total amount of ad valorem receipts and
54 in-lieu receipts, as reported to the State Department of Education
55 by the local school district. The local school district shall pay
56 an amount equal to this pro rata amount multiplied by the number
57 of students enrolled in the charter school, based on the charter
58 school's end of first month enrollment for the current school
59 year. The amount must be paid by the school district to the
60 charter school before January 16 of the current fiscal year. If
61 the local school district does not pay the required amount to the
62 charter school before January 16, the State Department of
63 Education shall reduce the local school district's January
64 transfer of Mississippi Adequate Education Program funds by the
65 amount owed to the charter school and shall redirect that amount
66 to the charter school. Any such payments made under this
67 subsection (2) by the State Department of Education to a charter
68 school must be made at the same time and in the same manner as



69 adequate education program payments are made to school districts
70 under Sections 37-151-101 and 37-151-103.

71 (3) For students attending a charter school located in a
72 school district in which the student does not reside, the State
73 Department of Education shall pay to the charter school in which
74 the student is enrolled an amount as follows: the pro rata ad
75 valorem receipts and in-lieu payments per pupil for the support of
76 the local school district in which the student resides under
77 Sections 37-57-1 (local contribution to the adequate education
78 program) and 37-57-105 (school district operational levy),
79 however, not including any taxes levied for the retirement of the
80 local school district's bonded indebtedness or short-term notes or
81 any taxes levied for the support of vocational-technical education
82 programs. The amount of funds payable to the charter school by
83 the school district must be based on the previous year's
84 enrollment data and ad valorem receipts and in-lieu receipts of
85 the local school district in which the student resides. The pro
86 rata amount must be calculated by dividing the local school
87 district's months one (1) through nine (9) average daily
88 membership into the total amount of ad valorem receipts and
89 in-lieu receipts, as reported to the State Department of Education
90 by the transferor local school district. The payable amount shall
91 be equal to this pro rata amount multiplied by the number of
92 students enrolled in the charter school, based on the charter
93 school's end of first month enrollment for the current school



94 year. * * * Any such payments made under this subsection (3) by
95 the State Department of Education to a charter school must be made
96 at the same time and in the same manner as adequate education
97 program payments are made to school districts under Sections
98 37-151-101 and 37-151-103.

99 (4) (a) The State Department of Education shall direct the
100 proportionate share of monies generated under federal and state
101 categorical aid programs, including special education, vocational,
102 gifted and alternative school programs, to charter schools serving
103 students eligible for such aid. The department shall ensure that
104 charter schools with rapidly expanding enrollments are treated
105 equitably in the calculation and disbursement of all federal and
106 state categorical aid program dollars. Each charter school that
107 serves students who may be eligible to receive services provided
108 through such programs shall comply with all reporting requirements
109 to receive the aid.

110 (b) A charter school shall pay to a local school
111 district any federal or state aid attributable to a student with a
112 disability attending the charter school in proportion to the level
113 of services for that student which the local school district
114 provides directly or indirectly.

115 (c) Subject to the approval of the authorizer, a
116 charter school and a local school district may negotiate and enter
117 into a contract for the provision of and payment for special
118 education services, including, but not necessarily limited to, a



119 reasonable reserve not to exceed five percent (5%) of the local
120 school district's total budget for providing special education
121 services. The reserve may be used by the local school district
122 only to offset excess costs of providing services to students with
123 disabilities enrolled in the charter school.

124 (5) (a) The State Department of Education shall disburse
125 state transportation funding to a charter school on the same basis
126 and in the same manner as it is paid to school districts under the
127 adequate education program.

128 (b) A charter school may enter into a contract with a
129 school district or private provider to provide transportation to
130 the school's students.

131 **SECTION 2.** This act shall take effect and be in force from
132 and after July 1, 2018.

