

By: Representatives Boyd (19th), Williamson To: Education

HOUSE BILL NO. 1150

1 AN ACT TO AMEND SECTION 37-28-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE STATE INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY AND
3 JUNIOR COLLEGES, IN ADDITION TO THE MISSISSIPPI CHARTER SCHOOL
4 AUTHORIZER BOARD, TO AUTHORIZE CHARTER SCHOOLS; TO REQUIRE STATE
5 INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY AND JUNIOR COLLEGES
6 DESIRING TO AUTHORIZE CHARTER SCHOOLS TO ESTABLISH AN OFFICE
7 SPECIFICALLY FOR THAT PURPOSE; TO REQUIRE THE CHAIRMAN OF THE
8 CHARTER SCHOOL AUTHORIZER BOARD TO BE SELECTED FROM AMONG THE
9 MEMBERS APPOINTED TO THE BOARD BY THE GOVERNOR AND LIEUTENANT
10 GOVERNOR; TO AMEND SECTION 37-28-5, MISSISSIPPI CODE OF 1972, TO
11 REVISE DEFINITIONS USED IN THE MISSISSIPPI CHARTER SCHOOLS ACT IN
12 CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND SECTION 37-28-9,
13 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHARTER SCHOOL AUTHORIZERS
14 TO AMEND CHARTER SCHOOL CONTRACTS IN ORDER TO APPROVE MERGERS,
15 CONSOLIDATIONS AND RECONFIGURATIONS WITHOUT CLOSING A CHARTER
16 SCHOOL; TO AMEND SECTION 37-28-11, MISSISSIPPI CODE OF 1972, TO
17 PROHIBIT AN AUTHORIZER THAT RECEIVES AN APPROPRIATION FOR ITS
18 OPERATIONAL SUPPORT FROM RETAINING A PORTION OF PER-PUPIL
19 ALLOCATIONS FOR ITS SUPPORT; TO AMEND SECTION 37-28-13,
20 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
21 ACT; TO AMEND SECTION 37-28-15, MISSISSIPPI CODE OF 1972, TO
22 AUTHORIZE CHARTER SCHOOL AUTHORIZERS TO LIMIT THE INFORMATION
23 INITIALLY SUBMITTED BY A CHARTER SCHOOL APPLICANT TO THAT WHICH
24 THE AUTHORIZER DEEMS ESSENTIAL; TO AMEND SECTION 37-28-19,
25 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN APPLICANTS THAT ARE
26 DENIED A CHARTER TO REMEDY THE APPLICATION'S DEFICIENCIES AND
27 REAPPLY BEFORE THE NEXT REGULAR APPLICATION PROCESS; TO AMEND
28 SECTION 37-28-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHARTER
29 SCHOOLS TO APPLY FOR OVERSIGHT WITH A DIFFERENT AUTHORIZER DURING
30 THE TERM OF AN EXISTING CHARTER CONTRACT; TO AMEND SECTION
31 37-28-23, MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN WHICH
32 A CHARTER SCHOOL'S UNDERSERVED POPULATION IS COMPARED TO THAT OF
33 THE LOCAL SCHOOL DISTRICT AND TO AUTHORIZE AN ENROLLMENT
34 PREFERENCE FOR CHILDREN TRANSFERRING TO A CHARTER SCHOOL FROM



35 ANOTHER SCHOOL CHARTERED BY THE SAME AUTHORIZER; TO AMEND SECTION
36 37-28-29, MISSISSIPPI CODE OF 1972, TO LIMIT COMPARISONS TO A
37 LOCAL SCHOOL DISTRICT'S ACADEMIC PERFORMANCE TO FIVE PERCENT OF
38 THE OVERALL ACADEMIC EVALUATION OF A CHARTER SCHOOL; TO AMEND
39 SECTION 37-28-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHARTER
40 SCHOOLS THAT RECEIVE A RENEWAL CONTRACT OF LESS THAN FIVE YEARS TO
41 APPEAL THE DECISION IN THE SAME MANNER THAT NONRENEWALS AND
42 REVOCATIONS ARE APPEALED; TO AMEND SECTION 37-28-37, MISSISSIPPI
43 CODE OF 1972, TO ELIMINATE ANNUAL PEER COMMITTEE REPORTS ON THE
44 SUFFICIENCY OF CHARTER SCHOOL FUNDING AND TO REQUIRE ADDITIONAL
45 REPORTS FROM CHARTER SCHOOL AUTHORIZERS; TO AMEND SECTION
46 37-28-47, MISSISSIPPI CODE OF 1972, TO EXCLUDE PROVISIONALLY
47 LICENSED TEACHERS AND TEACHERS OUT OF FIELD FROM THE 25%
48 LIMITATION ON CHARTER SCHOOL TEACHERS EXEMPT FROM LICENSURE
49 REQUIREMENTS; TO AMEND SECTION 37-28-49, MISSISSIPPI CODE OF 1972,
50 IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO AMEND SECTION
51 37-28-55, MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN WHICH
52 AVERAGE DAILY ATTENDANCE, FOR PURPOSES OF STATE FUNDING, AT
53 CHARTER SCHOOLS IS CALCULATED; TO AMEND SECTION 37-28-57,
54 MISSISSIPPI CODE OF 1972, TO REQUIRE CHARTER SCHOOLS TO CONSULT
55 WITH THE STATE AUDITOR IN DEVELOPING FINANCIAL REGULATIONS AND TO
56 PROVIDE THAT CHARTER SCHOOLS ARE NOT REQUIRED TO ADHERE TO
57 FINANCIAL POLICIES ADOPTED BY THE STATE DEPARTMENT OF EDUCATION
58 UNLESS A RELEVANT STATUTE IS SPECIFICALLY MADE APPLICABLE TO
59 CHARTER SCHOOLS; AND FOR RELATED PURPOSES.

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

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

63 37-28-7. (1) A charter school in the State of Mississippi
64 may be authorized by:

65 (a) The Mississippi Charter School Authorizer Board
66 created under subsection (2) of this section; or

67 (b) An office of a state institution of higher learning
68 or community or junior college in this state which has been
69 created by the president of that state institution or community or
70 junior college specifically for the purpose of authorizing one or
71 more charter schools.



72 (2) There is created the Mississippi Charter School
73 Authorizer Board as a state agency with * * * chartering
74 jurisdiction in the State of Mississippi. * * *

75 (* * *3) (a) The mission of the Mississippi Charter School
76 Authorizer Board is to authorize high-quality charter schools,
77 particularly schools designed to expand opportunities for
78 underserved students, consistent with the purposes of this
79 chapter. Subject to the restrictions and conditions prescribed in
80 this subsection, the Mississippi Charter School Authorizer Board
81 may authorize charter schools within the geographical boundaries
82 of any school district.

83 (b) The Mississippi Charter School Authorizer Board may
84 approve a maximum of fifteen (15) qualified charter applications
85 during a fiscal year.

86 (c) In any school district designated as an "A," "B" or
87 "C" school district by the State Board of Education under the
88 accreditation rating system at the time of application, the
89 Mississippi Charter School Authorizer Board may authorize charter
90 schools only if a majority of the members of the local school
91 board votes at a public meeting to endorse the application or to
92 initiate the application on its own initiative.

93 (* * *4) The Mississippi Charter School Authorizer Board
94 shall consist of seven (7) members, to be appointed as follows:



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

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

101 (c) One (1) member appointed by the State
102 Superintendent of Public Education.

103 All appointments must be made with the advice and consent of
104 the Senate. In making the appointments, the appointing authority
105 shall ensure diversity among members of the Mississippi Charter
106 School Authorizer Board.

107 (* * *5) Members appointed to the Mississippi Charter
108 School Authorizer Board collectively must possess strong
109 experience and expertise in public and nonprofit governance,
110 management and finance, public school leadership, assessment,
111 curriculum and instruction, and public education law. Each member
112 of the Mississippi Charter School Authorizer Board must have
113 demonstrated an understanding of and commitment to charter
114 schooling as a strategy for strengthening public education.

115 (* * *6) To establish staggered terms of office, the
116 initial term of office for the three (3) Mississippi Charter
117 School Authorizer Board members appointed by the Governor shall be
118 four (4) years and thereafter shall be three (3) years; the
119 initial term of office for the three (3) members appointed by the



120 Lieutenant Governor shall be three (3) years and thereafter shall
121 be three (3) years; and the initial term of office for the member
122 appointed by the State Superintendent of Public Education shall be
123 two (2) years and thereafter shall be three (3) years. No member
124 may serve more than two (2) consecutive terms. The initial
125 appointments must be made before September 1, 2013.

126 (* * *7) The Mississippi Charter School Authorizer Board
127 shall meet as soon as practical after September 1, 2013, upon the
128 call of the Governor, and shall organize for business by selecting
129 a chairman from among the members appointed by the Governor or
130 Lieutenant Governor and adopting bylaws. Subsequent meetings
131 shall be called by the chairman.

132 (* * *8) An individual member of the Mississippi Charter
133 School Authorizer Board may be removed by the board if the
134 member's personal incapacity renders the member incapable or unfit
135 to discharge the duties of the office or if the member is absent
136 from a number of meetings of the board, as determined and
137 specified by the board in its bylaws. Whenever a vacancy on the
138 Mississippi Charter School Authorizer Board exists, the original
139 appointing authority shall appoint a member for the remaining
140 portion of the term.

141 (* * *9) No member of the Mississippi Charter School
142 Authorizer Board or employee, agent or representative of the board
143 may serve simultaneously as an employee, trustee, agent,



144 representative, vendor or contractor of a charter school
145 authorized by the board.

146 (* * *10) The Mississippi Charter School Authorizer Board
147 shall appoint an individual to serve as the Executive Director of
148 the Mississippi Charter School Authorizer Board. The executive
149 director shall possess the qualifications established by the board
150 which are based on national best practices, and shall possess an
151 understanding of state and federal education law. The executive
152 director, who shall serve at the will and pleasure of the board,
153 shall devote his full time to the proper administration of the
154 board and the duties assigned to him by the board and shall be
155 paid a salary established by the board, subject to the approval of
156 the State Personnel Board. Subject to the availability of
157 funding, the executive director may employ such administrative
158 staff as may be necessary to assist the director and board in
159 carrying out the duties and directives of the Mississippi Charter
160 School Authorizer Board.

161 (* * *11) The Mississippi Charter School Authorizer Board
162 is authorized to obtain suitable office space for administrative
163 purposes. In acquiring a facility or office space, the authorizer
164 board shall adhere to all policies and procedures required by the
165 Department of Finance and Administration and the Public
166 Procurement Review Board.

167 (12) A state institution of higher learning or a community
168 or junior college that establishes an office for the purpose of



169 authorizing a charter school may accept applications and authorize
170 contracts for the organization and operation of a charter school.
171 The institution or college shall exercise the same authority,
172 powers and duties granted to, and be subject to the same
173 restrictions and limitations placed on, the Mississippi Charter
174 School Authorizer Board under this chapter.

175 **SECTION 2.** Section 37-28-5, Mississippi Code of 1972, is
176 amended as follows:

177 37-28-5. As used in this chapter, the following words and
178 phrases have the meanings ascribed in this section unless the
179 context clearly indicates otherwise:

180 (a) "Applicant" means any person or group that develops
181 and submits an application for a charter school to * * * an
182 authorizer.

183 (b) "Application" means a proposal from an applicant
184 to * * * an authorizer to enter into a charter contract whereby
185 the proposed school obtains charter school status.

186 (c) "Authorizer" means * * * an entity permitted under
187 Section 37-28-7 to review applications, decide whether to approve
188 or reject applications, enter into charter contracts with
189 applicants, oversee charter schools, and decide whether to renew,
190 not renew, or revoke charter contracts.

191 (d) "Charter contract" means a fixed-term, renewable
192 contract between a charter school and * * * an authorizer which



193 outlines the roles, powers, responsibilities and performance
194 expectations for each party to the contract.

195 (e) "Charter school" means a public school that is
196 established and operating under the terms of charter contract
197 between the school's governing board and * * * an authorizer. The
198 term "charter school" includes a conversion charter school and
199 start-up charter school.

200 (f) "Conversion charter school" means a charter school
201 that existed as a noncharter public school before becoming a
202 charter school.

203 (g) "Education service provider" means a charter
204 management organization, school design provider or any other
205 partner entity with which a charter school intends to contract for
206 educational design, implementation or comprehensive management.

207 (h) "Governing board" means the independent board of a
208 charter school which is party to the charter contract with * * *
209 an authorizer and whose members have been elected or selected
210 pursuant to the school's application.

211 (i) "Noncharter public school" means a public school
212 that is under the direct management, governance and control of a
213 school board or the state.

214 (j) "Parent" means a parent, guardian or other person
215 or entity having legal custody of a child.

216 (k) "School board" means a school board exercising
217 management and control over a local school district and the



218 schools of that district pursuant to the State Constitution and
219 state statutes.

220 (l) "School district" means a governmental entity that
221 establishes and supervises one or more public schools within its
222 geographical limits pursuant to state statutes.

223 (m) "Start-up charter school" means a charter school
224 that did not exist as a noncharter public school before becoming a
225 charter school.

226 (n) "Student" means any child who is eligible for
227 attendance in a public school in the state.

228 (o) "Underserved students" means students * * * who
229 qualify for at-risk student funding under the Mississippi Adequate
230 Education Program and students who are identified as having
231 special educational needs.

232 **SECTION 3.** Section 37-28-9, Mississippi Code of 1972, is
233 amended as follows:

234 37-28-9. (1) * * * An authorizer is responsible for
235 exercising, in accordance with this chapter, the following powers
236 and duties:

237 (a) Developing chartering policies and maintaining
238 practices consistent with nationally recognized principles and
239 standards for quality charter authorizing in all major areas of
240 authorizing responsibility, including:

241 (i) Organizational capacity and infrastructure;



242 (ii) Solicitation and evaluation of charter
243 applications;
244 (iii) Performance contracting;
245 (iv) Ongoing charter school oversight and
246 evaluation; and
247 (v) Charter renewal decision-making;
248 (b) Approving quality charter applications that meet
249 identified educational needs and promote a diversity of
250 educational choices;
251 (c) Declining to approve weak or inadequate charter
252 applications;
253 (d) Negotiating and executing charter contracts with
254 approved charter schools;
255 (e) Amending charter school contracts, including
256 approving mergers, consolidations or reconfigurations without the
257 need for closure and restart of a charter school;
258 (* * *f) Monitoring, in accordance with charter
259 contract terms, the performance and legal compliance of charter
260 schools;
261 (* * *g) Determining whether each charter contract
262 merits renewal, nonrenewal or revocation; * * *
263 (* * *h) Applying for any federal funds that may be
264 available for the implementation of charter school programs * * *;
265 and



266 (i) Complying with the Mississippi Administrative
267 Procedures Law for the adoption of any rule, policy, guideline or
268 other regulation, including any performance framework, renewal
269 framework or any other relevant document with which charter
270 schools are mandated to comply.

271 (2) The authorizer shall carry out all its duties under this
272 chapter in a manner consistent with nationally recognized
273 principles and standards and with the spirit and intent of this
274 act.

275 (3) The authorizer may delegate its duties to * * * an
276 executive director * * *, general counsel or office appointed to
277 manage charter authorizing operations.

278 (4) Regulation by * * * an authorizer shall be limited to
279 those powers and duties prescribed in this section and all others
280 prescribed by law, consistent with the spirit and intent of this
281 chapter.

282 (5) Except in the case of gross negligence or reckless
283 disregard of the safety and well-being of another person, the
284 authorizer, members of the authorizer's board acting in their
285 official capacity, and employees of the authorizer tasked with
286 managing or executing charter authorizing operations, acting in
287 their official capacity, are immune from civil liability with
288 respect to all activities related to a charter school approved by
289 the authorizer.



290 **SECTION 4.** Section 37-28-11, Mississippi Code of 1972, is
291 amended as follows:

292 37-28-11. (1) To cover the costs of overseeing charter
293 schools in accordance with this chapter, * * * an authorizer * * *
294 may receive up to three percent (3%) of annual per-pupil
295 allocations received by a charter school from state and local
296 funds for each charter school it authorizes. However, this
297 subsection does not apply to an authorizer that receives a state
298 appropriation for the purpose of defraying the expenses of that
299 authorizer.

300 (2) * * * An authorizer may receive appropriate gifts,
301 grants and donations of any kind from any public or private entity
302 to carry out the purposes of this chapter, subject to all lawful
303 terms and conditions under which the gifts, grants or donations
304 are given.

305 (3) * * * An authorizer may expend its resources, seek grant
306 funds and establish partnerships to support its charter school
307 authorizing activities.

308 **SECTION 5.** Section 37-28-13, Mississippi Code of 1972, is
309 amended as follows:

310 37-28-13. (1) Upon request, the State Department of
311 Education shall assist * * * an authorizer with implementing the
312 authorizer's decisions by providing such technical assistance and
313 information as may be necessary for the implementation of this
314 chapter.



315 (2) Before July 1 of each year, * * * each authorizer shall
316 publish a pamphlet, which may be in electronic form, containing:

317 (a) All statutes in Title 37, Mississippi Code of 1972,
318 which are applicable to the charter schools;

319 (b) Any rules, regulations and policies adopted by the
320 State Superintendent of Public Education, the State Board of
321 Education or the State Department of Education with which charter
322 schools must comply by virtue of the applicability to charter
323 schools, as well as other public schools, of the state law to
324 which those relevant rules, regulations and policies pertain; and

325 (c) Any other state and federal laws and matters that
326 are relevant to the establishment and operation of charter schools
327 in the State of Mississippi.

328 * * * Each authorizer shall make the pamphlet available to
329 the public on * * * its website and shall notify all prospective
330 applicants of the pamphlet.

331 **SECTION 6.** Section 37-28-15, Mississippi Code of 1972, is
332 amended as follows:

333 37-28-15. (1) To solicit, encourage and guide the
334 development of quality charter school applications, * * * an
335 authorizer shall issue and publicize a request for proposals
336 before September 1 of each year; however, during 2013, the * * *
337 Mississippi Charter School Authorizer Board shall issue and
338 publicize a request for proposals before December 1. The content



339 and dissemination of the request for proposals must be consistent
340 with the purposes and requirements of this chapter.

341 (2) * * * An authorizer annually shall establish and
342 disseminate a * * * timeline for charter approval or denial
343 decisions.

344 (3) * * * An authorizer's request for proposals must include
345 the following:

346 (a) A clear statement of any preferences the authorizer
347 wishes to grant to applications intended to help underserved
348 students;

349 (b) A description of the performance framework that the
350 authorizer has developed for charter school oversight and
351 evaluation in accordance with Section 37-28-29;

352 (c) The criteria that will guide the authorizer's
353 decision to approve or deny a charter application; and

354 (d) A clear statement of appropriately detailed
355 questions, as well as guidelines, concerning the format and
356 content essential for applicants to demonstrate the capacities
357 necessary to establish and operate a successful charter school.

358 (4) In addition to all other requirements, and subject to
359 the provisions of subsection (5) of this section, the request for
360 proposals must require charter applications to provide or describe
361 thoroughly all of the following * * * elements of the proposed
362 school plan:

363 (a) An executive summary;



- 364 (b) The mission and vision of the proposed charter
365 school, including identification of the targeted student
366 population and the community the school hopes to serve;
- 367 (c) The location or geographic area proposed for the
368 school;
- 369 (d) The grades to be served each year for the full term
370 of the charter contract;
- 371 (e) Minimum, planned and maximum enrollment per grade
372 per year for the term of the charter contract;
- 373 (f) Evidence of need and community support for the
374 proposed charter school;
- 375 (g) Background information, including proof of United
376 States citizenship, on the applicants, the proposed founding
377 governing board members and, if identified, members of the
378 proposed school leadership and management team. The background
379 information must include annual student achievement data,
380 disaggregated by subgroup, for every school under the current or
381 prior management of each board member and leadership team member;
- 382 (h) The school's proposed calendar, including the
383 proposed opening and closing dates for the school term, and a
384 sample daily schedule. The school must be kept in session no less
385 than the minimum number of school days established for all public
386 schools in Section 37-13-63;
- 387 (i) A description of the school's academic program,
388 aligned with state standards;



389 (j) A description of the school's instructional design,
390 including the type of learning environment (such as
391 classroom-based or independent study), class size and structure,
392 curriculum overview and teaching methods;

393 (k) The school's plan for using internal and external
394 assessments to measure and report student progress on the
395 performance framework developed by the authorizer in accordance
396 with Section 37-28-29;

397 (l) The school's plan for identifying and successfully
398 serving students with disabilities (including all of the school's
399 proposed policies pursuant to the Individuals with Disabilities
400 Education Improvement Act of 2004, 20 USCS Section 1400 et seq.,
401 Section 504 of the Rehabilitation Act of 1973, 29 USCS Section
402 794, and Title 11 of the Americans with Disabilities Act, 42 USCS
403 Section 12101 et seq., and the school's procedures for securing
404 and providing evaluations and related services pursuant to federal
405 law), students who are English language learners, students who are
406 academically behind, and gifted students, including, but not
407 limited to, compliance with any applicable laws and regulations;

408 (m) A description of cocurricular or extracurricular
409 programs and how those programs will be funded and delivered;

410 (n) Plans and timelines for student recruitment and
411 enrollment, including lottery policies and procedures that ensure
412 that every student has an equal opportunity to be considered in
413 the lottery and that the lottery is equitable, randomized,



414 transparent and impartial so that students are accepted in a
415 charter school without regard to disability, income level, race,
416 religion or national origin;

417 (o) The school's student discipline policies, including
418 those for special education students;

419 (p) An organizational chart that clearly presents the
420 school's organizational structure, including lines of authority
421 and reporting between the governing board, education service
422 provider, staff, related bodies (such as advisory bodies or parent
423 and teacher councils), and all other external organizations that
424 will play a role in managing the school;

425 (q) A clear description of the roles and
426 responsibilities of the governing board, education service
427 provider, school leadership team, management team and all other
428 entities shown in the organizational chart;

429 (r) A staffing chart for the school's first year, and a
430 staffing plan for the term of the charter;

431 (s) Plans for recruiting and developing school
432 leadership and staff, which may not include utilization of
433 nonimmigrant foreign worker visa programs;

434 (t) The school's leadership and teacher employment
435 policies, including performance evaluation plans;

436 (u) Proposed governing bylaws;

437 (v) Explanations of any partnerships or contractual
438 relationships central to the school's operations or mission;



439 (w) The school's plans for providing transportation,
440 food service and all other significant operational or ancillary
441 services;

442 (x) Opportunities and expectations for parent
443 involvement;

444 (y) A detailed school start-up plan, identifying tasks,
445 timelines and responsible individuals;

446 (z) A description of the school's financial plans and
447 policies, including financial controls and audit requirements;

448 (aa) A description of the insurance coverage the school
449 will obtain;

450 (bb) Start-up and five-year budgets with clearly stated
451 assumptions;

452 (cc) Start-up and first-year cash flow projections with
453 clearly stated assumptions;

454 (dd) A disclosure of all sources of private funding and
455 all funds from foreign sources, including gifts from foreign
456 governments, foreign legal entities and domestic entities
457 affiliated with either foreign governments or foreign legal
458 entities. For the purposes of this paragraph, the term "foreign"
459 means a country or jurisdiction outside of any state or territory
460 of the United States;

461 (ee) Evidence of anticipated fundraising contributions,
462 if claimed in the application; and



463 (ff) A sound facilities plan, including backup or
464 contingency plans if appropriate.

465 (5) An authorizer may limit its request to those elements in
466 subsection (4) deemed essential, as identified by the authorizer,
467 for the authorizer's initial review of applications, and
468 applications may be rejected based upon the information provided
469 for those elements during the initial review and any additional
470 review before a final review in which a determination is made.
471 However, an applicant must submit, and an authorizer must
472 evaluate, all elements enumerated in subsection (4) before an
473 application may be approved.

474 (* * *6) In the case of an application to establish a
475 charter school by converting an existing noncharter public school
476 to charter school status, the request for proposals additionally
477 shall require the applicant to demonstrate support for the
478 proposed charter school conversion by a petition signed by a
479 majority of teachers or a majority of parents of students in the
480 existing noncharter public school, or by a majority vote of the
481 local school board or, in the case of schools in districts under
482 state conservatorship, by the State Board of Education.

483 (* * *7) In the case of a proposed charter school that
484 intends to contract with an education service provider for
485 substantial educational services, management services or both
486 types of services, the request for proposals additionally shall
487 require the applicant to:



488 (a) Provide evidence of the education service
489 provider's success in serving student populations similar to the
490 targeted population, including demonstrated academic achievement
491 as well as successful management of nonacademic school functions,
492 if applicable;

493 (b) Provide a term sheet setting forth: the proposed
494 duration of the service contract; roles and responsibilities of
495 the governing board, the school staff and the education service
496 provider; the scope of services and resources to be provided by
497 the education service provider; performance evaluation measures
498 and timelines; the compensation structure, including clear
499 identification of all fees to be paid to the education service
500 provider; methods of contract oversight and enforcement;
501 investment disclosure; and conditions for renewal and termination
502 of the contract;

503 (c) Disclose and explain any existing or potential
504 conflicts of interest between the school governing board and
505 proposed service provider or any affiliated business entities; and

506 (d) Background information, including proof of United
507 States citizenship, on the principal individuals affiliated with
508 the education service provider.

509 (* * *8) In the case of a charter school proposal from an
510 applicant that currently operates one or more schools in any state
511 or nation, the request for proposals additionally shall require
512 the applicant to provide evidence of past performance and current



513 capacity for growth. The applicant shall be required to submit
514 clear evidence that it has produced * * * significant * * * growth
515 in student achievement or consistently produced proficiency levels
516 as measured on state achievement tests.

517 **SECTION 7.** Section 37-28-19, Mississippi Code of 1972, is
518 amended as follows:

519 37-28-19. (1) In reviewing and evaluating charter
520 applications, * * * an authorizer shall employ procedures,
521 practices and criteria consistent with nationally recognized
522 principles and standards for quality charter authorizing. The
523 application review process must include thorough evaluation of
524 each written charter application and in-person interview with the
525 applicant group.

526 (2) In deciding whether to approve charter
527 applications, * * * an authorizer must:

528 (a) Grant charters only to applicants that have
529 provided evidence of competence in each element of the
530 authorizer's published approval criteria, and in the case of an
531 applicant that currently operates one or more schools in any state
532 or nation, clear evidence that the management or leadership team
533 of the charter school or schools currently operated by the
534 applicant has produced * * * significant * * * growth in student
535 achievement or consistently produced proficiency levels as
536 measured on state achievement tests;



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

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

542 (3) Before the expiration of one hundred eighty (180) days
543 after the filing of a charter application, * * * an authorizer
544 must approve or deny the charter application; however, an
545 application submitted by a public historically black college or
546 university (HBCU), in partnership with a national nonprofit public
547 HBCU support organization, for a charter school to be operated on
548 or near the campus of the HBCU must be considered for expedited
549 approval by the authorizer. * * * An authorizer shall adopt by
550 resolution all charter approval or denial decisions in an open
551 meeting of the authorizer * * *.

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

555 (5) For a charter denial, * * * an authorizer shall state
556 clearly, for public record, its reasons for denial. A denied
557 applicant may reapply subsequently with the authorizer. An
558 applicant that is denied after having progressed to a later stage
559 in the evaluation process, which must be identified by the
560 authorizer, may not be required to wait until the next regular
561 application process to reapply but must be allowed one (1)



562 opportunity before the next regular application process to
563 demonstrate to the authorizer that the applicant has remedied the
564 conditions upon which the denial was based.

565 (6) Before the expiration of ten (10) days after taking
566 action to approve or deny a charter application, * * * an
567 authorizer shall provide a report to the applicant. The report
568 must include a copy of the authorizer's resolution setting forth
569 the action taken and reasons for the decision and assurances as to
570 compliance with all of the procedural requirements and application
571 elements set forth in this chapter.

572 **SECTION 8.** Section 37-28-21, Mississippi Code of 1972, is
573 amended as follows:

574 37-28-21. (1) * * * An authorizer shall grant an initial
575 charter to each qualified applicant for a term of five (5)
576 operating years. The term of the charter shall commence on the
577 charter school's first day of operation. An approved charter
578 school may delay its opening for one (1) school year in order to
579 plan and prepare for the school's opening. If the school requires
580 an opening delay of more than one (1) school year, the school must
581 request an extension from the authorizer. The authorizer may
582 grant or deny the extension depending on the particular school's
583 circumstances.

584 (2) (a) * * * An authorizer and the governing board
585 of * * * an approved charter school shall execute a charter
586 contract that clearly sets forth the academic and operational



587 performance expectations and measures by which the charter school
588 will be judged and the administrative relationship between the
589 authorizer and charter school, including each party's rights and
590 duties. The performance expectations and measures set forth in
591 the charter contract must include, but need not be limited to,
592 applicable federal and state accountability requirements. The
593 performance provisions may be refined or amended by mutual
594 agreement after the charter school is operating and has collected
595 baseline achievement data for its enrolled students.

596 (b) * * * For charter schools authorized by the
597 Mississippi Charter School Authorizer Board, the charter contract
598 must be signed by the chairman of the * * * board and the
599 president of the charter school's governing board. For charter
600 schools authorized by a state institution of higher learning or
601 community or junior college, the charter contract must be signed
602 by the president of the state institution or community or junior
603 college, or the president's designee, and the president of the
604 charter school's governing board.

605 (c) A charter school may not commence operations
606 without a charter contract executed in accordance with this
607 section and approved in an open meeting of the authorizer * * *.

608 (d) An approved charter school may apply for
609 operational oversight to an authorizer other than its current
610 authorizer at any time so long as the established processes of the
611 authorizer to whom the application is submitted are followed. A



612 charter contract with an authorizer other than the current
613 authorizer must include the effective date on which the subsequent
614 authorizer will begin its oversight of the school, which may not
615 be less than thirty (30) days after a subsequent contract is
616 executed. When the contract with the subsequent authorizer is
617 executed, the charter school must notify the current authorizer of
618 the date on which the subsequent authorizer will assume oversight
619 responsibilities. On the effective date of the subsequent
620 contract, the initial charter contract must be considered
621 terminated.

622 (e) An approved charter school seeking to change
623 authorizers at the end of a charter term is not required to apply
624 for renewal with the current authorizer but may elect to apply for
625 a subsequent contract with a different authorizer. A charter
626 school's change to a different authorizer does not constitute a
627 closure and restart of the charter school.

628 (f) An authorizer may accept or reject the application
629 of an existing charter school seeking to change to a different
630 authorizer, based on that authorizer's adopted policy for
631 accepting applications of charter schools initially authorized by
632 another authorizer. The application for an existing charter
633 school to apply to a different authorizer need not be as extensive
634 as required under Section 37-28-15; however, the approval process
635 must comply with Section 37-28-19. A charter school that has had
636 its initial charter revoked or nonrenewed by an authorizer must



637 complete the application process described in Section 37-28-15 in
638 order for any authorizer to grant a new charter contract to the
639 school.

640 (g) A charter school is not required to notify its
641 current authorizer of a pending application to another authorizer.
642 If an authorizer learns of a charter school's intent to change to
643 a different authorizer, the current authorizer may not retaliate
644 against the charter school, either formally or informally, such as
645 by threatening revocation before a new contract is executed. An
646 authorizer may not continue to assess an authorizer fee to a
647 charter school after the effective date of a subsequent charter
648 contract, as established pursuant to paragraph (d) of this
649 subsection.

650 (3) * * * An authorizer may establish reasonable preopening
651 requirements or conditions to monitor the start-up progress of a
652 newly approved charter school and to ensure that the school is
653 prepared to open smoothly on the date agreed and that the school
654 meets all building, health, safety, insurance and other legal
655 requirements before the school's opening.

656 (4) This section may not be construed to preclude the
657 approval and operation of a virtual charter school.

658 **SECTION 9.** Section 37-28-23, Mississippi Code of 1972, is
659 amended as follows:

660 37-28-23. (1) A charter school must be open to:



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

663 (b) Any student who resides in the geographical
664 boundaries of a school district that was rated "C," "D" or "F" at
665 the time the charter school was approved by the authorizer * * *,
666 or who resides in the geographical boundaries of a school district
667 rated "C," or "D" or "F" at the time the student enrolls.

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

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

675 (4) A charter school may limit admission to students within
676 a given age group or grade level, including pre-kindergarten
677 students, and may be organized around a special emphasis, theme or
678 concept as stated in the school's application.

679 (5) (a) The schoolwide underserved student composition of a
680 charter school * * * must reflect * * * the school district in
681 which the charter school is located * * *. The schoolwide
682 underserved student composition of a charter school must be at
683 least eighty percent (80%) of that of the comparison school
684 district's composition in corresponding grade levels. If the
685 schoolwide underserved student composition of * * * a charter



686 school * * * is less than eighty percent (80%) of the * * *
687 underserved student composition in corresponding grade levels of
688 the school district in which the charter school is located,
689 despite the school's best efforts, the authorizer must consider
690 the * * * charter school's recruitment efforts and the underserved
691 student composition of the applicant pool in determining whether
692 the * * * charter school is operating in a * * * discriminatory
693 manner. A finding by the authorizer that a charter school is
694 operating in a discriminatory manner justifies the revocation of a
695 charter.

696 (b) If a comparison school district is under a federal
697 or state required remediation plan due to disproportionate
698 identification of students with disabilities, the authorizer must
699 consider the impact of this disproportionate identification in the
700 comparison school district when determining the appropriate level
701 of students with disabilities a charter school must enroll in the
702 schoolwide underserved student population.

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

706 (7) If capacity is insufficient to enroll all students who
707 wish to attend the school based on initial application, the
708 charter school must select students through a lottery.

709 (8) (a) Any noncharter public school or part of a
710 noncharter public school converting to a charter school shall



711 adopt and maintain a policy giving an enrollment preference to
712 students who reside within the former attendance area of that
713 public school. If the charter school has excess capacity after
714 enrolling students residing within the former attendance area of
715 the school, students outside of the former attendance area of the
716 school, but within the geographical boundaries of the school
717 district in which the charter school is located, are eligible for
718 enrollment. If the number of students applying for admission
719 exceeds the capacity of a program, class, grade level or building
720 of the charter school, the charter school must admit students on
721 the basis of a lottery.

722 (b) A charter school must give an enrollment preference
723 to students enrolled in the charter school during the preceding
724 school year and to siblings of students already enrolled in the
725 charter school. An enrollment preference for returning students
726 excludes those students from entering into a lottery.

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

732 (d) A charter school shall give an enrollment
733 preference to underserved children as defined in Section
734 37-28-5 * * * until the charter school meets its required
735 underserved student composition. The charter school may continue



736 to give an enrollment preference to underserved children after the
737 charter school meets its required underserved student composition.

738 (e) A charter school may give an enrollment preference
739 to children transferring from a charter school whose contract is
740 with the same governing board or which is listed as a school under
741 the same contract. This enrollment preference includes children
742 who have completed the final grade of one (1) school and are
743 transferring to a higher grade in a different school.

744 (f) This section does not preclude the formation of a
745 charter school whose mission is focused on serving students with
746 disabilities, students of the same gender, students who pose such
747 severe disciplinary problems that they warrant a specific
748 educational program, or students who are at risk of academic
749 failure. If capacity is insufficient to enroll all students who
750 wish to attend the school, the charter school must select students
751 through a lottery.

752 **SECTION 10.** Section 37-28-29, Mississippi Code of 1972, is
753 amended as follows:

754 37-28-29. (1) The performance provisions within a charter
755 contract must be based on a performance framework that clearly
756 sets forth the academic, financial and operational performance
757 indicators, measures and metrics that will guide the authorizer's
758 evaluations of the charter school. The performance framework must
759 include indicators, measures and metrics, at a minimum, for the
760 following:



- 761 (a) Student academic proficiency;
- 762 (b) Student academic growth;
- 763 (c) Achievement gaps in * * * proficiency * * * between
764 major student subgroups, as applicable;
- 765 (d) Attendance;
- 766 (e) Recurrent enrollment from year to year;
- 767 (f) In-school and out-of-school suspension rates and
768 expulsion rates;
- 769 (g) For charter high schools, postsecondary readiness,
770 including the percentage of graduates submitting applications to
771 postsecondary institutions, high school completion, postsecondary
772 admission and postsecondary enrollment or employment;
- 773 (h) Financial performance and sustainability; and
- 774 (i) Board performance and stewardship, including
775 compliance with all applicable laws, regulations and terms of the
776 charter contract.

777 (2) The charter contract of each charter school serving
778 Grades 9-12 must include a provision ensuring that graduation
779 requirements meet or exceed those set by the Mississippi
780 Department of Education for a regular high school diploma.
781 Nothing in this section shall preclude competency-based
782 satisfaction of graduation requirements.

783 (3) Comparisons between the charter school and the district
784 in which the charter school is located may not comprise more than
785 five percent (5%) of the overall academic evaluation under the



786 performance framework. Any comparisons must be based on
787 statistically valid and reliable methods for establishing a
788 comparable population of students in a traditional public school
789 district, including comparability based on race, economic status,
790 any prior achievement, grade and disability status.

791 (* * *4) Annual performance targets must be set by each
792 charter school in conjunction with the authorizer and must be
793 designed to help each school meet applicable federal, state and
794 authorizer expectations.

795 (* * *5) The performance framework must allow the inclusion
796 of additional rigorous, valid and reliable indicators proposed by
797 a charter school to augment external evaluations of its
798 performance; however, the authorizer must approve the quality and
799 rigor of any indicators proposed by a charter school, which
800 indicators must be consistent with the purposes of this chapter.

801 (* * *6) The performance framework must require the
802 disaggregation of all student performance data by major student
803 subgroups (gender, race, poverty status, special education status,
804 English learner status and gifted status). However, achievement
805 gap measures must be deemed sufficient for evaluating subgroup
806 performance without additional, duplicative measures.

807 (* * *7) The authorizer shall collect, analyze and report
808 all data from state assessments in accordance with the performance
809 framework for each charter school. Multiple schools overseen by a
810 single governing board must report their performance as separate,



811 individual schools, and each school must be held independently
812 accountable for its performance.

813 (* * *8) Information needed by the authorizer from the
814 charter school governing board for the authorizer's reports must
815 be required and included as a material part of the charter
816 contract.

817 **SECTION 11.** Section 37-28-33, Mississippi Code of 1972, is
818 amended as follows:

819 37-28-33. (1) A charter may be renewed for successive
820 five-year terms of duration. The authorizer may grant renewal
821 with specific conditions for necessary improvements to a charter
822 school and may lessen the renewal term based on the performance,
823 demonstrated capacities and particular circumstances of each
824 charter school. A charter school renewed for fewer than five (5)
825 years has the same right to appeal as a charter school for which a
826 charter is revoked or not renewed, as described in subsection (8)
827 of this section. An authorizer must describe its rationale for a
828 renewal for fewer than five (5) years in the same manner as
829 required under subsections (10) and (11) of this section.

830 (2) Before September 30, the authorizer shall issue a
831 charter school performance report and charter renewal application
832 guidance to any charter school whose charter will expire the
833 following year. The performance report must summarize the charter
834 school's performance record to date, based on the data required by
835 this chapter and the charter contract, and must provide notice of



836 any weaknesses or concerns perceived by the authorizer which may
837 jeopardize the charter school's position in seeking renewal if not
838 timely rectified. The charter school must respond and submit any
839 corrections or clarifications for the performance report within
840 ninety (90) days after receiving the report.

841 (3) The charter renewal application guidance must provide,
842 at a minimum, an opportunity for the charter school to:

843 (a) Present additional evidence, beyond the data
844 contained in the performance report, supporting its case for
845 charter renewal;

846 (b) Describe improvements undertaken or planned for the
847 school; and

848 (c) Detail the school's plans for the next charter
849 term.

850 (4) The charter renewal application guidance must include or
851 refer explicitly to the criteria that will guide the authorizer's
852 renewal decision, which must be based on the performance framework
853 set forth in the charter contract and consistent with this
854 chapter.

855 (5) Before * * * December 1, the governing board of a
856 charter school seeking renewal shall submit a renewal application
857 to the authorizer pursuant to the charter renewal application
858 guidance issued by the authorizer. The authorizer shall adopt a
859 resolution ruling on the renewal application no later than ninety
860 (90) days after the filing of the renewal application.



861 (6) In making each charter renewal decision, the authorizer
862 must:

863 (a) Ground its decision in evidence of the school's
864 performance over the term of the charter contract in accordance
865 with the performance framework set forth in the charter contract;

866 (b) Ensure that data used in making the renewal
867 decision is available to the school and the public; and

868 (c) Provide a public report summarizing the evidence
869 that is the basis for the renewal decision.

870 (7) A charter contract must be revoked at any time or not
871 renewed if the authorizer determines that the charter school has
872 done any of the following or otherwise failed to comply with the
873 provisions of this chapter:

874 (a) Committed a material and substantial violation of
875 any of the terms, conditions, standards or procedures required
876 under this chapter or the charter contract;

877 (b) Failed to meet or make sufficient progress toward
878 the performance expectations set forth in the charter contract;

879 (c) Failed to meet generally accepted standards of
880 fiscal management; or

881 (d) Substantially violated any material provision of
882 law which is applicable to the charter school.

883 (8) The authorizer shall develop revocation and nonrenewal
884 processes that:



885 (a) Provide the governing board of a charter school
886 with a timely notification of the prospect of revocation or
887 nonrenewal and of the reasons for such possible closure;

888 (b) Allow the governing board a reasonable amount of
889 time in which to prepare a response;

890 (c) Provide the governing board with an opportunity to
891 submit documents and give testimony challenging the rationale for
892 closure and in support of the continuation of the school at an
893 orderly proceeding held for that purpose;

894 (d) Allow the governing board access to representation
895 by counsel and to call witnesses on the school's behalf;

896 (e) Permit the recording of such proceedings; and

897 (f) After a reasonable period for deliberation, require
898 a final determination to be made and conveyed in writing to the
899 governing board.

900 (9) * * * Notwithstanding any provision to the contrary, the
901 authorizer may not renew the charter of any charter school that,
902 during the school's final operating year under the term of the
903 charter contract, is designated an "F" school under the school
904 accreditation rating system.

905 (10) If the authorizer revokes or does not renew a charter,
906 the authorizer must state clearly, in a resolution * * * adopted
907 by the authorizer * * *, the reasons for the revocation or
908 nonrenewal.



909 (11) Within ten (10) days after taking action to renew, not
910 renew or revoke a charter, the authorizer shall provide a report
911 to the charter school. The report must include a copy of the
912 authorizer's * * * resolution setting forth the action taken,
913 reasons for * * * its decision and assurances as to compliance
914 with all of the requirements set forth in this chapter.

915 **SECTION 12.** Section 37-28-37, Mississippi Code of 1972, is
916 amended as follows:

917 37-28-37. (1) Before * * * December 1 of each year,
918 beginning in the year that the state has had at least one (1)
919 charter school operating for a full school year, * * * an
920 authorizer with at least one (1) charter school approved and
921 operating under its supervision shall issue to the Governor,
922 Legislature, State Board of Education and the public an annual
923 report on the state's charter schools for the preceding school
924 year. The report must include * * * the authorizer's assessment
925 of the successes, challenges and areas for improvement in meeting
926 the purposes of this chapter. The report also must include an
927 assessment on whether the number and size of operating charter
928 schools are sufficient to meet demand, as calculated according to
929 admissions data and the number of students denied enrollment based
930 on lottery results. * * *

931 (2) * * * Every five (5) years, beginning in 2023, an
932 authorizer with at least one (1) charter school approved and
933 operating under its supervision must issue a supplementary report



934 alongside its annual report described in subsection (1). This
935 report must compare the performance of all charter school students
936 in an authorizer's portfolio over the period with the performance
937 of academically, racially and economically comparable groups of
938 students in the school district in which each charter school is
939 located or from which a charter school draws its students. The
940 report must use statistically valid methodology for establishing
941 comparability. The report and its methodology may not be used as
942 part of an annual evaluation of a specific charter school.

943 (3) The reports due from the authorizer under this section
944 must be coordinated with reports due from charter school governing
945 boards, as near as possible, to decrease or eliminate duplication.

946 (4) Beginning July 1, 2023, and every three (3) years
947 thereafter, the State Auditor shall select a nationally recognized
948 charter authorizing expert to evaluate the performance of each
949 authorizer regarding, at a minimum, the following:

950 (a) The quality of its self-governance, policies and
951 financial oversight;

952 (b) The success of its authorizing portfolio, including
953 the number and quality of applicants and approved applicants, as
954 well as the performance of operating schools;

955 (c) Its fulfillment of the purposes for charter
956 schooling as described in Section 37-28-3; and

957 (d) The authorizer's relationship with charter school
958 stakeholders, including charter school leaders and governing



959 boards, charter school families, charter school support
960 organizations and the State Department of Education.

961 This evaluation must be paid for by each authorizer or by
962 funds appropriated to the State Auditor for this purpose. The
963 State Auditor shall submit a report to the Legislature based on
964 the findings, which must include whether any authorizer should be
965 prohibited from issuing charter contracts or required to meet
966 specific conditions for continued operation.

967 **SECTION 13.** Section 37-28-47, Mississippi Code of 1972, is
968 amended as follows:

969 37-28-47. (1) (a) Charter schools must comply with
970 applicable federal laws, rules and regulations regarding the
971 qualification of teachers and other instructional staff. No more
972 than twenty-five percent (25%) of teachers in a charter school may
973 be exempt from state teacher licensure requirements.
974 Provisionally licensed teachers as well as licensed teachers
975 teaching out of field may not be counted against a charter
976 school's twenty-five percent (25%) exemption. The authorizer may
977 consider the small staff size of the school in determining what
978 consequences to apply in cases where more than twenty-five percent
979 (25%) of a charter school's staff is unlicensed. Administrators
980 of charter schools are exempt from state administrator licensure
981 requirements. However, teachers and administrators must have a
982 bachelor's degree as a minimum requirement, and teachers must have
983 demonstrated subject-matter competency. Within three (3) years of



984 a teacher's employment by a charter school, the teacher must have,
985 at a minimum, alternative licensure approved by the Commission on
986 Teacher and Administrator Education, Certification and Licensure
987 and Development.

988 (b) A charter school may not staff positions for
989 teachers, administrators, ancillary support personnel or other
990 employees by utilizing or otherwise relying on nonimmigrant
991 foreign worker visa programs. However, a charter school may
992 submit a request to the authorizer for an exception allowing the
993 employment of a nonimmigrant foreign worker before the worker is
994 employed. The authorizer may grant permission for the employment
995 of the nonimmigrant foreign worker only if the charter school
996 makes a satisfactory showing of efforts to recruit lawful
997 permanent residents of the United States to fill the position and
998 a lack of qualified applicants to fill the position.

999 (2) Employees in charter schools must have the same general
1000 rights and privileges as other public school employees, except
1001 such employees are not:

1002 (a) Covered under the Education Employment Procedures
1003 Law (Section 37-9-103); and

1004 (b) Subject to the state salary requirements prescribed
1005 in Section 37-19-7.

1006 (3) * * * Solely for the purpose of eligibility for
1007 participation in the Public Employees' Retirement System, a public
1008 charter school is considered to be a political subdivision of the



1009 state. Employees in public charter schools are eligible for
1010 participation in other benefits programs if the public charter
1011 school governing board chooses to participate.

1012 **SECTION 14.** Section 37-28-49, Mississippi Code of 1972, is
1013 amended as follows:

1014 37-28-49. (1) Charter school teachers and other school
1015 personnel, as well as members of the governing board and any
1016 education service provider with whom a charter school contracts,
1017 are subject to criminal history record checks and fingerprinting
1018 requirements applicable to employees of other public schools. The
1019 authorizer shall require that current criminal records background
1020 checks and current child abuse registry checks are obtained, and
1021 that the criminal record information and registry checks are on
1022 file at the charter school for any new hires applying for
1023 employment. In order to determine an applicant's suitability for
1024 employment, the applicant must be fingerprinted. If no
1025 disqualifying record is identified at the state level, the
1026 fingerprints must be forwarded by the Department of Public Safety
1027 to the Federal Bureau of Investigation for a national criminal
1028 history record check. Under no circumstances may * * * anyone
1029 associated with the authorizer, a member of the charter school
1030 governing board or any individual other than the subject of the
1031 criminal history record checks disseminate information received
1032 through the checks except as may be required to fulfill the
1033 purposes of this section. The determination whether the applicant



1034 has a disqualifying crime, as set forth in subsection (2) of this
1035 section, must be made by the appropriate state or federal
1036 governmental authority, which must notify the charter school
1037 whether a disqualifying crime exists.

1038 (2) If the fingerprinting or criminal record checks disclose
1039 a felony conviction, guilty plea or plea of nolo contendere to a
1040 felony of possession or sale of drugs, murder, manslaughter, armed
1041 robbery, rape, sexual battery, sex offense listed in Section
1042 45-33-23(g), child abuse, arson, grand larceny, burglary,
1043 gratification of lust or aggravated assault which has not been
1044 reversed on appeal or for which a pardon has not been granted, the
1045 new hire is not eligible to be employed at the charter school.
1046 However, the charter school, in its discretion, may allow any
1047 applicant aggrieved by the employment decision under this section
1048 to show mitigating circumstances that exist and may allow, subject
1049 to the approval of the * * * authorizer, the new hire to be
1050 employed at the school. The authorizer may approve the employment
1051 depending on the mitigating circumstances, which may include, but
1052 need not be limited to: (a) age at which the crime was committed;
1053 (b) circumstances surrounding the crime; (c) length of time since
1054 the conviction and criminal history since the conviction; (d) work
1055 history; (e) current employment and character references; and (f)
1056 other evidence demonstrating the ability of the person to perform
1057 the employment responsibilities competently and that the person
1058 does not pose a threat to the health or safety of children.



1059 (3) No charter school, charter school employee, member of
1060 the charter school governing board, the * * * authorizer or member
1061 or employee of the * * * authorizer may be held liable in any
1062 employment discrimination suit in which an allegation of
1063 discrimination is made regarding an employment decision authorized
1064 under this section.

1065 (4) A charter school shall terminate any teacher or
1066 administrator for committing one or more of the following acts:

1067 (a) Engaging in unethical conduct relating to an
1068 educator-student relationship as identified by the * * *
1069 authorizer or the Mississippi Educator Code of Ethics;

1070 (b) Fondling a student as described in Section 97-5-23
1071 or engaging in any type of sexual involvement with a student as
1072 described in Section 97-3-95; or

1073 (c) Failure to report sexual involvement of a charter
1074 school employee with a student as required by Section 97-5-24.

1075 **SECTION 15.** Section 37-28-55, Mississippi Code of 1972, is
1076 amended as follows:

1077 37-28-55. (1) (a) The State Department of Education shall
1078 make payments to charter schools for each student in average daily
1079 attendance at the charter school equal to the state share of the
1080 adequate education program payments for each student in average
1081 daily attendance at the school district in which the charter
1082 school is located. In calculating the local contribution for
1083 purposes of determining the state share of the adequate education



1084 program payments, the department shall deduct the pro rata local
1085 contribution of the school district in which the student resides,
1086 to be determined as provided in Section 37-151-7(2) (a).

1087 (b) Payments made pursuant to this subsection by the
1088 State Department of Education must be made at the same time and in
1089 the same manner as adequate education program payments are made to
1090 school districts under Sections 37-151-101 and 37-151-103.
1091 Amounts payable to a charter school must be determined by the
1092 State Department of Education. Amounts payable to a charter
1093 school over its charter term must be based on the enrollment
1094 projections set forth over the term of the charter contract. Such
1095 projections must be reconciled with the average daily attendance
1096 using months two (2) and three (3) ADA for the current year for
1097 which adequate education program funds are being appropriated and
1098 any necessary adjustments must be made to payments during the
1099 school's following year of operation.

1100 (2) For students attending a charter school located in the
1101 school district in which the student resides, the school district
1102 in which a charter school is located shall pay directly to the
1103 charter school an amount for each student enrolled in the charter
1104 school equal to the ad valorem tax receipts and in-lieu payments
1105 received per pupil for the support of the local school district in
1106 which the student resides. The pro rata ad valorem receipts and
1107 in-lieu receipts to be transferred to the charter school shall
1108 include all levies for the support of the local school district



1109 under Sections 37-57-1 (local contribution to the adequate
1110 education program) and 37-57-105 (school district operational
1111 levy) and may not include any taxes levied for the retirement of
1112 the local school district's bonded indebtedness or short-term
1113 notes or any taxes levied for the support of vocational-technical
1114 education programs. The amount of funds payable to the charter
1115 school by the school district must be based on the previous year's
1116 enrollment data and ad valorem receipts and in-lieu receipts of
1117 the local school district in which the student resides. The pro
1118 rata amount must be calculated by dividing the local school
1119 district's months one (1) through nine (9) average daily
1120 membership into the total amount of ad valorem receipts and
1121 in-lieu receipts, as reported to the State Department of Education
1122 by the local school district. The local school district shall pay
1123 an amount equal to this pro rata amount multiplied by the number
1124 of students enrolled in the charter school, based on the charter
1125 school's end of first month enrollment for the current school
1126 year. The amount must be paid by the school district to the
1127 charter school before January 16 of the current fiscal year. If
1128 the local school district does not pay the required amount to the
1129 charter school before January 16, the State Department of
1130 Education shall reduce the local school district's January
1131 transfer of Mississippi Adequate Education Program funds by the
1132 amount owed to the charter school and shall redirect that amount
1133 to the charter school. Any such payments made under this



1134 subsection (2) by the State Department of Education to a charter
1135 school must be made at the same time and in the same manner as
1136 adequate education program payments are made to school districts
1137 under Sections 37-151-101 and 37-151-103.

1138 (3) For students attending a charter school located in a
1139 school district in which the student does not reside, the State
1140 Department of Education shall pay to the charter school in which
1141 the student is enrolled an amount as follows: the pro rata ad
1142 valorem receipts and in-lieu payments per pupil for the support of
1143 the local school district in which the student resides under
1144 Sections 37-57-1 (local contribution to the adequate education
1145 program) and 37-57-105 (school district operational levy),
1146 however, not including any taxes levied for the retirement of the
1147 local school district's bonded indebtedness or short-term notes or
1148 any taxes levied for the support of vocational-technical education
1149 programs. The amount of funds payable to the charter school by
1150 the school district must be based on the previous year's
1151 enrollment data and ad valorem receipts and in-lieu receipts of
1152 the local school district in which the student resides. The pro
1153 rata amount must be calculated by dividing the sum of the local
1154 school district's months one (1) through nine (9) average daily
1155 membership of the previous school year plus the average daily
1156 membership of resident students who were attending charter schools
1157 located within the school district for month one (1) of the
1158 current school year, excluding students who transferred from the



1159 school district to a charter school after the previous school
1160 year, into the total amount of ad valorem receipts and in-lieu
1161 receipts, as reported to the State Department of Education by the
1162 transferor local school district. The * * * local school district
1163 shall pay an amount equal to this pro rata amount multiplied by
1164 the number of resident students enrolled in the charter school,
1165 based on the charter school's end of first month enrollment for
1166 the current school year. The State Department of Education shall
1167 reduce the school district's January transfer of Mississippi
1168 Adequate Education Program funds by the amount owed to the charter
1169 school and shall redirect that amount to the charter school. Any
1170 such payments made under this subsection (3) by the State
1171 Department of Education to a charter school must be made at the
1172 same time and in the same manner as adequate education program
1173 payments are made to school districts under Sections 37-151-101
1174 and 37-151-103.

1175 (4) (a) The State Department of Education shall direct the
1176 proportionate share of monies generated under federal and state
1177 categorical aid programs, including special education, vocational,
1178 gifted and alternative school programs, to charter schools serving
1179 students eligible for such aid. The department shall ensure that
1180 charter schools with rapidly expanding enrollments are treated
1181 equitably in the calculation and disbursement of all federal and
1182 state categorical aid program dollars. Each charter school that
1183 serves students who may be eligible to receive services provided



1184 through such programs shall comply with all reporting requirements
1185 to receive the aid.

1186 (b) A charter school shall pay to a local school
1187 district any federal or state aid attributable to a student with a
1188 disability attending the charter school in proportion to the level
1189 of services for that student which the local school district
1190 provides directly or indirectly.

1191 (c) Subject to the approval of the authorizer, a
1192 charter school and a local school district may negotiate and enter
1193 into a contract for the provision of and payment for special
1194 education services, including, but not necessarily limited to, a
1195 reasonable reserve not to exceed five percent (5%) of the local
1196 school district's total budget for providing special education
1197 services. The reserve may be used by the local school district
1198 only to offset excess costs of providing services to students with
1199 disabilities enrolled in the charter school.

1200 (5) (a) The State Department of Education shall disburse
1201 state transportation funding to a charter school on the same basis
1202 and in the same manner as it is paid to school districts under the
1203 adequate education program.

1204 (b) A charter school may enter into a contract with a
1205 school district or private provider to provide transportation to
1206 the school's students.

1207 **SECTION 16.** Section 37-28-57, Mississippi Code of 1972, is
1208 amended as follows:



1209 37-28-57. (1) A charter school must adhere to generally
1210 accepted accounting principles. Each authorizer, in consultation
1211 with the State Auditor and nationally recognized experts in
1212 charter school financial accountability, shall develop financial
1213 rules and regulations for charter schools that ensure
1214 accountability while reflecting charter schools' autonomy and
1215 their operating boards' legal status as nonprofit entities.
1216 Charter schools may not be required to adhere to the financial
1217 accounting manual used by the State Department of Education for
1218 traditional public school districts nor any other State Department
1219 of Education financial policy adopted under a law not applicable
1220 to charter schools, unless otherwise made applicable by this
1221 chapter. Charter schools must comply with accounting and
1222 financial policies required for receipt and use of federal funds.

1223 (2) A charter school shall have its financial records
1224 audited annually, at the end of each fiscal year, either by the
1225 State Auditor or by a certified public accountant approved by the
1226 State Auditor. However, a certified public accountant may not be
1227 selected to perform the annual audit of a charter school if that
1228 accountant previously has audited the charter school for more than
1229 three (3) consecutive years. Certified public accountants must be
1230 selected in a manner determined by the State Auditor. The charter
1231 school shall file a copy of each audit report and accompanying
1232 management letter with * * * its authorizer before * * * December
1233 1.



1234 (3) Audit guidance must be promulgated by the State Auditor
1235 based primarily on nongovernmental accounting standards applicable
1236 to nonprofits. The State Auditor shall consult nationally
1237 recognized experts in charter school financial accountability in
1238 developing appropriate audit guidance.

1239 **SECTION 17.** This act shall take effect and be in force from
1240 and after July 1, 2023.

