

By: Representatives Criswell, Williamson

To: Education

HOUSE BILL NO. 1010

1 AN ACT TO AMEND SECTION 37-28-19, MISSISSIPPI CODE OF 1972,  
 2 TO REQUIRE THE CHARTER SCHOOL AUTHORIZER BOARD TO AUTOMATICALLY  
 3 APPROVE A CHARTER APPLICATION SUBMITTED BY AN APPLICANT THAT  
 4 CURRENTLY IS SATISFACTORILY OPERATING A CHARTER SCHOOL IN THE  
 5 STATE; TO AMEND SECTION 37-28-23, MISSISSIPPI CODE OF 1972, TO  
 6 AUTHORIZE A CHARTER SCHOOL THAT IS PERFORMING SATISFACTORILY TO  
 7 EXPAND ITS PROGRAMS AND INCREASE ENROLLMENT WITHOUT SEEKING  
 8 APPROVAL FROM THE AUTHORIZER BOARD; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 37-28-19, Mississippi Code of 1972, is  
 11 amended as follows:

12 37-28-19. (1) In reviewing and evaluating charter  
 13 applications, the authorizer shall employ procedures, practices  
 14 and criteria consistent with nationally recognized principles and  
 15 standards for quality charter authorizing. The application review  
 16 process must include thorough evaluation of each written charter  
 17 application and in-person interview with the applicant group.

18 (2) In deciding whether to approve charter applications, the  
 19 authorizer must:

20 (a) Grant charters only to applicants that have  
 21 provided evidence of competence in each element of the



22 authorizer's published approval criteria \* \* \*. However, in the  
23 case of an applicant currently operating a charter school in  
24 Mississippi, if the performance and legal compliance of the  
25 existing charter school is deemed satisfactory by the authorizer  
26 at the time the authorizer receives an application for the  
27 operation of an additional charter school, the application for the  
28 additional charter school must be approved automatically by the  
29 authorizer. In the case of an applicant that currently operates  
30 one or more schools in \* \* \* another state or nation, clear  
31 evidence that the management or leadership team of the charter  
32 school or schools currently operated by the applicant has produced  
33 statistically significant gains in student achievement or  
34 consistently produced proficiency levels as measured on state  
35 achievement tests;

36 (b) Base decisions on documented evidence collected  
37 through the application review process; and

38 (c) Follow charter-granting policies and practices that  
39 are transparent, based on merit and avoid conflicts of interest or  
40 any appearance thereof.

41 (3) Before the expiration of one hundred eighty (180) days  
42 after the filing of a charter application, the authorizer must  
43 approve or deny the charter application; however, an application  
44 submitted by a public historically black college or university  
45 (HBCU), in partnership with a national nonprofit public HBCU  
46 support organization, for a charter school to be operated on or



47 near the campus of the HBCU must be considered for expedited  
48 approval by the authorizer. The authorizer shall adopt by  
49 resolution all charter approval or denial decisions in an open  
50 meeting of the authorizer board.

51 (4) An approval decision may include, if appropriate,  
52 reasonable conditions that the charter applicant must meet before  
53 a charter contract may be executed pursuant to Section 37-28-21.

54 (5) For a charter denial, the authorizer shall state  
55 clearly, for public record, its reasons for denial. A denied  
56 applicant may reapply subsequently with the authorizer.

57 (6) Before the expiration of ten (10) days after taking  
58 action to approve or deny a charter application, the authorizer  
59 shall provide a report to the applicant. The report must include  
60 a copy of the authorizer's resolution setting forth the action  
61 taken and reasons for the decision and assurances as to compliance  
62 with all of the procedural requirements and application elements  
63 set forth in this chapter.

64 **SECTION 2.** Section 37-28-23, Mississippi Code of 1972, is  
65 amended as follows:

66 37-28-23. (1) A charter school must be open to:

67 (a) Any student residing in the geographical boundaries  
68 of the school district in which the charter school is located; and

69 (b) Any student who resides in the geographical  
70 boundaries of a school district that was rated "C," "D" or "F" at  
71 the time the charter school was approved by the authorizer board,



72 or who resides in the geographical boundaries of a school district  
73 rated "C," or "D" or "F" at the time the student enrolls.

74 (2) A school district may not require any student enrolled  
75 in the school district to attend a charter school.

76 (3) Except as otherwise provided under subsection (8)(d) of  
77 this section, a charter school may not limit admission based on  
78 ethnicity, national origin, religion, gender, income level,  
79 disabling condition, proficiency in the English language, or  
80 academic or athletic ability.

81 (4) A charter school may limit admission to students within  
82 a given age group or grade level, including pre-kindergarten  
83 students, and may be organized around a special emphasis, theme or  
84 concept as stated in the school's application. If, after its  
85 initial year of operation, a charter school is deemed to be  
86 performing satisfactorily and in a manner that is legally  
87 compliant, the charter school may expand its operations to include  
88 student groups or grades and/or emphases, themes or concepts  
89 additional to those stated in the school's application without  
90 seeking approval from the authorizer.

91 (5) The underserved student composition of a charter  
92 school's enrollment collectively must reflect that of students of  
93 all ages attending the school district in which the charter school  
94 is located, to be defined for the purposes of this chapter as  
95 being at least eighty percent (80%) of that population. If the  
96 underserved student composition of an applicant's or charter



97 school's enrollment is less than eighty percent (80%) of the  
98 enrollment of students of all ages in the school district in which  
99 the charter school is located, despite the school's best efforts,  
100 the authorizer must consider the applicant's or charter school's  
101 recruitment efforts and the underserved student composition of the  
102 applicant pool in determining whether the applicant or charter  
103 school is operating in a nondiscriminatory manner. A finding by  
104 the authorizer that a charter school is operating in a  
105 discriminatory manner justifies the revocation of a charter.

106 (6) A charter school must enroll all students who wish to  
107 attend the school unless the number of students exceeds the  
108 capacity of a program, class, grade level or building.

109 (7) The total number of students a charter school may enroll  
110 must be determined annually by the governing board of the charter  
111 school and may not be restricted by the authorizer. In  
112 establishing the annual enrollment, the governing board must  
113 consider the charter school's ability to facilitate the academic  
114 success of the students, to achieve the objectives specified in  
115 the charter contract, and to ensure the enrollment does not exceed  
116 the capacity of the charter school facility. If capacity is  
117 insufficient to enroll all students who wish to attend the school  
118 based on initial application, the charter school must select  
119 students through a lottery.

120 (8) (a) Any noncharter public school or part of a  
121 noncharter public school converting to a charter school shall



122 adopt and maintain a policy giving an enrollment preference to  
123 students who reside within the former attendance area of that  
124 public school. If the charter school has excess capacity after  
125 enrolling students residing within the former attendance area of  
126 the school, students outside of the former attendance area of the  
127 school, but within the geographical boundaries of the school  
128 district in which the charter school is located, are eligible for  
129 enrollment. If the number of students applying for admission  
130 exceeds the capacity of a program, class, grade level or building  
131 of the charter school, the charter school must admit students on  
132 the basis of a lottery.

133 (b) A charter school must give an enrollment preference  
134 to students enrolled in the charter school during the preceding  
135 school year and to siblings of students already enrolled in the  
136 charter school. An enrollment preference for returning students  
137 excludes those students from entering into a lottery.

138 (c) A charter school may give an enrollment preference  
139 to children of the charter school's applicant, governing board  
140 members and full-time employees, so long as those children  
141 constitute no more than ten percent (10%) of the charter school's  
142 total student population.

143 (d) A charter school shall give an enrollment  
144 preference to underserved children as defined in Section 37-28-5  
145 to ensure the charter school meets its required underserved  
146 student composition.



147           (e) This section does not preclude the formation of a  
148 charter school whose mission is focused on serving students with  
149 disabilities, students of the same gender, students who pose such  
150 severe disciplinary problems that they warrant a specific  
151 educational program, or students who are at risk of academic  
152 failure. If capacity is insufficient to enroll all students who  
153 wish to attend the school, the charter school must select students  
154 through a lottery.

155           **SECTION 3.** This act shall take effect and be in force from  
156 and after July 1, 2023.

