

By: Representatives Gibbs (72nd), Clark,  
Butler-Washington, Gibbs (36th), Holloway  
(27th), Holloway (76th), James-Jones

To: Education

HOUSE BILL NO. 719

1 AN ACT TO AMEND SECTION 37-28-55, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE A SCHOOL DISTRICT IN WHICH A CHARTER SCHOOL IS LOCATED  
3 TO PAY ANNUAL AMOUNTS OF LOCAL FUNDS DUE TO THE CHARTER SCHOOL IN  
4 NINE MONTHLY INSTALLMENTS BASED ON THE CHARTER SCHOOL'S STUDENT  
5 ENROLLMENT AS DETERMINED ON THE FIFTEENTH OF EACH MONTH; TO  
6 PROVIDE THAT PAYMENTS TO CHARTER SCHOOLS FOR MONTHS TEN, ELEVEN  
7 AND TWELVE OF THE CALENDAR YEAR SHALL BE IN AN AMOUNT EQUIVALENT  
8 TO THE PAYMENT RECEIVED BY THE CHARTER SCHOOL FOR MONTH NINE OF  
9 THE MONTHLY INSTALLMENTS; TO REQUIRE THE LOCAL SCHOOL DISTRICT TO  
10 PAY THE ENTITLED CHARTER SCHOOL FOUR BUSINESS DAYS PRIOR TO THE  
11 LAST WORKING DAY OF EACH MONTH; TO PROVIDE THAT THE DECEMBER  
12 PAYMENT SHALL BE MADE ON DECEMBER 16 OR THE NEXT BUSINESS DAY  
13 AFTER THAT DATE; AND FOR RELATED PURPOSES.

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

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

17 37-28-55. (1) (a) The State Department of Education shall  
18 make payments to charter schools for each student in average daily  
19 attendance at the charter school equal to the state share of the  
20 adequate education program payments for each student in average  
21 daily attendance at the school district in which the charter  
22 school is located. In calculating the local contribution for  
23 purposes of determining the state share of the adequate education



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

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

31 Amounts payable to a charter school must be determined by the  
32 State Department of Education. Amounts payable to a charter  
33 school over its charter term must be based on the enrollment  
34 projections set forth over the term of the charter contract. Such  
35 projections must be reconciled with the average daily attendance  
36 using months two (2) and three (3) ADA for the current year for  
37 which adequate education program funds are being appropriated and  
38 any necessary adjustments must be made to payments during the  
39 school's following year of operation.

40 (2) For students attending a charter school located in the  
41 school district in which the student resides, the school district  
42 in which a charter school is located shall pay directly to the  
43 charter school an amount for each student enrolled in the charter  
44 school equal to the ad valorem tax receipts and in-lieu payments  
45 received per pupil for the support of the local school district in  
46 which the student resides. The pro rata ad valorem receipts and  
47 in-lieu receipts to be transferred to the charter school shall  
48 include all levies for the support of the local school district



49 under Sections 37-57-1 (local contribution to the adequate  
50 education program) and 37-57-105 (school district operational  
51 levy) and may not include any taxes levied for the retirement of  
52 the local school district's bonded indebtedness or short-term  
53 notes or any taxes levied for the support of vocational-technical  
54 education programs. The amount of funds payable to the charter  
55 school by the school district must be based on the previous year's  
56 enrollment data and ad valorem receipts and in-lieu receipts of  
57 the local school district in which the student resides. The pro  
58 rata amount must be calculated by dividing the local school  
59 district's months one (1) through nine (9) average daily  
60 membership into the total amount of ad valorem receipts and  
61 in-lieu receipts, as reported to the State Department of Education  
62 by the local school district. The local school district shall pay  
63 an annual amount equal to this pro rata amount multiplied by the  
64 number of students enrolled in the charter school, based on the  
65 charter school's \* \* \* monthly enrollment as determined on the  
66 fifteenth day of each month for the current school year. The  
67 annual amount must be paid by the school district to the charter  
68 school \* \* \* on a monthly basis, in nine (9) monthly installments  
69 to which the charter school is entitled, being payable four (4)  
70 business days prior to the last working day of each month.  
71 However, in December those payments shall be made on December 16  
72 or the next business day after that date. Payments made by the  
73 local school district to the charter school in the tenth, eleventh



74 and twelfth months of the calendar year shall be in an amount  
75 equivalent to the payment received by the charter school for month  
76 nine of the monthly installments, as determined by the student  
77 enrollment reported in the last month of the scholastic year. In  
78 addition, the local school district may pay the charter school on  
79 a date earlier than provided for by this section if it is  
80 determined that it is in the best interest of the school district  
81 and charter school to do so. If the local school district does  
82 not pay the required \* \* \* monthly payment to the charter school  
83 before \* \* \* the date on which it is due, the State Department of  
84 Education shall reduce the local school district's \* \* \* monthly  
85 transfer of Mississippi Adequate Education Program funds for the  
86 corresponding month by the amount owed to the charter school and  
87 shall redirect that amount to the charter school. Any such  
88 payments made under this subsection (2) by the State Department of  
89 Education to a charter school must be made at the same time and in  
90 the same manner as adequate education program payments are made to  
91 school districts under Sections 37-151-101 and 37-151-103.

92 (3) For students attending a charter school located in a  
93 school district in which the student does not reside, the State  
94 Department of Education shall pay to the charter school in which  
95 the student is enrolled an amount as follows: the pro rata ad  
96 valorem receipts and in-lieu payments per pupil for the support of  
97 the local school district in which the student resides under  
98 Sections 37-57-1 (local contribution to the adequate education



99 program) and 37-57-105 (school district operational levy), \* \* \*  
100 not including any taxes levied for the retirement of the local  
101 school district's bonded indebtedness or short-term notes or any  
102 taxes levied for the support of vocational-technical education  
103 programs. The amount of funds payable to the charter school by  
104 the school district must be based on the previous year's  
105 enrollment data and ad valorem receipts and in-lieu receipts of  
106 the local school district in which the student resides. The pro  
107 rata amount must be calculated by dividing the local school  
108 district's months one (1) through nine (9) average daily  
109 membership into the total amount of ad valorem receipts and  
110 in-lieu receipts, as reported to the State Department of Education  
111 by the transferor local school district. The payable amount shall  
112 be equal to this pro rata amount multiplied by the number of  
113 students enrolled in the charter school, based on the charter  
114 school's end of first month enrollment for the current school  
115 year. The State Department of Education shall reduce the school  
116 district's January transfer of Mississippi Adequate Education  
117 Program funds by the amount owed to the charter school and shall  
118 redirect that amount to the charter school. Any such payments  
119 made under this subsection (3) by the State Department of  
120 Education to a charter school must be made at the same time and in  
121 the same manner as adequate education program payments are made to  
122 school districts under Sections 37-151-101 and 37-151-103.



123           (4)   (a)   The State Department of Education shall direct the  
124 proportionate share of monies generated under federal and state  
125 categorical aid programs, including special education, vocational,  
126 gifted and alternative school programs, to charter schools serving  
127 students eligible for such aid. The department shall ensure that  
128 charter schools with rapidly expanding enrollments are treated  
129 equitably in the calculation and disbursement of all federal and  
130 state categorical aid program dollars. Each charter school that  
131 serves students who may be eligible to receive services provided  
132 through such programs shall comply with all reporting requirements  
133 to receive the aid.

134           (b)   A charter school shall pay to a local school  
135 district any federal or state aid attributable to a student with a  
136 disability attending the charter school in proportion to the level  
137 of services for that student which the local school district  
138 provides directly or indirectly.

139           (c)   Subject to the approval of the authorizer, a  
140 charter school and a local school district may negotiate and enter  
141 into a contract for the provision of and payment for special  
142 education services, including, but not necessarily limited to, a  
143 reasonable reserve not to exceed five percent (5%) of the local  
144 school district's total budget for providing special education  
145 services. The reserve may be used by the local school district  
146 only to offset excess costs of providing services to students with  
147 disabilities enrolled in the charter school.



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

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

155 (6) The State Department of Education shall disburse  
156 Education Enhancement Funds for classroom supplies, instructional  
157 materials and equipment, including computers and computer software  
158 to all eligible charter school teachers on the same basis and in  
159 the same manner as it is paid to school districts under Section  
160 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards  
161 or credentials for a digital solution to eligible teachers.

162 **SECTION 2.** This act shall take effect and be in force from  
163 and after July 1, 2024.

