

By: Senator(s) Carmichael

To: Appropriations

SENATE BILL NO. 2546

1 AN ACT TO AMEND SECTION 37-28-11, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR AN ANNUAL GENERAL FUND APPROPRIATION OF FUNDS AND
3 POSITIONS TO THE CHARTER SCHOOL AUTHORIZER BOARD TO SUPPORT ITS
4 OPERATIONS; TO AMEND SECTION 37-28-55 TO REQUIRE CERTAIN
5 PROCEDURES FOR CALCULATING FUNDING AND RECONCILIATION OF FUNDING
6 TO CHARTER SCHOOLS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-28-11, Mississippi Code of 1972, is
9 amended as follows:

10 37-28-11. (1) * * * Annually, the Legislature shall
11 appropriate general funds and PINS to the authorizer board for the
12 purpose of funding the operations of the board.

13 (2) The authorizer may receive appropriate gifts, grants and
14 donations of any kind from any public or private entity to carry
15 out the purposes of this chapter, subject to all lawful terms and
16 conditions under which the gifts, grants or donations are given.

17 (3) The authorizer may expend its resources, seek grant
18 funds and establish partnerships to support its charter school
19 authorizing activities.



20 **SECTION 2.** Section 37-28-55, Mississippi Code of 1972, is
21 amended as follows:

22 37-28-55. (1) (a) The State Department of Education shall
23 make payments to charter schools for each student in average daily
24 attendance at the charter school equal to the state share of the
25 adequate education program payments for each student in average
26 daily attendance at the school district in which the charter
27 school is located. In calculating the local contribution for
28 purposes of determining the state share of the adequate education
29 program payments, the department shall deduct the pro rata local
30 contribution of the school district in which the student resides,
31 to be determined as provided in Section 37-151-7(2) (a).

32 (b) Payments made pursuant to this subsection by the
33 State Department of Education must be made at the same time and in
34 the same manner as adequate education program payments are made to
35 school districts under Sections 37-151-101 and 37-151-103.
36 Amounts payable to a charter school must be determined by the
37 State Department of Education. Amounts payable to a charter
38 school over its charter term must be based on the enrollment
39 projections set forth over the term of the charter contract. Such
40 projections must be reconciled with the average daily attendance
41 using months two (2) and three (3) ADA for the current year for
42 which adequate education program funds are being appropriated and
43 any necessary adjustments must be made to payments during the
44 school's following year of operation.



45 (2) For students attending a charter school located in the
46 school district in which the student resides, the school district
47 in which a charter school is located shall pay directly to the
48 charter school an amount for each student enrolled in the charter
49 school equal to the ad valorem tax receipts and in-lieu payments
50 received per pupil for the support of the local school district in
51 which the student resides. The pro rata ad valorem receipts and
52 in-lieu receipts to be transferred to the charter school shall
53 include all levies for the support of the local school district
54 under Sections 37-57-1 (local contribution to the adequate
55 education program) and 37-57-105 (school district operational
56 levy) and may not include any taxes levied for the retirement of
57 the local school district's bonded indebtedness or short-term
58 notes or any taxes levied for the support of vocational-technical
59 education programs. The amount of funds payable to the charter
60 school by the school district must be based on the previous year's
61 enrollment data and ad valorem receipts and in-lieu receipts of
62 the local school district in which the student resides. The pro
63 rata amount must be calculated by dividing the sum of the local
64 school district's months one (1) through nine (9) average daily
65 membership of the previous school year plus the average daily
66 membership for month one (1) for the current school year for each
67 of the charter schools whose students were living within that
68 local school district into the total amount of ad valorem receipts
69 and in-lieu * * * payments, as reported to the State Department of



70 Education by the local school district. The local school district
71 shall pay an amount equal to this pro rata amount multiplied by
72 the number of students enrolled in the charter school, based on
73 the charter school's end of first month enrollment for the current
74 school year. The amount must be paid by the school district to
75 the charter school before January 16 of the current fiscal year.
76 If the local school district does not pay the required amount to
77 the charter school before January 16, the State Department of
78 Education shall reduce the local school district's January
79 transfer of Mississippi Adequate Education Program funds by the
80 amount owed to the charter school and shall redirect that amount
81 to the charter school. Any such payments made under this
82 subsection (2) by the State Department of Education to a charter
83 school must be made at the same time and in the same manner as
84 adequate education program payments are made to school districts
85 under Sections 37-151-101 and 37-151-103. Such payments must be
86 reconciled with the charter school's average daily attendance
87 using months two (2) and three (3) average daily attendance for
88 the current year for which local ad valorem funds are being
89 provided and any necessary adjustments must be made to payments
90 during the charter school's following year of operation.

91 (3) For students attending a charter school located in a
92 school district in which the student does not reside, the State
93 Department of Education shall pay to the charter school in which
94 the student is enrolled an amount as follows: the pro rata ad



95 valorem receipts and in-lieu payments per pupil for the support of
96 the local school district in which the student resides under
97 Sections 37-57-1 (local contribution to the adequate education
98 program) and 37-57-105 (school district operational levy),
99 however, not including any taxes levied for the retirement of the
100 local school district's bonded indebtedness or short-term notes or
101 any taxes levied for the support of vocational-technical education
102 programs. The amount of funds payable to the charter school by
103 the school district must be based on the previous year's
104 enrollment data and ad valorem receipts and in-lieu receipts of
105 the local school district in which the student resides. The pro
106 rata amount must be calculated by dividing the * * * sum of the
107 resident school district's months one (1) through nine (9) average
108 daily membership of the previous school year plus the average
109 daily membership of the students from that resident school
110 district who were enrolled in each of the charter schools not
111 located in that district for month one (1) of the current school
112 year into the total amount of all ad valorem receipts and in-lieu
113 receipts, as reported to the State Department of Education by the
114 transferor * * * school district. The payable amount shall be
115 equal to this pro rata amount multiplied by the number of students
116 enrolled in the charter school, based on the charter school's end
117 of first month enrollment for the current school year. The State
118 Department of Education shall reduce the school district's January
119 transfer of Mississippi Adequate Education Program funds by the



amount owed to the charter school and shall redirect that amount to the charter school. Any such payments made under this subsection (3) by the State Department of Education to a charter school must be made at the same time and in the same manner as adequate education program payments are made to school districts under Sections 37-151-101 and 37-151-103. Such payments must be reconciled with the charter school's average daily attendance using months two (2) and three (3) average daily attendance for the current year for which local ad valorem funds are being provided, and any necessary adjustments must be made to payments during the charter school's following year of operation. In any instance, wherein a child enrolled in a charter school discontinues study at such school during the school year, the charter school shall be responsible for returning to the school district in which the child had been enrolled, an amount of Mississippi Adequate Education Program (MAEP) funding equal to the proportion of the remaining months in the school year for which the child will not be enrolled in the charter school.

(4) (a) The State Department of Education shall direct the proportionate share of monies generated under federal and state categorical aid programs, including special education, vocational, gifted and alternative school programs, to charter schools serving students eligible for such aid. The department shall ensure that charter schools with rapidly expanding enrollments are treated equitably in the calculation and disbursement of all federal and



145 state categorical aid program dollars. Each charter school that
146 serves students who may be eligible to receive services provided
147 through such programs shall comply with all reporting requirements
148 to receive the aid.

149 (b) A charter school shall pay to a local school
150 district any federal or state aid attributable to a student with a
151 disability attending the charter school in proportion to the level
152 of services for that student which the local school district
153 provides directly or indirectly.

154 (c) Subject to the approval of the authorizer, a
155 charter school and a local school district may negotiate and enter
156 into a contract for the provision of and payment for special
157 education services, including, but not necessarily limited to, a
158 reasonable reserve not to exceed five percent (5%) of the local
159 school district's total budget for providing special education
160 services. The reserve may be used by the local school district
161 only to offset excess costs of providing services to students with
162 disabilities enrolled in the charter school.

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

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



170 **SECTION 3.** This act shall take effect and be in force from
171 and after July 1, 2019.

