

By: Representative Currie

To: Education;
Appropriations

HOUSE BILL NO. 1192

1 AN ACT TO AMEND SECTION 37-28-7, MISSISSIPPI CODE OF 1972, TO
 2 RECONSTITUTE THE CHARTER SCHOOL AUTHORIZER BOARD FOR THE PURPOSES
 3 OF ESTABLISHING TERMS OF OFFICE THAT MINIMIZE THE IMPACT OF THE
 4 BOARD'S ABILITY TO OPERATE WHEN A TERM CONCLUDES; TO AMEND SECTION
 5 37-28-11, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN ANNUAL
 6 GENERAL FUND APPROPRIATION OF FUNDS AND PINS TO THE CHARTER SCHOOL
 7 AUTHORIZER BOARD IN ORDER TO SUPPORT ITS OPERATION; TO AMEND
 8 SECTION 37-28-55, MISSISSIPPI CODE OF 1972, TO REQUIRE THE CHARTER
 9 SCHOOL AUTHORIZER BOARD AND THE STATE DEPARTMENT OF EDUCATION TO
 10 CONSTITUTE A FUNDING FORMULA FOR CHARTER SCHOOLS WHICH REQUIRES
 11 LOCAL AD VALOREM CONTRIBUTIONS BE RECONCILED EACH YEAR IN THE SAME
 12 MANNER AS THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM PAYMENTS; TO
 13 MAKE THE PRO RATA DISTRIBUTION OF AD VALOREM FUNDS EQUITABLE
 14 BETWEEN SCHOOL DISTRICTS AND CHARTER SCHOOLS LOCATED WITHIN THE
 15 SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 37-28-7, Mississippi Code of 1972, is
 18 amended as follows:

19 37-28-7. (1) There is created the Mississippi Charter
 20 School Authorizer Board as a state agency with exclusive
 21 chartering jurisdiction in the State of Mississippi. Unless
 22 otherwise authorized by law, no other governmental agency or
 23 entity may assume any charter authorizing function or duty in any
 24 form.



25 (2) (a) The mission of the Mississippi Charter School
26 Authorizer Board is to authorize high-quality charter schools,
27 particularly schools designed to expand opportunities for
28 underserved students, consistent with the purposes of this
29 chapter. Subject to the restrictions and conditions prescribed in
30 this subsection, the Mississippi Charter School Authorizer Board
31 may authorize charter schools within the geographical boundaries
32 of any school district.

33 (b) The Mississippi Charter School Authorizer Board may
34 approve a maximum of fifteen (15) qualified charter applications
35 during a fiscal year.

36 (c) In any school district designated as an "A," "B" or
37 "C" school district by the State Board of Education under the
38 accreditation rating system at the time of application, the
39 Mississippi Charter School Authorizer Board may authorize charter
40 schools only if a majority of the members of the local school
41 board votes at a public meeting to endorse the application or to
42 initiate the application on its own initiative.

43 (3) The Mississippi Charter School Authorizer Board shall
44 consist of seven (7) members, to be appointed as follows:

45 (a) Three (3) members appointed by the Governor, with
46 one (1) member being from each of the Mississippi Supreme Court
47 Districts.



48 (b) Three (3) members appointed by the Lieutenant
49 Governor, with one (1) member being from each of the Mississippi
50 Supreme Court Districts.

51 (c) One (1) member appointed by the State
52 Superintendent of Public Education.

53 All appointments must be made with the advice and consent of
54 the Senate. In making the appointments, the appointing authority
55 shall ensure diversity among members of the Mississippi Charter
56 School Authorizer Board.

57 (4) Members appointed to the Mississippi Charter School
58 Authorizer Board collectively must possess strong experience and
59 expertise in public and nonprofit governance, management and
60 finance, public school leadership, assessment, curriculum and
61 instruction, and public education law. Each member of the
62 Mississippi Charter School Authorizer Board must have demonstrated
63 an understanding of and commitment to charter schooling as a
64 strategy for strengthening public education.

65 (5) (a) To establish staggered terms of office, the board
66 shall be hereby reconstituted, and all members reappointed by July
67 1, 2022. The initial term of office for those members appointed
68 to the reconstituted board shall be as follows:

69 (i) For the three (3) Mississippi Charter School
70 Authorizer Board members appointed by the Governor:



71 1. The appointee from the First Supreme Court
72 District shall be * * * one (1) year, and thereafter shall be
73 three (3) years;

74 2. The appointee from the Second Supreme
75 Court District shall be two (2) years, and thereafter shall be
76 three (3) years; and

77 3. The appointee from the Third Supreme Court
78 District shall be three (3) years, and thereafter shall be three
79 (3) years;

80 (ii) * * * For the three (3) members appointed by
81 the Lieutenant Governor;

82 1. The appointee from the First Supreme Court
83 District shall be three (3) years, and thereafter shall be three
84 (3) years;

85 2. The appointee from the Second Supreme
86 Court District shall be one (1) year, and thereafter shall be
87 three (3) years; and

88 3. The appointee from the Third Supreme Court
89 District shall be two (2) years, and thereafter shall be three (3)
90 years; and

91 (iii) The * * * term of office for the member
92 appointed by the State Superintendent of Public Education * * *
93 shall be three (3) years.



94 (b) No member may serve more than two (2) consecutive
95 terms. The initial appointments must be made before * * * July 1,
96 2022.

97 (6) The Mississippi Charter School Authorizer Board shall
98 meet as soon as practical after * * * July 1, 2022, upon the call
99 of the Governor, and shall organize for business by selecting a
100 chairman and * * * ratifying or amending the bylaws adopted by the
101 board as constituted on September 1, 2013. Subsequent meetings
102 shall be called by the chairman.

103 (7) An individual member of the Mississippi Charter School
104 Authorizer Board may be removed by the board if the member's
105 personal incapacity renders the member incapable or unfit to
106 discharge the duties of the office or if the member is absent from
107 a number of meetings of the board, as determined and specified by
108 the board in its bylaws. Whenever a vacancy on the Mississippi
109 Charter School Authorizer Board exists, the original appointing
110 authority shall appoint a member for the remaining portion of the
111 term.

112 (8) No member of the Mississippi Charter School Authorizer
113 Board or employee, agent or representative of the board may serve
114 simultaneously as an employee, trustee, agent, representative,
115 vendor or contractor of a charter school authorized by the board.

116 (9) The Mississippi Charter School Authorizer Board shall
117 appoint an individual to serve as the Executive Director of the
118 Mississippi Charter School Authorizer Board. The executive



119 director shall possess the qualifications established by the board
120 which are based on national best practices, and shall possess an
121 understanding of state and federal education law. The executive
122 director, who shall serve at the will and pleasure of the board,
123 shall devote his full time to the proper administration of the
124 board and the duties assigned to him by the board and shall be
125 paid a salary established by the board, subject to the approval of
126 the State Personnel Board. Subject to the availability of
127 funding, the executive director may employ such administrative
128 staff as may be necessary to assist the director and board in
129 carrying out the duties and directives of the Mississippi Charter
130 School Authorizer Board.

131 (10) The Mississippi Charter School Authorizer Board is
132 authorized to obtain suitable office space for administrative
133 purposes. In acquiring a facility or office space, the authorizer
134 board shall adhere to all policies and procedures required by the
135 Department of Finance and Administration and the Public
136 Procurement Review Board.

137 **SECTION 2.** Section 37-28-11, Mississippi Code of 1972, is
138 amended as follows:

139 37-28-11. (1) To cover the costs of overseeing charter
140 schools in accordance with this chapter, the authorizer shall
141 receive up to three percent (3%) of annual per-pupil allocations
142 received by a charter school from state and local funds for each
143 charter school it authorizes. The Legislature shall annually



144 appropriate funds and allocate positions to the Mississippi
145 Charter School Authorizer Board.

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

150 (3) The authorizer may expend its resources, seek grant
151 funds and establish partnerships to support its charter school
152 authorizing activities.

153 **SECTION 3.** Section 37-28-55, Mississippi Code of 1972, is
154 amended as follows:

155 37-28-55. (1) (a) The State Department of Education shall
156 make payments to charter schools for each student in average daily
157 attendance at the charter school equal to the state share of the
158 adequate education program payments for each student in average
159 daily attendance at the school district in which the charter
160 school is located. In calculating the local contribution for
161 purposes of determining the state share of the adequate education
162 program payments, the department shall deduct the pro rata local
163 contribution of the school district in which the student resides,
164 to be determined as provided in Section 37-151-7(2) (a).

165 (b) Payments made pursuant to this subsection by the
166 State Department of Education must be made at the same time and in
167 the same manner as adequate education program payments are made to
168 school districts under Sections 37-151-101 and 37-151-103.



169 Amounts payable to a charter school must be determined by the
170 State Department of Education. Amounts payable to a charter
171 school over its charter term must be based on the enrollment
172 projections set forth over the term of the charter contract. Such
173 projections must be reconciled with the average daily attendance
174 using months two (2) and three (3) ADA for the current year for
175 which adequate education program funds are being appropriated and
176 any necessary adjustments must be made to payments during the
177 school's following year of operation.

178 (2) For students attending a charter school located in the
179 school district in which the student resides, the school district
180 in which a charter school is located shall pay directly to the
181 charter school an amount for each student enrolled in the charter
182 school equal to the ad valorem tax receipts and in-lieu payments
183 received per pupil for the support of the local school district in
184 which the student resides. The pro rata ad valorem receipts and
185 in-lieu receipts to be transferred to the charter school shall
186 include all levies for the support of the local school district
187 under Sections 37-57-1 (local contribution to the adequate
188 education program) and 37-57-105 (school district operational
189 levy) and may not include any taxes levied for the retirement of
190 the local school district's bonded indebtedness or short-term
191 notes or any taxes levied for the support of vocational-technical
192 education programs. * * * The pro rata amount must be
193 calculated * * * using a formula developed by the Charter School



194 Authorizer Board and approved by the State Department of
195 Education. The formula shall ensure that the pro rata
196 distribution of local ad valorem funds is equitable between the
197 school districts and the charter schools. Notice of any change in
198 the formula must be submitted to the Education Committees of the
199 House and Senate and the Joint Legislative Committee on
200 Performance Evaluation and Expenditure Review. * * * The amount
201 must be paid by the school district to the charter school before
202 January 16 of the current fiscal year. If the local school
203 district does not pay the required amount to the charter school
204 before January 16, the State Department of Education shall reduce
205 the local school district's January transfer of Mississippi
206 Adequate Education Program funds by the amount owed to the charter
207 school and shall redirect that amount to the charter school. Any
208 such payments made under this subsection (2) by the State
209 Department of Education to a charter school must be made at the
210 same time and in the same manner as adequate education program
211 payments are made to school districts under Sections 37-151-101
212 and 37-151-103. Such local ad valorem payments must also be
213 reconciled as are the adequate education program payments in
214 subsection (1)(b) of this section.

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



219 valorem receipts and in-lieu payments per pupil for the support of
220 the local school district in which the student resides under
221 Sections 37-57-1 (local contribution to the adequate education
222 program) and 37-57-105 (school district operational levy),
223 however, not including any taxes levied for the retirement of the
224 local school district's bonded indebtedness or short-term notes or
225 any taxes levied for the support of vocational-technical education
226 programs. The amount of funds payable to the charter school by
227 the school district must be based on the previous year's
228 enrollment data and ad valorem receipts and in-lieu receipts of
229 the local school district in which the student resides. The pro
230 rata amount must be calculated * * * in accordance with the
231 formula constituted by the Charter School Authorizer Board and
232 approved by the State Department of Education * * *. The payable
233 amount shall be equal to this pro rata amount multiplied by the
234 number of students enrolled in the charter school, based on the
235 charter school's end of first month enrollment for the current
236 school year. The State Department of Education shall reduce the
237 school district's January transfer of Mississippi Adequate
238 Education Program funds by the amount owed to the charter school
239 and shall redirect that amount to the charter school. Any such
240 payments made under this subsection (3) by the State Department of
241 Education to a charter school must be made at the same time and in
242 the same manner as adequate education program payments are made to
243 school districts under Sections 37-151-101 and 37-151-103. Such



244 local ad valorem payments must also be reconciled as are the
245 adequate education program payments in subsection (1)(b) of this
246 section.

247 (4) (a) The State Department of Education shall direct the
248 proportionate share of monies generated under federal and state
249 categorical aid programs, including special education, vocational,
250 gifted and alternative school programs, to charter schools serving
251 students eligible for such aid. The department shall ensure that
252 charter schools with rapidly expanding enrollments are treated
253 equitably in the calculation and disbursement of all federal and
254 state categorical aid program dollars. Each charter school that
255 serves students who may be eligible to receive services provided
256 through such programs shall comply with all reporting requirements
257 to receive the aid.

258 (b) A charter school shall pay to a local school
259 district any federal or state aid attributable to a student with a
260 disability attending the charter school in proportion to the level
261 of services for that student which the local school district
262 provides directly or indirectly.

263 (c) Subject to the approval of the authorizer, a
264 charter school and a local school district may negotiate and enter
265 into a contract for the provision of and payment for special
266 education services, including, but not necessarily limited to, a
267 reasonable reserve not to exceed five percent (5%) of the local
268 school district's total budget for providing special education



269 services. The reserve may be used by the local school district
270 only to offset excess costs of providing services to students with
271 disabilities enrolled in the charter school.

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

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

279 **SECTION 4.** This act shall take effect and be in force from
280 and after its passage.

