

By: Representative Owen

To: Education

HOUSE BILL NO. 1683

1 AN ACT TO BRING FORWARD SECTIONS 37-28-1 AND 37-28-3,
2 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
3 TO AMEND SECTION 37-28-5, MISSISSIPPI CODE OF 1972, TO REVISE
4 DEFINITIONS; TO AMEND SECTION 37-28-7, MISSISSIPPI CODE OF 1972,
5 TO ALLOW APPLICATIONS TO BE APPROVED FOR CHARTER SCHOOLS IN
6 DISTRICTS RATED "D" OR "F" IN ANY OF THE LAST THREE YEARS AND TO
7 REQUIRE THE CHAIRMAN OF THE CHARTER SCHOOL AUTHORIZER BOARD TO BE
8 SELECTED FROM AMONG THE MEMBERS APPOINTED TO THE BOARD BY THE
9 GOVERNOR AND LIEUTENANT GOVERNOR; TO AMEND SECTION 37-28-9,
10 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CHARTER SCHOOL
11 AUTHORIZER TO AMEND CHARTER SCHOOL CONTRACTS IN ORDER TO APPROVE
12 MERGERS, CONSOLIDATIONS AND RECONFIGURATIONS AND CONTRACT
13 REORGANIZATIONS WITHOUT CLOSING A CHARTER SCHOOL; TO AMEND SECTION
14 37-28-11, MISSISSIPPI CODE OF 1972, TO PROHIBIT AN AUTHORIZER FROM
15 RETAINING A PORTION OF PER-PUPIL ALLOCATIONS FOR ITS SUPPORT IF IT
16 RECEIVES AN APPROPRIATION FOR ITS OPERATIONAL SUPPORT; TO AMEND
17 SECTION 37-28-13, MISSISSIPPI CODE OF 1972, TO REQUIRE AN
18 AUTHORIZER TO PUBLISH A PAMPHLET, BY JULY 1 OF EACH YEAR,
19 INFORMING CHARTER SCHOOLS AND CHARTER APPLICANTS OF ALL
20 EDUCATIONAL STATUTES APPLICABLE TO THE OPERATION AND
21 ADMINISTRATION OF CHARTER SCHOOLS; TO AMEND SECTION 37-28-15,
22 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CHARTER SCHOOL
23 AUTHORIZER TO LIMIT THE INFORMATION INITIALLY SUBMITTED BY A
24 CHARTER SCHOOL APPLICANT TO THAT WHICH AN AUTHORIZER DEEMS
25 ESSENTIAL; TO BRING FORWARD SECTION 37-28-17, MISSISSIPPI CODE OF
26 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTION
27 37-28-19, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN
28 APPLICANTS THAT ARE DENIED A CHARTER TO REMEDY THE APPLICATION'S
29 DEFICIENCIES AND REAPPLY BEFORE THE NEXT REGULAR APPLICATION
30 PROCESS; TO AMEND SECTION 37-28-21, MISSISSIPPI CODE OF 1972, TO
31 REQUIRE AN AUTHORIZER TO ALLOW A CHARTER MANAGEMENT ORGANIZATION
32 TO HOLD A SINGLE CONTRACT AND TO REORGANIZE UNDER A SINGLE
33 CONTRACT WITHOUT RE-APPLYING FOR EACH SCHOOL; TO AMEND SECTION
34 37-28-23, MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN WHICH



35 A CHARTER SCHOOL'S UNDERSERVED POPULATION IS COMPARED TO THAT OF
36 THE LOCAL SCHOOL DISTRICT AND TO AUTHORIZE AN ENROLLMENT
37 PREFERENCE FOR CHILDREN TRANSFERRING TO A CHARTER SCHOOL FROM
38 ANOTHER SCHOOL WHOSE CONTRACT IS HELD BY THE SAME GOVERNING BOARD;
39 TO BRING FORWARD SECTIONS 37-28-25 AND 37-28-27, MISSISSIPPI CODE
40 OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTION
41 37-28-29, MISSISSIPPI CODE OF 1972, TO LIMIT COMPARISONS TO A
42 LOCAL SCHOOL DISTRICT'S ACADEMIC PERFORMANCE TO FIVE PERCENT OF
43 THE OVERALL ACADEMIC EVALUATION OF A CHARTER SCHOOL; TO AMEND
44 SECTION 37-28-31, MISSISSIPPI CODE OF 1972, TO REQUIRE AUTHORIZERS
45 TO ANNUALLY MONITOR THE PERFORMANCE AND LEGAL COMPLIANCE OF
46 CHARTER SCHOOLS IT HAS AUTHORIZED AND TO CONDUCT APPROPRIATE
47 INQUIRIES AND INVESTIGATIONS BASED ON REASONABLE SUSPICION OF
48 MISCONDUCT OR A VIOLATION OF LAW; TO PROHIBIT THE AUTHORIZER FROM
49 DISCUSSING INVESTIGATION IN EXECUTIVE SESSION UNLESS CLEAR AND
50 CONVINCING EVIDENCE EXISTS THAT SUCH INVESTIGATION WOULD BE
51 IRREPARABLY HARMED BY A DISCUSSION DURING AN OPEN SESSION; TO
52 ALLOW CHARTER SCHOOLS UNDER THE SAME CHARTER CONTRACT TO SUBMIT A
53 SINGLE ANNUAL PERFORMANCE REPORT; TO AMEND SECTION 37-28-33,
54 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHARTER SCHOOLS THAT
55 RECEIVE A RENEWAL CONTRACT OF LESS THAN FIVE YEARS TO APPEAL THE
56 DECISION IN THE SAME MANNER THAT NONRENEWALS AND REVOCATIONS ARE
57 APPEALED; TO AMEND SECTION 37-28-35, MISSISSIPPI CODE OF 1972, TO
58 PRESCRIBE THE TIMELINE AND PROCEDURES TO BE FOLLOWED BY AN
59 AUTHORIZER IN ITS DECISION TO CLOSE A CHARTER SCHOOL; TO AMEND
60 SECTION 37-28-37, MISSISSIPPI CODE OF 1972, TO STREAMLINE REPORTS
61 FROM A CHARTER SCHOOL AUTHORIZER; TO AMEND SECTION 37-28-39,
62 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A NONPROFIT ENTITY THAT
63 IS PARTY TO A CHARTER CONTRACT, INCLUDING A CHARTER MANAGEMENT
64 ORGANIZATION, IS A NONGOVERNMENTAL ENTITY; TO REQUIRE THE
65 GOVERNING BOARD OF A NONPROFIT ENTITY HOLDING A CHARTER CONTRACT
66 FOR MULTIPLE SCHOOLS TO DETERMINE WHETHER EACH SCHOOL LISTED IN
67 THE CHARTER CONTRACT WILL FUNCTION AS A LOCAL EDUCATION AGENCY OR
68 IF THE NONPROFIT WILL FUNCTION AS SUCH FOR ALL SCHOOLS INCLUDED IN
69 ITS CHARTER CONTRACT; TO AMEND SECTION 37-28-41, MISSISSIPPI CODE
70 OF 1972, TO AUTHORIZE THE NONPROFIT ENTITY HOLDING A CHARTER
71 CONTRACT TO CONTRACT FOR TRANSPORTATION SERVICES, SPECIAL
72 EDUCATION SERVICES AND VIRTUAL COURSES FOR STUDENTS ENROLLED IN
73 THE CHARTER SCHOOL UNDER ITS CONTRACT; TO AMEND SECTION 37-28-43,
74 MISSISSIPPI CODE OF 1972, TO REQUIRE CHARTER SCHOOLS TO PROVIDE
75 APPROPRIATE SERVICES TO STUDENTS DESIGNATED AS ENGLISH LANGUAGE
76 LEARNERS WHO ARE ENROLLED IN ITS SCHOOLS; TO AMEND SECTION
77 37-28-45, MISSISSIPPI CODE OF 1972, TO REQUIRE CHARTER SCHOOLS TO
78 RECEIVE PERFORMANCE CLASSIFICATIONS FROM THE STATE DEPARTMENT OF
79 EDUCATION; TO PROVIDE THAT CHARTER SCHOOLS ARE NOT SUBJECT TO ANY
80 RULE, POLICY, REGULATION OR PROCEDURE ADOPTED BY THE STATE BOARD
81 OF EDUCATION UNLESS SUCH WAS ADOPTED PURSUANT TO LAW APPLICABLE TO
82 CHARTER SCHOOLS; TO AMEND SECTION 37-28-47, MISSISSIPPI CODE OF
83 1972, TO EXCLUDE PROVISIONALLY LICENSED TEACHERS AND LICENSED
84 TEACHERS TEACHING OUT OF FIELD FROM THE 25% LIMITATION ON CHARTER
85 SCHOOL TEACHERS EXEMPT FROM LICENSURE REQUIREMENTS; TO AMEND



86 SECTION 37-28-49, MISSISSIPPI CODE OF 1972, TO INSERT REFERENCE TO
87 THE MISSISSIPPI CODE OF EDUCATOR ETHICS; TO BRING FORWARD SECTION
88 37-28-51, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
89 AMENDMENTS; TO AMEND SECTION 37-28-53, MISSISSIPPI CODE OF 1972,
90 TO REQUIRE EACH CHARTER SCHOOL OR CHARTER MANAGEMENT ORGANIZATION
91 TO ANNUALLY CERTIFY INFORMATION NECESSARY TO CALCULATE THE CHARTER
92 SCHOOL'S STATE SHARE OF AND LOCAL CONTRIBUTION TO THE STATE PUBLIC
93 SCHOOL FUNDING FORMULA TO THE STATE DEPARTMENT OF EDUCATION; TO
94 AMEND SECTION 37-28-55, MISSISSIPPI CODE OF 1972, TO REVISE THE
95 MANNER IN WHICH THE PRO RATA SHARE OF LOCAL FUNDS FOR CHARTER
96 SCHOOLS IS CALCULATED; TO AMEND SECTION 37-28-57, MISSISSIPPI CODE
97 OF 1972, TO REQUIRE CHARTER SCHOOLS TO ADHERE TO GENERALLY
98 ACCEPTED ACCOUNTING PRINCIPLES AS DETERMINED BY THE FINANCIAL
99 ACCOUNTING STANDARDS BOARD; TO REQUIRE THE STATE AUDITOR TO
100 DEVELOP FINANCIAL RULES AND REGULATIONS, INCLUDING A FINANCIAL
101 ACCOUNTING MANUAL SPECIFIC FOR CHARTER SCHOOLS; TO PROVIDE FOR THE
102 ANNUAL AUDIT OF RECORDS OF NONPROFIT ENTITIES HOLDING A CHARTER
103 CONTRACT FOR CHARTER SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF
104 EDUCATION AND EACH AUTHORIZER TO DEVELOP A PROCESS OF SHARING
105 RELEVANT INFORMATION TO AVOID DUPLICATION OF EFFORT; TO BRING
106 FORWARD SECTIONS 37-28-59 AND 37-28-61, MISSISSIPPI CODE OF 1972,
107 FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTIONS 31-7-1,
108 37-3-51, 37-17-1, 37-21-3, 37-41-1 AND 37-151-5, MISSISSIPPI CODE
109 OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR
110 RELATED PURPOSES.

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

112 **SECTION 1.** Section 37-28-1, Mississippi Code of 1972, is
113 brought forward as follows:

114 37-28-1. This chapter shall be known and may be cited as the
115 "Mississippi Charter Schools Act of 2013."

116 **SECTION 2.** Section 37-28-3, Mississippi Code of 1972, is
117 brought forward as follows:

118 37-28-3. (1) The Legislature finds and declares that the
119 general purposes of the state's charter schools are as follows:

120 (a) To improve student learning by creating
121 high-quality schools with high standards for student performance;

122 (b) To close achievement gaps between high-performing
123 and low-performing groups of public school students;



124 (c) To increase high-quality educational opportunities
125 within the public education system for all students, especially
126 those with a likelihood of academic failure;

127 (d) To create new professional opportunities for
128 teachers, school administrators and other school personnel which
129 allow them to have a direct voice in the operation of their
130 schools;

131 (e) To encourage the use of different, high-quality
132 models of teaching, governing, scheduling and other aspects of
133 schooling which meet a variety of student needs;

134 (f) To allow public schools freedom and flexibility in
135 exchange for exceptional levels of results driven accountability;

136 (g) To provide students, parents, community members and
137 local entities with expanded opportunities for involvement in the
138 public education system; and

139 (h) To encourage the replication of successful charter
140 schools.

141 (2) All charter schools in the state established under this
142 chapter are public schools and are part of the state's public
143 education system.

144 (3) No provision of this chapter may be interpreted to allow
145 the conversion of private schools into charter schools.

146 **SECTION 3.** Section 37-28-5, Mississippi Code of 1972, is
147 amended as follows:



148 37-28-5. As used in this chapter, the following words and
149 phrases have the meanings ascribed in this section unless the
150 context clearly indicates otherwise:

151 (a) "Applicant" means any person * * *, group or
152 nonprofit entity that develops and submits an application for a
153 charter school to * * * an authorizer.

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

157 (c) "Authorizer" means * * * an entity permitted under
158 Section 37-28-7 to review applications, decide whether to approve
159 or reject applications, enter into charter contracts * * *,
160 oversee charter schools, and decide whether to renew, not renew,
161 or revoke charter contracts.

162 (d) "Charter contract" means a fixed-term, renewable
163 contract between the governing board of a Mississippi nonprofit
164 entity with an approved application for a charter school and * * *
165 an authorizer which establishes the charter school and outlines
166 the roles, powers, responsibilities and performance expectations
167 for each party to the contract.

168 (e) "Charter management organization" means a
169 Mississippi nonprofit entity whose purpose is to operate more than
170 one (1) charter school in Mississippi and which holds one or more
171 charter contract(s) that include(s) one or more of its authorized
172 schools. A charter management organization may operate its



173 schools as a single local educational agency or as multiple local
174 educational agencies.

175 (* * *f) "Charter school" means a public school that
176 is established and operating under the terms of a charter
177 contract * * *. The term "charter school" includes a conversion
178 charter school and start-up charter school. A charter school may
179 serve children in any Grades prekindergarten through 12. This
180 definition does not create a right to state public school formula
181 funding for prekindergarten children where none exists.

182 (* * *g) "Conversion charter school" means a charter
183 school that existed as a noncharter public school before becoming
184 a charter school.

185 (* * *h) "Education service provider" means a * * *
186 partner entity with which * * * the governing board intends to
187 subcontract for * * * full or substantial educational services,
188 including, but not limited to, comprehensive management. An
189 education service provider does not itself hold a charter contract
190 as defined in this section. A charter management organization
191 operating its own schools is not an education service provider.

192 (* * *i) "Governing board" means the * * * board of
193 directors of a * * * Mississippi nonprofit entity, including a
194 charter management organization, which is party to the charter
195 contract with * * * an authorizer and whose members have been
196 elected or selected pursuant to the * * * bylaws of the nonprofit
197 entity. A nonprofit entity that is party to a charter contract,



198 including a charter management organization, is a nongovernmental
199 entity.

200 (* * *j) "Noncharter public school" means a public
201 school that is under the direct management, governance and control
202 of a school board or the state.

203 (* * *k) "Parent" means a parent, guardian or other
204 person or entity having legal custody of a child.

205 (* * *l) "School board" or "local school board" means
206 a * * * governmental board exercising management and control over
207 a * * * school district and the schools of that district pursuant
208 to the State Constitution and state statutes.

209 (* * *m) "School district" or "district" means a
210 governmental entity that establishes and supervises one or more
211 public schools within its geographical limits pursuant to state
212 statutes.

213 (* * *n) "Start-up charter school" means a charter
214 school that did not exist as a noncharter public school before
215 becoming a charter school.

216 (* * *o) "Student" means any child who is eligible for
217 attendance in a public school in the state.

218 (* * *p) "Underserved students" means students * * *
219 who qualify for at-risk student funding under the Mississippi
220 Adequate Education Program, or any comparable term under any
221 successor state public school funding formula, and students * * *
222 with disabilities.



223 **SECTION 4.** Section 37-28-7, Mississippi Code of 1972, is
224 amended as follows:

225 37-28-7. (1) A charter school in the State of Mississippi
226 may be authorized by:

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

229 (b) An office of a state institution of higher learning
230 or public community or junior college in this state which has been
231 created by the president of that state institution or public
232 community or junior college, the board of such an institution, or
233 the Mississippi Community College Board, specifically for the
234 purpose of authorizing one or more charter schools. The governing
235 authority of such an office shall be a board created by the
236 initiator of the office or the board of the affiliated
237 institution, including the Mississippi Community College Board, as
238 designated at the time of the office's creation. Once created,
239 such office may only be closed by the governing authority pursuant
240 to its policy for closure or by the Legislature.

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

244 (* * *3) (a) The mission of the Mississippi Charter School
245 Authorizer Board is to authorize high-quality charter schools,
246 particularly schools designed to expand opportunities for
247 underserved students, consistent with the purposes of this



248 chapter. Subject to the restrictions and conditions prescribed in
249 this subsection, the Mississippi Charter School Authorizer Board
250 may authorize charter schools within the geographical boundaries
251 of any school district.

252 (b) The Mississippi Charter School Authorizer Board may
253 approve a maximum of fifteen (15) qualified charter applications
254 during a fiscal year.

255 (c) In any school district designated as an "A * * *" or "B" * * *
256 school district by the State Board of Education
257 under the * * * performance classification system of the
258 Mississippi Public School Accountability Standards at the time of
259 application, the Mississippi Charter School Authorizer Board may
260 authorize charter schools only if a majority of the members of the
261 local school board votes at a public meeting to endorse the
262 application * * *. However, the Mississippi Charter School
263 Authorizer Board may approve a charter application without the
264 need for a school board vote in a school district that has been
265 rated "C," "D" or "F" in any of the three (3) years preceding a
266 charter application for that district, regardless of whether the
267 performance classification of the district is currently an "A" or
268 "B." A charter school approved under such circumstances may
269 operate thereafter in the same manner as any other charter school
270 regardless of the performance classification of the school
271 district in which the charter school is located.



272 (d) The Mississippi Charter School Authorizer Board may
273 approve a charter application for a school designed to serve
274 students with autism, emotional disability or intellectual
275 disability in any school district, regardless of its performance
276 classification.

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

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

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

285 (c) One (1) member appointed by the State
286 Superintendent of Public Education, who is not required to be an
287 employee of the State Department of Education.

288 All appointments must be made with the advice and consent of
289 the Senate. In making the appointments, the appointing authority
290 shall ensure diversity among members of the Mississippi Charter
291 School Authorizer Board.

292 (* * *5) Members appointed to the Mississippi Charter
293 School Authorizer Board collectively must possess strong
294 experience and expertise in public and nonprofit governance,
295 management and finance, public school leadership, assessment,
296 curriculum and instruction, and public education law. Each member



297 of the Mississippi Charter School Authorizer Board must have
298 demonstrated an understanding of and commitment to charter
299 schooling as a strategy for strengthening public education.

300 (* * *6) To establish staggered terms of office, the
301 initial term of office for the three (3) Mississippi Charter
302 School Authorizer Board members appointed by the Governor shall be
303 four (4) years and thereafter shall be three (3) years; the
304 initial term of office for the three (3) members appointed by the
305 Lieutenant Governor shall be three (3) years and thereafter shall
306 be three (3) years; and the initial term of office for the member
307 appointed by the State Superintendent of Public Education shall be
308 two (2) years and thereafter shall be three (3) years. No member
309 may serve more than two (2) consecutive terms. The initial
310 appointments must be made before September 1, 2013.

311 (* * *7) The Mississippi Charter School Authorizer Board
312 shall meet as soon as practical after September 1, 2013, upon the
313 call of the Governor, and shall organize for business by selecting
314 a chairman and adopting bylaws. Subsequent meetings shall be
315 called by the chairman, who shall be selected from among the
316 members appointed by the Governor or Lieutenant Governor.

317 (* * *8) An individual member of the Mississippi Charter
318 School Authorizer Board may be removed by the board if the
319 member's personal incapacity renders the member incapable or unfit
320 to discharge the duties of the office or if the member is absent
321 from a number of meetings of the board, as determined and



322 specified by the board in its bylaws. Whenever a vacancy on the
323 Mississippi Charter School Authorizer Board exists, the original
324 appointing authority shall appoint a member for the remaining
325 portion of the term.

326 (* * * 9) No member of the Mississippi Charter School
327 Authorizer Board or employee, agent or representative of the board
328 may serve simultaneously as an employee, trustee, agent,
329 representative, vendor or contractor of a charter school
330 authorized by the board.

331 (* * * 10) The Mississippi Charter School Authorizer Board
332 shall appoint an individual to serve as the Executive Director of
333 the Mississippi Charter School Authorizer Board. The executive
334 director shall possess the qualifications established by the board
335 which * * * shall be based on national best practices, and shall
336 possess an understanding of state and federal education law. The
337 executive director, who shall serve at the will and pleasure of
338 the board, shall devote his full time to the proper administration
339 of the board and the duties assigned to him by the board and shall
340 be paid a salary established by the board, subject to the approval
341 of the State Personnel Board. Subject to the availability of
342 funding, the executive director may employ such administrative
343 staff as may be necessary to assist the director and board in
344 carrying out the duties and directives of the Mississippi Charter
345 School Authorizer Board.



346 (* * *11) The Mississippi Charter School Authorizer Board
347 is authorized to obtain suitable office space for administrative
348 purposes. In acquiring a facility or office space, the authorizer
349 board shall adhere to all policies and procedures required by the
350 Department of Finance and Administration and the Public
351 Procurement Review Board.

352 (12) If a state institution of higher learning or a public
353 community or junior college, the board of such an institution, or
354 the Mississippi Community College Board establishes an office for
355 the purpose of authorizing charter schools, it shall exercise the
356 same authority, powers and duties granted to, and be subject to
357 the same restrictions and limitations placed upon, the Mississippi
358 Charter School Authorizer Board under this chapter. However,
359 subsection (1)(b) of this section shall dictate the governing
360 authority of such office.

361 **SECTION 5.** Section 37-28-9, Mississippi Code of 1972, is
362 amended as follows:

363 37-28-9. (1) * * * An authorizer is responsible for
364 exercising, in accordance with this chapter, the following powers
365 and duties:

366 (a) Developing, approving, maintaining, publishing via
367 its website and the Administrative Procedures Bulletin, and
368 operating in accordance with written chartering policies and * * *
369 practices consistent with nationally recognized principles and



370 standards for quality charter authorizing in all major areas of
371 authorizing responsibility, including:

372 (i) Authorizer organizational capacity and
373 infrastructure;

374 (ii) Solicitation and evaluation of charter
375 applications;

376 (iii) Performance contracting;

377 (iv) Ongoing charter school oversight and
378 evaluation; and

379 (v) Charter renewal, nonrenewal and revocation
380 decision-making;

381 (b) Approving quality charter applications that meet
382 identified educational needs and promote a diversity of
383 educational choices;

384 (c) Declining to approve weak or inadequate charter
385 applications;

386 (d) Negotiating and executing charter contracts with
387 the governing boards of nonprofit entities with approved
388 charter * * * school applications;

389 (e) Amending charter school contracts, including, but
390 not limited to:

391 (i) Approving material amendments for expansions,
392 mergers, consolidations or grade reconfigurations of operating
393 charter schools under the same governing board;



394 (ii) Transfers of charter contracts or one or more
395 charter schools under a single charter contract to other eligible
396 Mississippi nonprofit entities, including when such transfers are
397 for the purpose of merging or consolidating two (2) or more
398 operating charter schools; and

399 (iii) Reorganizations of separate charter
400 contracts held by the governing board of the same nonprofit
401 entity, including a charter management organization, into a single
402 charter contract;

403 (* * *f) Monitoring, in accordance with charter
404 contract terms and the requirements of this chapter, the
405 performance and legal compliance of charter schools;

406 (* * *g) Determining whether each charter contract
407 merits renewal, nonrenewal or revocation; * * *

408 (* * *h) Applying for any federal funds that may be
409 available for the implementation of charter school programs * * *;
410 and

411 (i) Complying with provisions of the Open Meetings Act,
412 established under Section 25-41-1, et seq., the Mississippi Public
413 Records Act of 1983, and any other provision of Mississippi law
414 pertaining to the conduct of public bodies, including abiding by
415 the Mississippi Administrative Procedures Law for the adoption of
416 any rule, policy, guideline or other regulation, including any
417 performance framework, renewal framework or any other relevant
418 document with which charter schools are mandated to comply.



419 (2) * * * An authorizer shall carry out all its duties under
420 this chapter in a manner consistent with nationally recognized
421 principles and standards and with the spirit and intent of this
422 act.

423 (3) * * * An authorizer may, as it deems appropriate,
424 delegate or withdraw delegation of one or more of its duties to
425 the executive director * * *.

426 (4) Regulation by * * * an authorizer shall be limited to
427 those powers and duties prescribed in this section and all others
428 prescribed by law, consistent with the spirit and intent of this
429 chapter. An authorizer may not issue directives or mandates to
430 charter schools except as pursuant to an applicable law or a
431 policy properly adopted by its board and published on its website,
432 nor shall it launch investigations without reasonable suspicion
433 that a school has violated a specific provision of law, its
434 contract, or a properly adopted policy.

435 (5) Except in the case of gross negligence or reckless
436 disregard of the safety and well-being of another person, * * * an
437 authorizer, board members of * * * an authorizer board in their
438 official capacity, and employees of * * * an authorizer in their
439 official capacity are immune from civil liability with respect to
440 all activities related to a charter school approved by * * * an
441 authorizer.

442 **SECTION 6.** Section 37-28-11, Mississippi Code of 1972, is
443 amended as follows:



444 37-28-11. (1) To cover the costs of overseeing charter
445 schools in accordance with this chapter, * * * an authorizer * * *
446 may receive up to three percent (3%) of annual per-pupil
447 allocations received by a charter school from state and local
448 funds for each charter school it authorizes. The exact amount, if
449 any, shall be set by an authorizer annually in an open meeting and
450 based on an authorizer's budgetary needs. However, an authorizer
451 may not receive such an allocation if it receives a state
452 appropriation for the purpose of defraying its expenses.

453 (2) * * * An authorizer may receive appropriate gifts,
454 grants and donations of any kind from any public or private entity
455 to carry out the purposes of this chapter, subject to all lawful
456 terms and conditions under which the gifts, grants or donations
457 are given.

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

461 **SECTION 7.** Section 37-28-13, Mississippi Code of 1972, is
462 amended as follows:

463 37-28-13. (1) Upon request, the State Department of
464 Education shall assist the Mississippi Charter School Authorizer
465 Board with implementing * * * an authorizer's decisions by
466 providing such technical assistance and information as may be
467 necessary for the implementation of this chapter.



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

470 (a) All statutes in Title 37, Mississippi Code of 1972,
471 which are applicable to * * * charter schools;

472 (b) Any rules, regulations and policies adopted by the
473 State Superintendent of Public Education, the State Board of
474 Education or the State Department of Education with which charter
475 schools must comply by virtue of the applicability to charter
476 schools, as well as other public schools, of the state laws to
477 which those relevant rules, regulations and policies pertain; and

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

481 * * * Each authorizer shall make the pamphlet available to
482 the public on * * * its website and shall notify all prospective
483 applicants and authorized charter schools of the pamphlet.

484 **SECTION 8.** Section 37-28-15, Mississippi Code of 1972, is
485 amended as follows:

486 37-28-15. (1) To solicit, encourage and guide the
487 development of quality charter school applications, * * * each
488 authorizer shall issue and publicize a request for proposals
489 before September 1 of each year * * *. The content and
490 dissemination of the request for proposals must be consistent with
491 the purposes and requirements of this chapter.



492 (2) * * * Each authorizer annually shall establish and
493 disseminate a statewide timeline for charter approval or denial
494 decisions, which may include a rolling application process.

495 (3) * * * Each authorizer's request for proposals must
496 include the following:

497 (a) A clear statement of any preferences the authorizer
498 wishes to grant to applications intended to help underserved
499 students;

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

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

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

509 (4) In addition to all other requirements, and subject to
510 the provisions of subsection (5) of this section, the request for
511 proposals must require charter applications to provide or describe
512 thoroughly all of the following * * * elements of the proposed
513 school plan:

514 (a) An executive summary;



515 (b) The mission and vision of the proposed charter
516 school, including identification of the targeted student
517 population and the community the school hopes to serve;
518 (c) The location or geographic area proposed for the
519 school;
520 (d) The grades to be served each year * * * until the
521 school reaches its proposed capacity;
522 (e) Minimum, planned and maximum enrollment per grade
523 per year * * * until the school reaches its proposed capacity;
524 (f) Evidence of need and community support for the
525 proposed charter school;
526 (g) Background information, including proof of United
527 States citizenship, on the applicants, the proposed founding
528 governing board members and, if identified, members of the
529 proposed school leadership and management team. The background
530 information must include annual student achievement data,
531 disaggregated by subgroup, for every school under the current or
532 prior management of each * * * leadership team member;
533 (h) The school's proposed calendar, including the
534 proposed opening and closing dates for the school term, which
535 shall be no less than the minimum number of school days
536 established for all public schools in Section 37-13-63, and a
537 sample daily schedule * * *;
538 (i) A description of the school's academic program,
539 aligned with state standards;



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

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

548 (l) The school's plan for identifying and successfully
549 serving students with disabilities (including all of the school's
550 proposed policies pursuant to the Individuals with Disabilities
551 Education Improvement Act of 2004, 20 USCS Section 1400 et seq.,
552 Section 504 of the Rehabilitation Act of 1973, 29 USCS Section
553 794, and Title 11 of the Americans with Disabilities Act, 42 USCS
554 Section 12101 et seq., and the school's procedures for securing
555 and providing evaluations and related services pursuant to federal
556 law), students who are English language learners, students who are
557 academically behind, and gifted students, including, but not
558 limited to, compliance with any applicable laws and regulations;

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

561 (n) Plans and timelines for student recruitment and
562 enrollment, including lottery policies and procedures that ensure
563 that every student has an equal opportunity to be considered in
564 the lottery and that the lottery is equitable, randomized,



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

568 (o) The school's student discipline policies, including
569 those for * * * students with disabilities;

570 (p) An organizational chart that clearly presents the
571 school's organizational structure, including lines of authority
572 and reporting * * * among the governing board, charter management
573 organization staff or the education service provider (if any),
574 school leadership team and staff, related bodies (such as advisory
575 bodies or parent and teacher councils), and all other external
576 organizations that will play a role in managing the school;

577 (q) A clear description of the roles and
578 responsibilities of the governing board, charter management
579 organization staff or education service provider (if any), school
580 leadership team, management team and all other entities shown in
581 the organizational chart;

582 (r) A staffing chart for the school's first year, and a
583 staffing plan for the * * * first five (5) years;

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

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



589 (u) Proposed or adopted governing bylawsof the
590 governing board of the nonprofit entity proposed to hold the
591 charter contract and any relevant sub-entities controlled by the
592 nonprofit entity;

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

595 (w) The school's plans for providing transportation,
596 food service and all other significant operational or ancillary
597 services;

598 (x) Opportunities and expectations for * * * family
599 engagement;

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

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

604 (aa) A description of the insurance coverage the school
605 will obtain;

606 (bb) Start-up and five-year budgets with clearly stated
607 assumptions;

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

610 (dd) A disclosure of all sources of private funding and
611 all funds from foreign sources, including gifts from foreign
612 governments, foreign legal entities and domestic entities
613 affiliated with either foreign governments or foreign legal



614 entities. For the purposes of this paragraph, the term "foreign"
615 means a country or jurisdiction outside of any state or territory
616 of the United States;

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

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

621 (5) An authorizer may limit its initial request for
622 proposals to those elements in subsection (4) which it deems
623 essential for an initial review, and applications may be rejected
624 based upon the information provided for those elements. However,
625 an applicant must submit, and an authorizer must evaluate, all
626 elements enumerated in subsection (4) before an application may be
627 approved.

628 (* * *6) In the case of an application to establish a
629 charter school by converting an existing noncharter public school
630 to charter school status, the request for proposals additionally
631 shall require the applicant to demonstrate support for the
632 proposed charter school conversion by a petition signed by a
633 majority of teachers or a majority of parents of students in the
634 existing noncharter public school, or by a majority vote of the
635 local school board or, in the case of schools in districts under
636 state conservatorship, by the State Board of Education.

637 (* * *7) In the case of a proposed charter school that
638 intends to subcontract with an education service provider for



639 substantial educational services, comprehensive management
640 services or both types of services, the request for proposals
641 additionally shall require the applicant to:

642 (a) Provide evidence of the education service
643 provider's success in serving student populations similar to the
644 targeted population, including demonstrated academic achievement
645 as well as successful management of nonacademic school functions,
646 if applicable;

647 (b) Provide a term sheet setting forth: the proposed
648 duration of the service contract; roles and responsibilities of
649 the governing board, the school staff and the education service
650 provider; the scope of services and resources to be provided by
651 the education service provider; performance evaluation measures
652 and timelines; the compensation structure, including clear
653 identification of all fees to be paid to the education service
654 provider; methods of contract oversight and enforcement;
655 investment disclosure; and conditions for renewal and termination
656 of the contract;

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

660 (d) Background information, including proof of United
661 States citizenship, on the principal individuals affiliated with
662 the education service provider.



663 (* * *8) In the case of a charter school proposal from an
664 applicant that currently operates one or more schools in any state
665 or nation, the request for proposals additionally shall require
666 the applicant to provide evidence of past performance and current
667 capacity for organizational growth. * * *

668 (9) In the case of a governing board of an operating charter
669 school, including a school within a charter management
670 organization, seeking to expand the school's grades, whether
671 upwards or downwards, beyond those originally authorized, an
672 authorizer shall not require a new application as described in
673 subsection (4) of this section, but shall consider a plan for
674 expansion as a material contract amendment. Expanded grades shall
675 be listed as a separate school under the amended charter contract
676 if requested by the governing board, and, if so, shall be
677 evaluated separately for accountability and closure purposes as
678 prescribed by law. The requirements for approving contract
679 amendments for expansion shall be transparent, based on merit and
680 not unduly burdensome. An authorizer shall approve expansion
681 requests by the governing board of any charter school meeting
682 overall expectations in the areas of academic, financial and
683 organizational performance per the school's most recent
684 performance framework, regardless of the performance
685 classification of either the charter school or the school district
686 in which a charter school is located. An authorizer shall approve



687 or deny expansions within forty-five (45) calendar days of
688 submission of a completed request by the governing board.

689 **SECTION 9.** Section 37-28-17, Mississippi Code of 1972, is
690 brought forward as follows:

691 37-28-17. (1) The following are the purposes of a charter
692 application:

693 (a) To present the proposed charter school's academic
694 and operational vision and plans;

695 (b) To demonstrate the applicant's capacities to
696 execute the proposed vision and plans; and

697 (c) To provide the authorizer a clear basis for
698 assessing the applicant's plans and capacities.

699 (2) An approved charter application may not serve as the
700 school's charter contract.

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

703 37-28-19. (1) In reviewing and evaluating charter
704 applications, * * * an authorizer shall employ written, adopted
705 and published procedures, practices and criteria consistent with
706 nationally recognized principles and standards for quality charter
707 authorizing. These procedures must provide clear standards for
708 meeting expectations, including any response elements required to
709 meet such standards as well as any points overall or per section
710 of the application necessary for approval. The application review
711 process must include thorough evaluation of each written charter



712 application and an in-person interview with the applicant group.
713 Evaluations shall be conducted by the staff or board members of an
714 authorizer or consultants demonstrating support for and expertise
715 in charter schools.

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

718 (a) Grant charters only to applicants that have
719 provided evidence of competence in each element of * * * an
720 authorizer's published approval criteria, and in the case of an
721 applicant that currently operates one or more schools in any state
722 or nation, clear evidence that the management or leadership team
723 of the charter school or schools currently operated by the
724 applicant has produced * * * growth in student achievement or
725 consistently produced proficiency levels as measured on state
726 achievement tests, although unusual circumstances such as a global
727 pandemic or other disaster may be taken into account;

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

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

733 (3) Before the expiration of one hundred eighty (180) days
734 after the filing of a charter application, * * * an authorizer
735 must approve or deny the charter application; however, an
736 application submitted by a public historically black college or



737 university (HBCU), in partnership with a national nonprofit public
738 HBCU support organization, for a charter school to be operated on
739 or near the campus of the HBCU must be considered for expedited
740 approval by * * * an authorizer. * * * Each authorizer shall
741 adopt by resolution all charter approval or denial decisions in an
742 open meeting of the authorizer's board.

743 (4) An approval decision may include, if appropriate,
744 reasonable conditions that the charter applicant must meet before
745 a charter contract may be executed pursuant to Section 37-28-21.
746 A charter applicant must have achieved nonprofit entity status
747 prior to the execution of a contract if the applicant was not a
748 nonprofit entity prior to submission of the application.

749 (5) For a charter denial, * * * an authorizer shall state
750 clearly, for public record, its reasons for denial. A denied
751 applicant may reapply subsequently with * * * an authorizer. An
752 applicant who is denied after having progressed past any initial
753 stage in the evaluation process shall not be required to wait
754 until the next regular application process to reapply but must be
755 allowed one (1) opportunity before the next regular application
756 process to demonstrate to the relevant authorizer that the
757 applicant has remedied the conditions upon which the denial was
758 based. The initial stage described in this subsection shall be
759 defined by each authorizer in its request for proposals.

760 (6) Before the expiration of ten (10) days after taking
761 action to approve or deny a charter application, * * * an



762 authorizer shall provide a report to the applicant. The report
763 must include a copy of the authorizer's resolution setting forth
764 the action taken and reasons for the decision and assurances as to
765 compliance with all of the procedural requirements and application
766 elements set forth in this chapter.

767 **SECTION 11.** Section 37-28-21, Mississippi Code of 1972, is
768 amended as follows:

769 37-28-21. (1) * * * An authorizer shall grant an initial
770 charter contract to the nonprofit entity proposed by each
771 qualified applicant for a term of five (5) operating school years.
772 In the case of a charter contract including more than one (1)
773 school, the contract shall contain a separate addendum for each
774 school listing the school's approved term of operation; the
775 initial term for each school shall be five (5) operating school
776 years. The overall term of a contract with an entity that
777 operates more than one (1) charter school shall extend until the
778 latest date of any approved charter school in a contract addendum.
779 The term of the charter shall commence on the charter school's
780 first day of operation, or the first charter school's first day of
781 operation for a contract that includes more than one (1) school,
782 as specified in the contract. An approved charter school may
783 delay its opening for one (1) school year in order to plan and
784 prepare for the school's opening. If the school requires an
785 opening delay of more than one (1) school year, the school must
786 request an extension from * * * its authorizer. * * * An



787 authorizer may grant or deny the extension depending on the
788 particular school's circumstances.

789 (2) (a) * * * An authorizer and the governing board
790 of * * * a nonprofit with one or more approved charter schools
791 shall execute a charter contract that clearly sets forth the
792 academic, financial and operational performance expectations and
793 measures by which * * * each charter school will be judged, as
794 specified in Section 37-28-29; and the administrative relationship
795 between the authorizer, the governing board and each charter
796 school, including each party's rights and duties. * * *

797 (b) The charter contract must be signed by the * * *
798 chairperson of * * * an authorizer's board and the * * *
799 chairperson of * * * a charter school's governing board.

800 (c) A charter school may not commence operations
801 without a charter contract executed in accordance with this
802 section and approved in an open meeting of * * * an authorizer's
803 board.

804 (3) * * * An authorizer * * * shall establish and publish
805 reasonable preopening requirements or conditions to monitor the
806 start-up progress of * * * each of its newly approved charter
807 school and to ensure that * * * each school is prepared to open
808 smoothly on the date agreed and that the school meets all
809 building, health, safety, insurance and other legal requirements
810 before the school's opening. An authorizer may establish
811 school-specific preopening requirements or conditions for any of



812 its newly approved schools. Each authorizer must keep
813 documentation that any and all such preopening requirements have
814 been met prior to the school's opening.

815 (4) The charter contract of each charter school must include
816 the following provisions at a minimum:

817 (a) For any charter school serving any Grades 9 through
818 12, graduation requirements shall meet or exceed those set by the
819 State Department of Education for a standard high school diploma,
820 but this provision shall not preclude competency-based
821 satisfaction of graduation requirements;

822 (b) A charter school must be kept in session no less
823 than the minimum number of school days established for all public
824 schools in Section 37-13-63;

825 (c) A charter school's academic program shall be
826 aligned to state learning standards, including offering courses
827 required for a standard Mississippi high school diploma;

828 (d) The charter contract shall require a charter school
829 to adopt a transportation plan for students attending a charter
830 school;

831 (e) The charter contract shall list all preopening
832 requirements pursuant to subsection (3) of this section and any
833 school-specific preopening requirements of the authorizer from
834 which it is seeking charter approval;

835 (f) The charter contract shall list and require as a
836 material part of the charter contract information needed by the



837 authorizer from the governing board of a charter school for the
838 respective authorizer's performance framework reports;

839 (g) The charter contract shall require the nonprofit
840 entity to complete one (1) annual audit in which every Mississippi
841 charter school that it is authorized to operate is reported as a
842 program under the nonprofit entity, regardless of how many
843 separate Mississippi contracts the nonprofit holds;

844 (5) An authorizer must allow a nonprofit entity authorized
845 to operate more than one (1) school, including a charter
846 management organization, to hold a contract with more than one (1)
847 of its approved Mississippi schools without requiring the
848 nonprofit entity to apply for the right to hold such a contract.
849 In such cases, the contract with more than one (1) school must
850 provide the following:

851 (a) Each school listed within the contract shall have
852 its own addendum to include its operating term, as well as any
853 unique elements such as essential educational terms, mission and
854 vision, grades and enrollment projections, location or facilities,
855 school-selected indicators or goals, any enrollment policies and
856 procedures or any preopening requirements that differ from other
857 schools listed in the contract;

858 (b) The nonprofit entity may jointly manage all assets,
859 funds and property of all schools listed in the contract, provided
860 that funds are tracked and reported by schools;



861 (c) An authorizer may issue notices of concern or
862 breach of contract to an individual charter school listed within
863 the contract without implicating or adversely affecting the
864 remaining schools listed in the contract;

865 (d) An authorizer may close a charter school within the
866 contract without closing the remainder of the charter schools
867 within that contract. In the event of closure of one or more
868 schools, but when other schools listed in the contract remain
869 operational, the nonprofit entity shall retain ownership of the
870 assets and property of the closed school or schools to be used at
871 its remaining Mississippi schools, except for unspent governmental
872 funds or unspent earnings of governmental funds which shall be
873 redirected on a per-pupil basis to the school districts or charter
874 schools to which students of the closed school transfer, as
875 allowable. If an authorizer concludes the appropriate recipient
876 of unspent governmental funds and unspent earnings is difficult to
877 determine as a practical matter, the unspent governmental funds
878 and unspent earnings will revert to the school district in which
879 the charter school was located as provided by law. A nonprofit
880 entity whose entire portfolio of Mississippi schools is closed by
881 an authorizer must follow authorizer policies for school closure
882 and disposition of assets, funds and property as provided by law.
883 An authorizer may not close an entire portfolio of Mississippi
884 schools within a contract without due cause for closing each



885 school as required by Section 37-28-35. However, if such a burden
886 is met, the entire contract is considered terminated;

887 (e) In the case of a nonprofit entity reorganizing
888 separate existing charter contracts into the same contract,
889 including the case of reorganizing two (2) or more charter
890 contracts for schools considered separate local educational
891 agencies into a single contract in which these schools become
892 sub-entities under the same local educational agency of the
893 nonprofit entity, the nonprofit entity shall retain all assets,
894 funds and property from the charter schools which were operating
895 as separate local educational agencies for use in the schools
896 reorganized under the same local educational agency of the
897 nonprofit entity as specified in the amended contract effectuating
898 the reorganization; and

899 (f) Each Mississippi charter school within the contract
900 of a nonprofit entity authorized to operate more than one (1)
901 school must be considered for renewal according to each school's
902 term of operation as specified in the contract.

903 (6) In the case of the proposed merger, consolidation, or
904 grade reconfiguration of two (2) or more schools operated by the
905 same nonprofit entity, whether originally within a single contract
906 or separate contracts held by the governing board of the same
907 nonprofit entity, the nonprofit entity shall retain all assets,
908 funds and property for use in the newly merged, consolidated or
909 reconfigured school or schools as specified in the amended



910 contract effectuating the merger, consolidation or
911 reconfiguration.

912 (7) The governing board of a nonprofit entity that is party
913 to a charter contract or, in the case of the required or voluntary
914 closure of such a nonprofit entity, the charter school leader or
915 leadership team of the operating charter school established by the
916 contract may request its authorizer to transfer the charter
917 contract to another eligible Mississippi nonprofit entity. By
918 assuming a charter contract, a nonprofit entity also assumes all
919 assets, liabilities, revenues and expenses ascribable to a
920 transferred charter school as specified in the transfer agreement.
921 An authorizer may not require the transfer of a charter contract
922 unless a nonprofit entity plans to close a school meeting
923 authorizer expectations, and the authorizer seeks to enable the
924 school to continue to operate.

925 (8) Mergers, consolidations, grade reconfigurations and
926 transfers of charter schools as well as reorganization of charter
927 schools from separate contracts into the same contract as
928 specified in subsections (5) through (7) of this section, or any
929 analogous situation, shall not require or constitute closure and
930 restart of the affected charter schools and shall not require
931 reversion of their assets. Furthermore, an authorizer shall not
932 require the governing board of such schools to file a new school
933 application as described in Section 37-28-15, but shall approve



934 all such mergers, consolidations, grade reconfigurations,
935 transfers and reorganizations as material contract amendments.

936 (9) In the case of merged or consolidating nonprofit
937 entities where one (1) nonprofit entity is party to a charter
938 contract, the successor entity shall become the party to the
939 charter contract upon the effective date of the merger or
940 consolidation and shall assume all assets, liabilities, revenues
941 and expenses ascribable to the charter school. Charter schools
942 affected by this provision shall not be considered closed and
943 restarted nor shall the schools have to revert their assets.
944 Furthermore, the governing board of the successor entity shall not
945 have to file a new school application as described in Section
946 37-28-15.

947 (10) (a) The governing board of an approved charter school
948 may change to a different authorizer by executing a charter
949 contract with another authorizer as follows:

950 (i) Any time before June 30, 2025, regardless of
951 how much of the current contract term has elapsed;

952 (ii) After June 30, 2025:

953 1. At the end of a school year; or

954 2. At the end of a charter contract term; or

955 (iii) At the time of closure of an authorizer by

956 the authorizer's board or the Legislature.



957 (b) Changing the different authorizer does not
958 constitute a closure and restart of a charter school, nor does
959 such change require a school to revert its assets.

960 (c) The governing board of an approved charter school
961 seeking to change to a different authorizer at the end of a
962 charter term need not apply for renewal of the charter school with
963 the original authorizer but may instead apply for a new charter
964 contract with a different authorizer.

965 (d) An authorizer may accept or reject a request from
966 the governing board of an approved charter school seeking to
967 change to a different authorizer based on the authorizer's adopted
968 policy for accepting charter schools initially authorized by
969 another entity established by Section 37-28-7. The application
970 for an already authorized school to change to a different
971 authorizer need not be as extensive as described in Section
972 37-28-15, but the approval process should comply with Section
973 37-28-19. However, if the governing board of a charter school has
974 had its charter contract revoked or nonrenewed by any authorizer,
975 the governing board of the school must complete the process
976 described in Section 37-28-15 for any authorizer to execute a new
977 charter contract. A nonprofit seeking to change to a different
978 authorizer may apply to multiple authorizers but only contract
979 with one (1) for the same school.

980 (e) An authorizer may not prevent the governing board
981 of a charter school from switching to another authorizer. The



982 governing board of a charter school seeking to change to a
983 different authorizer must give their current authorizer thirty
984 (30) calendar days' notice prior to the execution of a new charter
985 contract. The governing board of a charter school is not required
986 to notify an authorizer of a pending application to change to a
987 different authorizer. An authorizer may not continue to receive
988 an authorizer allocation, as allowed in Section 37-28-11, from a
989 school under an executed charter contract with another authorizer,
990 nor may an authorizer retaliate against a governing board or its
991 charter schools, such as by threatening revocation prior to a new
992 charter contract being executed, after it becomes informed of the
993 school's intent to change authorizers.

994 (11) Except to the extent authorized under paragraph (c),
995 (d), or (e) of Section 37-28-41, the powers, obligations and
996 responsibilities set forth in the charter contract may not be
997 delegated or assigned by either party.

998 **SECTION 12.** Section 37-28-23, Mississippi Code of 1972, is
999 amended as follows:

1000 37-28-23. (1) A charter school must be open to:

1001 (a) Any student residing in the geographical boundaries
1002 of the school district in which the charter school is
1003 located; * * *

1004 (b) Any student who resides in the geographical
1005 boundaries of a school district that was rated "C," "D" or "F" at
1006 the time the charter school was approved by * * * an



1007 authorizer * * *, or who resides in the geographical boundaries of
1008 a school district rated "C," or "D" or "F" with the prior five (5)
1009 years at the time the student enrolls * * *;

1010 (c) The siblings or foster siblings of any enrolled
1011 charter school student residing in the same household of any
1012 charter school student, regardless of the performance
1013 classification of the resident school district at the time the
1014 sibling or foster sibling enrolls;

1015 (d) The children of employees of a charter school,
1016 regardless of the performance classification of their resident
1017 school district at the time a child of an employee enrolls; and

1018 (e) Any student who qualifies to transfer under Section
1019 37-15-29(3), 37-15-29(5) or 37-15-31.

1020 (2) A school district may not require any student enrolled
1021 in the school district to attend a charter school.

1022 (3) Except as otherwise provided under subsection (8) (d) of
1023 this section, a charter school may not limit admission based on
1024 race, ethnicity, national origin, religion, gender, income level,
1025 disabling condition, proficiency in the English language, or
1026 academic or athletic ability.

1027 (4) A charter school may limit admission to students within
1028 a given age group or grade level, including pre-kindergarten
1029 students, and may be organized around a special emphasis, theme or
1030 concept as stated in the school's application.



1031 (5) (a) The percentage size of the schoolwide underserved
1032 student composition of a charter * * * school must be at least
1033 eighty percent (80%) of that of the comparison population. If the
1034 schoolwide underserved student composition of * * * a
1035 charter * * * school is less than eighty percent (80%) of
1036 the * * * underserved student composition of the comparison
1037 population, despite the school's best efforts, the school's
1038 authorizer must consider the * * * charter school's recruitment
1039 efforts and the underserved student composition of the applicant
1040 pool in determining whether the * * * charter school is operating
1041 in a * * * discriminatory manner. A finding by the school's
1042 authorizer that * * * the charter school is operating in a
1043 discriminatory manner justifies the revocation of a charter.

1044 (b) The comparison population for the purposes of this
1045 subsection shall be the total percentage of underserved students
1046 from the corresponding grade levels of each school district from
1047 which the charter school draws at least ten percent (10%) of its
1048 students.

1049 (c) If a school district within the comparison
1050 population is under a state or federally required remediation plan
1051 due to disproportionate identification of students with
1052 disabilities, an authorizer must consider the impact of this
1053 disproportionate identification in the comparison school district
1054 when determining the appropriate level of students with



1055 disabilities a charter school must enroll in the schoolwide
1056 underserved student population.

1057 (6) A charter school must enroll all students who wish to
1058 attend the school unless the number of students exceeds the
1059 capacity of a program, class, grade level or building.

1060 (7) If capacity is insufficient to enroll all students who
1061 wish to attend the school based on initial application, the
1062 charter school must select students through a lottery.

1063 (8) (a) Any noncharter public school or part of a
1064 noncharter public school converting to a charter school shall
1065 adopt and maintain a policy giving an enrollment preference to
1066 students who reside within the former attendance area of that
1067 public school. If the charter school has excess capacity after
1068 enrolling students residing within the former attendance area of
1069 the school, students outside of the former attendance area of the
1070 school, but within the geographical boundaries of the school
1071 district in which the charter school is located, are eligible for
1072 enrollment. If the number of students applying for admission
1073 exceeds the capacity of a program, class, grade level or building
1074 of the charter school, the charter school must admit students on
1075 the basis of a lottery.

1076 (b) A charter school must give an enrollment preference
1077 to students enrolled in the charter school during the preceding
1078 school year and to siblings of students already enrolled in the



1079 charter school. An enrollment preference for returning students
1080 excludes those students from entering into a lottery.

1081 (c) A charter school may give an enrollment preference
1082 to children of the charter school's applicant, governing board
1083 members and full-time employees, so long as those children
1084 constitute no more than ten percent (10%) of the charter school's
1085 total student population.

1086 (d) A charter school shall give an enrollment
1087 preference to underserved children as defined in Section
1088 37-28-5 * * * until the charter school meets its required
1089 underserved student composition. The charter school may continue
1090 to give an enrollment preference to underserved children after the
1091 charter school meets its required underserved student composition.

1092 (e) A charter school may give an enrollment preference
1093 to children transferring from a charter school under the same
1094 contract or whose contract is held by the same governing board,
1095 such as schools under the operation of the same charter management
1096 organization. This enrollment preference includes children who
1097 have completed the final grade of their current school and are
1098 transferring to a higher grade in a different school. An
1099 enrollment preference for such students excludes those students
1100 from entering into a lottery.

1101 (* * *f) This section does not preclude the formation
1102 of a charter school whose mission is focused on serving students
1103 with disabilities, students of the same gender, students who pose



1104 such severe disciplinary problems that they warrant a specific
1105 educational program, or students who are at risk of academic
1106 failure. If capacity is insufficient to enroll all students who
1107 wish to attend the school, the charter school must select students
1108 through a lottery.

1109 **SECTION 13.** Section 37-28-25, Mississippi Code of 1972, is
1110 brought forward as follows:

1111 37-28-25. If a student previously enrolled in a charter
1112 school enrolls in another public school in this state, the
1113 student's new school must accept credits earned by the student in
1114 courses or instructional programs at the charter school in a
1115 uniform and consistent manner and according to the same criteria
1116 that are used to accept academic credits from other public
1117 schools.

1118 **SECTION 14.** Section 37-28-27, Mississippi Code of 1972, is
1119 brought forward as follows:

1120 37-28-27. A school district must provide or publicize to
1121 parents and the general public information about charter schools
1122 as an enrollment option within the district to the same extent and
1123 through the same means that the district provides and publicizes
1124 information about noncharter public schools in the district.

1125 **SECTION 15.** Section 37-28-29, Mississippi Code of 1972, is
1126 amended as follows:

1127 37-28-29. (1) The performance provisions within a charter
1128 contract for each charter school must be based on a performance



1129 framework that clearly sets forth the academic, financial and
1130 operational performance indicators, measures and metrics that will
1131 guide the authorizer's evaluations of the charter school. The
1132 performance framework, as well as any domain or subsection of the
1133 framework, shall not use as indicators any of the process
1134 standards or the performance classifications of the Mississippi
1135 Public School Accountability Standards as established by the State
1136 Board of Education, nor shall the performance framework or any
1137 domain duplicate the methodology of the performance
1138 classifications. Rather, the performance framework and its
1139 domains shall be constructed to honor the unique legal status,
1140 purpose and student composition of charter schools. The
1141 performance framework must include indicators, measures and
1142 metrics, at a minimum, for the following:

- 1143 (a) Student academic proficiency;
- 1144 (b) Student academic growth;
- 1145 (c) Achievement gaps in * * * proficiency * * * between
1146 major student subgroups, as applicable;
- 1147 (d) Attendance;
- 1148 (e) Recurrent enrollment from year to year;
- 1149 (f) In-school and out-of-school suspension rates and
1150 expulsion rates;
- 1151 (g) For each charter high * * * school, postsecondary
1152 readiness, including the percentage of graduates submitting



1153 applications to postsecondary institutions, high school
1154 completion * * * rates;

1155 (h) Financial performance and sustainability as
1156 follows:

1157 (i) For a nonprofit entity authorized to operate a
1158 single school and which has no or minimal other financial activity
1159 than that pertaining to the charter school, financial performance
1160 and sustainability of the nonprofit entity;

1161 (ii) For a nonprofit entity authorized to operate
1162 one or more schools and which has at least some financial activity
1163 other than that pertaining to the charter schools, financial
1164 performance of each Mississippi charter school as a program of the
1165 nonprofit entity as well as relevant financial performance and
1166 sustainability of the nonprofit entity, provided that school and
1167 organizational indicators, measures and metrics are logical and
1168 not unduly duplicative; and

1169 (iii) For a nonprofit entity authorized to operate
1170 more than one (1) school and which has no or minimal financial
1171 activity other than that pertaining to the charter schools, such
1172 as a charter management organization, financial performance of
1173 each charter school as a program of the nonprofit entity as well
1174 as financial performance and sustainability of the nonprofit
1175 entity, provided that school and organizational indicators,
1176 measures and metrics are logical and not unduly duplicative; and



1177 (i) Board performance and stewardship, including
1178 compliance with all applicable laws, regulations and terms of the
1179 charter contract.

1180 (2) * * * (a) The performance framework shall include a
1181 version for charter schools whose governing boards are authorized
1182 to operate a single charter school as well as charter schools
1183 whose governing boards are authorized to operate more than one (1)
1184 charter school, such as charter management organizations.

1185 (b) The version for schools under the governance of a
1186 nonprofit entity authorized to operate more than one (1) school
1187 shall evaluate the indicators, measures and metrics described in
1188 subsections (1) (a) through (g) of this section at both the school
1189 and organizational levels, as relevant. The requirement of this
1190 paragraph shall not be construed as mandating unduly burdensome or
1191 duplicative requirements for these entities and their schools.
1192 Any such version should differentiate performance among the
1193 schools within a single contract or as part of several contracts
1194 held by the same nonprofit entity to allow differentiated
1195 intervention, if necessary, while also assessing the overall
1196 performance of the nonprofit entity in operating charter schools.

1197 (3) Comparisons between a charter school or nonprofit entity
1198 operating more than one (1) charter school and the districts in
1199 which the charter schools are located may not weigh more than five
1200 percent (5%) in the overall academic evaluation under the
1201 performance framework. Any comparisons must be based on



1202 statistically valid and reliable methods for establishing a
1203 comparable population of students in a school district, including
1204 comparability based on race, economic status, any prior
1205 achievement, grade and disability status.

1206 (* * *4) Annual performance targets must be set by each
1207 charter school in conjunction with * * * its authorizer at the
1208 school and organizational levels, as applicable, and must be
1209 designed to help each school meet applicable federal, state and
1210 authorizer expectations. The academic performance targets may be
1211 refined or amended by mutual agreement after each charter school
1212 is operating and has collected baseline achievement data for its
1213 enrolled students. Annual academic performance targets for each
1214 charter school may vary depending on the baseline data of the
1215 student population served by the school but should aim for a
1216 common goal of academic success over time. Financial and
1217 organizational performance targets may be standardized for all
1218 Mississippi charter schools, their governing boards and nonprofit
1219 entities provided that such targets are created by benchmarking
1220 with national best practices, or state or local averages, as
1221 relevant and reasonable.

1222 (* * *5) The performance framework must allow the inclusion
1223 of additional rigorous, valid and reliable indicators proposed by
1224 the governing board of a charter school to augment external
1225 evaluations of * * * school and organizational performance;
1226 however, * * * its authorizer must approve the quality and rigor



1227 of any indicators proposed by the governing board of a charter
1228 school, which indicators must be consistent with the purposes of
1229 this chapter.

1230 (* * *6) The performance framework must require the
1231 disaggregation of all student performance data by major student
1232 subgroups (gender, race, poverty status, special education
1233 status * * * and English learner status * * *). However,
1234 achievement gap measures must be deemed sufficient for evaluating
1235 subgroup performance without additional duplicative measures.

1236 (* * *7) * * * An authorizer shall collect, analyze and
1237 report all data from state assessments and other necessary sources
1238 in accordance with * * * its performance framework * * *.

1239 * * *

1240 **SECTION 16.** Section 37-28-31, Mississippi Code of 1972, is
1241 amended as follows:

1242 37-28-31. (1) * * * Each authorizer shall monitor annually
1243 the performance and legal compliance of each charter school it
1244 oversees, including collecting and analyzing data to support the
1245 school's evaluation according to the charter contract. The
1246 authorizer may conduct or require oversight activities that enable
1247 the authorizer to fulfill its responsibilities under this chapter,
1248 including conducting appropriate inquiries and investigations
1249 based on reasonable suspicion of misconduct or a violation of law,
1250 properly adopted authorizer policy or the charter contract, so
1251 long as those activities are consistent with the intent of this



1252 act, adhere to written policies and procedures of the authorizer
1253 and the terms of the charter contract and do not unduly inhibit
1254 the autonomy granted to charter schools. An authorizer shall not
1255 discuss its oversight activities, inquiries or investigations in
1256 executive session unless clear and convincing evidence exists that
1257 an investigation would be irreparably harmed by discussing it in
1258 an open session.

1259 (2) As part of its annual report to the Legislature, * * *
1260 each authorizer shall publish and provide a performance report for
1261 each charter school it oversees in accordance with the performance
1262 framework set forth in the charter contract. The report must be
1263 made available to the public at the same time as it is submitted
1264 to the Legislature. * * * An authorizer may require each charter
1265 school it oversees to submit an annual report to assist the
1266 authorizer in gathering complete information about each school,
1267 consistent with the performance framework. An authorizer shall
1268 not require charter schools under the same contract or whose
1269 contracts are held by the same nonprofit entity to submit separate
1270 reports but shall instead require one (1) annual report from the
1271 nonprofit entity on behalf of all of its authorized schools.

1272 (3) If a charter school's performance or legal compliance is
1273 unsatisfactory, * * * its authorizer shall notify promptly the
1274 charter school of the problem and provide reasonable opportunity
1275 for the school to remedy the problem unless the problem warrants
1276 revocation, in which case the revocation timeframes will apply.



1277 (4) * * * An authorizer may take appropriate corrective
1278 actions or exercise sanctions in response to * * * clear and
1279 convincing evidence of deficiencies in a charter school's
1280 performance or legal compliance. If warranted, the actions or
1281 sanctions may include requiring a charter school to develop and
1282 execute a corrective action plan within a specified timeframe.

1283 **SECTION 17.** Section 37-28-33, Mississippi Code of 1972, is
1284 amended as follows:

1285 37-28-33. (1) The contract for a charter school or the term
1286 for a charter school within a contract that includes more than one
1287 (1) school may be renewed for successive five-year terms of
1288 duration. Any charter school meeting its authorizer's
1289 expectations as evidenced by the school's most recent overall
1290 performance framework results shall be renewed for a full term of
1291 five (5) years. * * * An authorizer may grant renewal with
1292 specific conditions for necessary improvements to a charter school
1293 not meeting overall expectations on its most recent performance
1294 framework, and may lessen the renewal term based on the
1295 performance, demonstrated capacities and particular circumstances
1296 of each charter school. A charter school renewed for fewer than
1297 five (5) years has the same right to appeal as a charter school
1298 for which a charter is revoked or not renewed. An authorizer must
1299 describe its rationale in writing for a renewal of fewer than five
1300 (5) years in the same manner as required under subsections (10)
1301 and (11) of this section.



1302 (2) Before September 30 of each year, * * * each authorizer
1303 shall issue a charter school performance report and charter
1304 renewal application guidance to any charter school whose charter
1305 term will expire the following year. The performance report must
1306 summarize the charter school's performance record to date, based
1307 on the data required by this chapter and the charter contract, and
1308 must provide notice of any weaknesses or concerns perceived by the
1309 authorizer which may jeopardize the charter school's position in
1310 seeking renewal if not timely rectified. The charter school must
1311 respond and submit any corrections or clarifications for the
1312 performance report within ninety (90) days after receiving the
1313 report.

1314 (3) The charter renewal application guidance must provide,
1315 at a minimum, an opportunity for the charter school to:

1316 (a) Present additional evidence, beyond the data
1317 contained in the performance report, supporting its case for
1318 charter renewal;

1319 (b) Describe improvements undertaken or planned for the
1320 school; and

1321 (c) Detail the school's plans for the next charter
1322 term.

1323 (4) The charter renewal application guidance must include or
1324 refer explicitly to the criteria that will guide the authorizer's
1325 renewal decision, which must be based on the performance framework



1326 set forth in the charter contract and consistent with this
1327 chapter.

1328 (5) Before * * * December 1 in the final year of charter
1329 school's approved term, the governing board of a charter school
1330 seeking renewal shall submit a renewal application to * * * its
1331 authorizer or another authorizer to which it is seeking transfer
1332 pursuant to the charter renewal application guidance issued
1333 by * * * that authorizer. The authorizer shall adopt a resolution
1334 ruling on the renewal application no later than ninety (90) days
1335 after the filing of the renewal application. However, nothing
1336 shall preclude a school from seeking, or being granted, renewal in
1337 the penultimate year of its term, provided the school meets
1338 overall expectations on its performance framework in the two (2)
1339 most recent years of its operation.

1340 (6) In making each charter renewal decision, * * * an
1341 authorizer must:

1342 (a) Ground its decision in evidence of the school's
1343 performance over the term of the charter contract in accordance
1344 with the performance framework set forth in the charter contract
1345 and the renewal criteria published in the authorizer's renewal
1346 application guidance;

1347 (b) Ensure that data used in making the renewal
1348 decision is available to the school and the public; and

1349 (c) Provide a public report summarizing the evidence
1350 that is the basis for the renewal decision.



1351 (7) A charter contract or the term of a charter school
1352 within a contract that includes more than one (1) school must be
1353 revoked at any time or not renewed if * * * its authorizer
1354 determines by clear and convincing evidence that the charter
1355 school has done any of the following or otherwise failed to comply
1356 with the provisions of this chapter:

1357 (a) Committed a material and substantial violation of
1358 any of the terms, conditions, standards or procedures required
1359 under this chapter or the charter contract;

1360 (b) Failed to meet or make sufficient progress toward
1361 the performance expectations set forth in the charter contract by
1362 the end of the contract term;

1363 (c) Failed to meet generally accepted standards of
1364 fiscal management; or

1365 (d) Substantially violated any material provision of
1366 law which is applicable to the charter school.

1367 (8) * * * Each authorizer shall develop revocation and
1368 nonrenewal processes that:

1369 (a) Provide the governing board of a charter school
1370 with a timely notification of the prospect of revocation or
1371 nonrenewal and of the reasons for such possible closure, which are
1372 limited to those prescribed in subsection (7) of this section;

1373 (b) Allow the governing board a reasonable amount of
1374 time in which to prepare a response;



1375 (c) Provide the governing board with an opportunity to
1376 submit documents and give testimony challenging the rationale for
1377 closure and in support of the continuation of the school at an
1378 orderly proceeding held for that purpose;

1379 (d) Allow the governing board access to representation
1380 by counsel and to call witnesses on the school's behalf;

1381 (e) Permit the recording of such proceedings; and

1382 (f) After a reasonable period for deliberation, require
1383 a final determination to be made and conveyed in writing to the
1384 governing board.

1385 (9) * * * Notwithstanding any provision to the contrary, the
1386 authorizer may not renew the charter contract of any charter
1387 school, or the term of a charter school within a contract of that
1388 includes more than one (1) school, that * * * is designated an "F"
1389 school under the * * * Mississippi Public School Accountability
1390 Standards for its three (3) most recent consecutive years of
1391 operation.

1392 (10) If * * * an authorizer revokes or does not renew, or
1393 renews for less than a full term, the contract of a charter school
1394 or the term of a charter school within a contract that includes
1395 more than one (1) school, the authorizer must state clearly, in a
1396 resolution * * * adopted by the authorizer * * *, the reasons for
1397 the revocation * * *, nonrenewal or shortened renewal term, which
1398 shall be one or more of the reasons prescribed in subsection (7)
1399 of this section.



1400 (11) Within ten (10) days after taking action to renew, not
1401 renew or revoke a charter contract or the term of any charter
1402 school within a contract that includes more than one (1)
1403 school, * * * an authorizer shall provide a report to the charter
1404 school. The report must include a copy of the authorizer's * * *
1405 resolution setting forth the action taken, reasons for the * * *
1406 authorizer's decision and assurances as to compliance with all of
1407 the requirements set forth in this chapter.

1408 **SECTION 18.** Section 37-28-35, Mississippi Code of 1972, is
1409 amended as follows:

1410 37-28-35. (1) Before implementing a charter school closure
1411 decision, * * * an authorizer must develop a charter school
1412 closure protocol to ensure timely notification to parents, orderly
1413 transition of students and student records to new schools, and
1414 proper disposition of school funds, property and assets in
1415 accordance with the requirements of this chapter. The protocol
1416 must specify tasks, timelines and responsible parties, including
1417 delineating the respective duties of the school, its governing
1418 board and nonprofit entity, and the authorizer. If a charter
1419 school is to be closed for any reason, the authorizer shall
1420 oversee and work with the closing school and its governing board
1421 and nonprofit entity to ensure a smooth and orderly closure and
1422 transition for students and parents, as guided by the closure
1423 protocol. No charter school shall be closed by its authorizer
1424 before the end of the school year in which the decision for



1425 closure is made, unless its authorizer determines that the health
1426 and safety of the students in the school warrant its immediate
1427 closure.

1428 (2) If a charter school closes, all unspent government
1429 funds, unspent earnings from those funds and assets purchased with
1430 government funds must revert to the local school district in which
1431 the charter school is located unless the school operates under a
1432 nonprofit entity authorized to operate more than one (1)
1433 Mississippi school, in which the requirements of Section 37-28-21
1434 shall apply. Unless otherwise provided for in the charter
1435 contract or a debt instrument, unspent funds from nongovernmental
1436 sources, unspent earnings from those funds, assets purchased with
1437 those funds and debts of the school must revert to the nonprofit
1438 entity * * * which held the charter contract for the school and
1439 may be used, retained or disposed of according to applicable laws
1440 for nonprofit corporations.

1441 **SECTION 19.** Section 37-28-37, Mississippi Code of 1972, is
1442 amended as follows:

1443 37-28-37. (1) Before * * * December 1 of each year,
1444 beginning in the year that * * * an authorizer has had at least
1445 one (1) charter school operating for a full school year, * * *
1446 each authorizer shall issue to the Governor, Legislature, State
1447 Board of Education and the public an annual report on * * * its
1448 charter schools for the preceding school year. * * * The report
1449 must include the authorizer's assessment of the successes,



1450 challenges and areas for improvement in meeting the purposes of
1451 this chapter. The report also must include an assessment on
1452 whether the number and size of operating charter schools are
1453 sufficient to meet demand, as calculated according to admissions
1454 data and the number of students denied enrollment based on lottery
1455 results.

1456 (2) * * * Every five (5) years, beginning on July 1, 2025,
1457 each authorizer must issue a supplementary report alongside its
1458 annual report described in subsection (1) of this section. This
1459 report must compare the performance of all charter school students
1460 in its authorized schools with the performance of academically,
1461 racially and economically comparable groups of students, including
1462 students with disabilities, in the school district in which each
1463 charter school is located or from which a charter school draws its
1464 students. The report must use statistically valid methodology for
1465 establishing comparability. The report and its methodology shall
1466 not be used as part of an annual evaluation of a specific charter
1467 school.

1468 (3) The report due from * * * an authorizer under this
1469 section must be coordinated with reports due from charter * * *
1470 schools, as near as possible, to decrease or eliminate
1471 duplication.

1472 (4) Beginning July 1, 2024, and every three (3) years
1473 thereafter, the State Auditor shall select a nationally recognized



1474 charter authorizing expert to evaluate the performance of each
1475 operating authorizer regarding, at a minimum, the following:

1476 (a) The quality of its self-governance, policies and
1477 financial stewardship;

1478 (b) The success of its authorizing portfolio, including
1479 the number and quality of applicants and approved applicants, as
1480 well as the performance of operating schools;

1481 (c) Its fulfillment of the purposes for charter
1482 schooling as described in Section 37-28-3; and

1483 (d) The authorizer's relationship with charter school
1484 stakeholders, including charter school leaders and governing
1485 boards, charter school families, charter school support
1486 organizations and advocacy groups, and the State Department of
1487 Education.

1488 (5) Each authorizer shall pay the costs associated with the
1489 evaluation of its performance required by subsection (4) of this
1490 section, unless funds are appropriated by the Legislature to the
1491 State Auditor for this purpose. The State Auditor shall prepare a
1492 report for the Legislature based on the findings, which shall
1493 include whether any authorizer should be decommissioned or
1494 required to meet specific conditions for continued operation.

1495 **SECTION 20.** Section 37-28-39, Mississippi Code of 1972, is
1496 amended as follows:

1497 37-28-39. (1) Notwithstanding any provision of law to the
1498 contrary, to the extent that any provision of this chapter is



1499 inconsistent with any other state or local law, rule or
1500 regulation, the provisions of this act govern and are controlling.

1501 (2) * * * The entity holding a charter contract, including a
1502 charter management organization, and any education service
1503 provider which provides comprehensive management for a charter
1504 school must be a nonprofit education organization. A nonprofit
1505 entity that is party to a charter contract, including a charter
1506 management organization, is a nongovernmental entity.

1507 (3) A charter school is subject to all federal laws and
1508 authorities specified in this chapter or agreed upon with * * * an
1509 authorizer in the charter contract, where such contracting is
1510 consistent with applicable laws, rules and regulations.

1511 (4) To the extent approved by * * * an authorizer, a charter
1512 contract may consist of one or more schools. Each charter school
1513 that is part of a charter contract must be separate and distinct
1514 from any other charter school for oversight and renewal,
1515 nonrenewal or revocation purposes.

1516 (5) A single governing board may hold one or more charter
1517 contracts.

1518 (6) The governing board of a nonprofit entity holding a
1519 charter contract for more than one (1) school, including a charter
1520 management organization, shall choose whether each school listed
1521 in its contract shall function as a local educational agency or if
1522 the nonprofit entity will function as a local educational agency.
1523 If a nonprofit entity only operates a single charter school, the



1524 charter school must function as a local educational agency. In
1525 such cases, a single charter school functioning as a local
1526 educational agency does not become a separate legal entity from
1527 the nonprofit entity holding the charter contract. * * * Any
1528 local education agency composed of one or more charter schools is
1529 responsible for meeting the requirements of local educational
1530 agencies under applicable federal laws, including those relating
1531 to special education, receipt of funds and compliance with funding
1532 requirements. Status as a local educational agency, however, does
1533 not preclude the governing board of a charter school from
1534 developing, by mutual agreement or formal contract, links with the
1535 local school district for services, resources and programs. A
1536 charter school shall pay to a local school district any federal or
1537 state aid attributable to a student with a disability attending
1538 the charter school in proportion to the level of services for that
1539 student which the local school district provides directly or
1540 indirectly.

1541 **SECTION 21.** Section 37-28-41, Mississippi Code of 1972, is
1542 amended as follows:

1543 37-28-41. * * * The nonprofit entity holding a charter
1544 contract may exercise those powers necessary for carrying out the
1545 terms of its charter contract, including, but not limited to, the
1546 following powers:

1547 (a) To receive and disburse funds authorized by law for
1548 school purposes;



1549 (b) To secure appropriate insurance and to enter into
1550 contracts and leases;

1551 (c) To contract with an education service provider for
1552 the management and operation of the charter school so long as the
1553 school's governing board retains oversight authority over the
1554 school;

1555 (d) To contract with a school district or private
1556 provider to provide transportation to the school's students;

1557 (e) To negotiate and enter into a contract for the
1558 provision of and payment for special education services with a
1559 local school district, including, but not necessarily limited to,
1560 a reasonable reserve not to exceed five percent (5%) of the local
1561 school district's total special education services budget. The
1562 reserve may be used by the local school district only to offset
1563 excess costs of providing services to students with disabilities
1564 enrolled in the charter school;

1565 (f) To contract with an accredited online course
1566 provider for the delivery of virtual courses to students enrolled
1567 in the charter school;

1568 (* * *g) To solicit and accept any gifts or grants for
1569 school purposes subject to applicable laws and the terms of its
1570 charter contract;

1571 (* * *h) To acquire real property for use as its
1572 facility or facilities, from public or private sources; and

1573 (* * *i) To sue and be sued in its own name.



1574 **SECTION 22.** Section 37-28-43, Mississippi Code of 1972, is
1575 amended as follows:

1576 37-28-43. (1) A charter school may not discriminate against
1577 any person on the basis of race, creed, color, sex, disability,
1578 national origin or any other category that would be unlawful if
1579 done by a noncharter public school.

1580 (2) A charter school may not engage in any sectarian
1581 practices in its educational program, admissions or employment
1582 policies or operations.

1583 (3) A charter school may not discriminate against any
1584 student on the basis of national origin, minority status or
1585 limited proficiency in English. Consistent with federal civil
1586 rights laws, charter schools must provide * * * students
1587 designated as English language learners with appropriate services
1588 designed to teach them English and the general curriculum.

1589 (4) A charter school may not charge tuition or fees that
1590 would be unlawful if charged by a noncharter public school, except
1591 as permitted pursuant to Section 37-7-335.

1592 * * *

1593 **SECTION 23.** Section 37-28-45, Mississippi Code of 1972, is
1594 amended as follows:

1595 37-28-45. (1) Charter schools are subject to the same civil
1596 rights, health and safety requirements applicable to noncharter
1597 public schools in the state, except as otherwise specifically
1598 provided in this chapter.



1599 (2) Charter schools are subject to the student
1600 assessment * * * requirements applicable to noncharter public
1601 schools in the state and must receive a performance classification
1602 from the State Department of Education; however, this requirement
1603 does not preclude a charter school from establishing additional
1604 student assessment measures that go beyond state
1605 requirements * * *.

1606 (3) Although a charter school is geographically located
1607 within the boundaries of a particular school district * * * may
1608 enroll students who reside within the school district, the charter
1609 school may not be considered a school within that district under
1610 the purview of the school district's school board. The rules,
1611 regulations, policies and procedures established by the school
1612 board for the noncharter public schools that are in the school
1613 district in which the charter school is geographically located do
1614 not apply to the charter school unless otherwise required under
1615 the charter contract or any contract entered into between the
1616 charter school's governing board and the local school board.

1617 (4) Whenever the provisions of Title 37, Mississippi Code of
1618 1972, relating to the elementary and secondary education of public
1619 school students establish a requirement for or grant authority to
1620 local school districts, their school boards and the schools within
1621 the respective school districts, the language "school districts,"
1622 "school boards," "boards of trustees," "the schools within a
1623 school district," or any other similar phraseology does not



1624 include a charter school and the governing board of a charter
1625 school unless the statute specifically is made applicable to
1626 charter schools as well as noncharter public schools.

1627 (5) A charter school is not subject to any rule, regulation,
1628 policy or procedure adopted by the State Board of Education or the
1629 State Department of Education unless such rule, regulation,
1630 policy, or procedure is or was adopted pursuant to a law
1631 applicable to charter schools, including federal law, or otherwise
1632 required by the * * * this chapter. An authorizer may not make
1633 any rule, regulation, policy or procedure adopted by the State
1634 Board of Education or the State Department of Education applicable
1635 to charter schools which is not otherwise applicable under this
1636 chapter.

1637 (6) Charter schools, and their governing boards when
1638 conducting charter school business, are not exempt from the
1639 following statutes:

1640 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1641 which relate to open meetings of public bodies.

1642 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1643 which relate to public access to public records.

1644 (c) Section 37-3-51, which requires notice by the
1645 district attorney of licensed school employees who are convicted
1646 of certain sex offenses.

1647 (d) Section 37-3-53, which requires publication of the
1648 Mississippi Report Card by the State Board of Education.



1649 (e) Section 37-11-18, which requires the automatic
1650 expulsion of a student possessing a weapon or controlled substance
1651 on educational property.

1652 (f) Section 37-11-18.1, which requires expulsion of
1653 certain habitually disruptive students.

1654 (g) Section 37-11-19, which requires suspension or
1655 expulsion of a student who damages school property.

1656 (h) Section 37-11-20, which prohibits acts of
1657 intimidation intended to keep a student from attending school.

1658 (i) Section 37-11-21, which prohibits parental abuse of
1659 school staff.

1660 (j) Section 37-11-23, which prohibits the willful
1661 disruption of school and school meetings.

1662 (k) Sections 37-11-29 and 37-11-31, which relate to
1663 reporting requirements regarding unlawful or violent acts on
1664 school property.

1665 (l) Section 37-11-67, which prohibits bullying or
1666 harassing behavior in public schools.

1667 (m) Section 37-13-3, which prohibits doctrinal,
1668 sectarian or denominational teaching in public schools.

1669 (n) Sections 37-13-5 and 37-13-6, which require the
1670 flags of the United States and the State of Mississippi to be
1671 displayed near the school building.



1672 (o) Section 37-13-63(1), which prescribes the minimum
1673 number of days which public schools must be kept in session during
1674 a scholastic year.

1675 (p) Section 37-13-91, which is the Mississippi
1676 Compulsory School Attendance Law.

1677 (q) Section 37-13-171(2) and (4), which requires any
1678 course containing sex-related education to include instruction in
1679 abstinence-only or abstinence-plus education.

1680 (r) Section 37-13-173, which requires notice to parents
1681 before instruction on human sexuality is provided in public
1682 classrooms.

1683 (s) Section 37-13-193, which relates to civil rights
1684 and human rights education in the public schools.

1685 (t) Sections 37-15-1 and 37-15-3, which relate to the
1686 maintenance and transfer of permanent student records in public
1687 schools.

1688 (u) Section 37-15-6, which requires the State
1689 Department of Education to maintain a record of expulsions from
1690 the public schools.

1691 (v) Section 37-15-9, which establishes minimum age
1692 requirements for kindergarten and first grade enrollment in public
1693 schools.

1694 (w) Section 37-15-11, which requires a parent, legal
1695 guardian or custodian to accompany a child seeking enrollment in a
1696 public school.



1697 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,
1698 which relate to the statewide assessment testing program.

1699 (y) Section 37-18-1, which establishes the
1700 Superior-Performing Schools Program and Exemplary Schools Program
1701 to recognize public schools that improve.

1702 **SECTION 24.** Section 37-28-47, Mississippi Code of 1972, is
1703 amended as follows:

1704 37-28-47. (1) (a) Charter schools must comply with
1705 applicable federal laws, rules and regulations regarding the
1706 qualification of teachers and other instructional staff. No more
1707 than * * * fifty percent (50%) of teachers in a charter school may
1708 be exempt from state teacher licensure requirements.
1709 Provisionally licensed teachers as well as licensed teachers
1710 teaching out of field may not be counted against a charter
1711 school's fifty percent (50%) exemption. An authorizer may
1712 consider the small staff size of the school in determining what
1713 consequences apply in cases where more than fifty percent (50%) of
1714 a charter school's staff is unlicensed. Administrators of charter
1715 schools are exempt from state administrator licensure
1716 requirements. However, teachers and administrators must have a
1717 bachelor's degree as a minimum requirement, and teachers must have
1718 demonstrated subject-matter competency. Within three (3) years of
1719 a teacher's employment by a charter school, the teacher must have,
1720 at a minimum, alternative licensure approved by the Commission on



1721 Teacher and Administrator Education, Certification and Licensure
1722 and Development.

1723 (b) A charter school may not staff positions for
1724 teachers, administrators, ancillary support personnel or other
1725 employees by utilizing or otherwise relying on nonimmigrant
1726 foreign worker visa programs. However, a charter school may
1727 submit a request to * * * its authorizer for an exception allowing
1728 the employment of a nonimmigrant foreign worker before the worker
1729 is employed. The authorizer may grant permission for the
1730 employment of the nonimmigrant foreign worker only if the charter
1731 school makes a satisfactory showing of efforts to recruit lawful
1732 permanent residents of the United States to fill the position and
1733 a lack of qualified applicants to fill the position.

1734 (2) Employees in charter schools must have the same general
1735 rights and privileges as other public school employees, except
1736 such employees are not:

1737 (a) Covered under the Education Employment Procedures
1738 Law (Section 37-9-103); and

1739 (b) Subject to the state salary requirements prescribed
1740 in Section 37-19-7.

1741 (3) For the purpose of eligibility for participation in the
1742 Public Employees' Retirement System, a public charter school is
1743 considered to be a political subdivision of the state; however,
1744 the nonprofit entity holding the charter contract is not a
1745 political subdivision. Employees * * * paid through governmental



1746 funds, which are provided for the operation of a public charter
1747 school, are eligible for participation in the Public Employee's
1748 Retirement System, as well as other benefits programs, if the
1749 governing board of the nonprofit entity holding the charter
1750 contract chooses for the charter school to participate.

1751 **SECTION 25.** Section 37-28-49, Mississippi Code of 1972, is
1752 amended as follows:

1753 37-28-49. (1) Charter school teachers and other school
1754 personnel, as well as members of the governing board and any
1755 education service provider with whom * * * the governing board
1756 contracts, are subject to criminal history record checks and
1757 fingerprinting requirements applicable to employees of other
1758 public schools. * * * Each authorizer shall require that current
1759 criminal records background checks and current child abuse
1760 registry checks are obtained, and that the criminal record
1761 information and registry checks are on file at the charter school
1762 for any * * * employee. In order to determine an applicant's
1763 suitability for employment, the applicant must be fingerprinted.
1764 If no disqualifying record is identified at the state level, the
1765 fingerprints must be forwarded by the Department of Public Safety
1766 to the Federal Bureau of Investigation for a national criminal
1767 history record check. Under no circumstances may * * * anyone
1768 associated with an authorizer, member of * * * a charter school
1769 governing board or any individual other than the subject of the
1770 criminal history record checks view or disseminate information



1771 received through the checks except as may be required to fulfill
1772 the purposes of this section. The determination whether the
1773 applicant has a disqualifying crime, as set forth in subsection
1774 (2) of this section, must be made by the appropriate state or
1775 federal governmental authority, which must notify the charter
1776 school whether a disqualifying crime exists.

1777 (2) If the fingerprinting or criminal record checks disclose
1778 a felony conviction, guilty plea or plea of nolo contendere to a
1779 felony of possession or sale of drugs, murder, manslaughter, armed
1780 robbery, rape, sexual battery, sex offense listed in Section
1781 45-33-23(g), child abuse, arson, grand larceny, burglary,
1782 gratification of lust or aggravated assault which has not been
1783 reversed on appeal or for which a pardon has not been granted,
1784 the * * * applicant is not eligible to be employed at the charter
1785 school. However, the charter school, in its discretion, may allow
1786 any applicant aggrieved by the employment decision under this
1787 section to show mitigating circumstances that exist and may allow,
1788 subject to the approval of * * * its authorizer, the * * *
1789 applicant to be employed at the school. * * * An authorizer may
1790 approve the employment depending on the mitigating circumstances,
1791 which may include, but need not be limited to: (a) age at which
1792 the crime was committed; (b) circumstances surrounding the crime;
1793 (c) length of time since the conviction and criminal history since
1794 the conviction; (d) work history; (e) current employment and
1795 character references; and (f) other evidence demonstrating the



1796 ability of the person to perform the employment responsibilities
1797 competently and that the person does not pose a threat to the
1798 health or safety of children.

1799 (3) No charter school, charter school employee, member of
1800 the charter school governing board * * * or member or employee
1801 of * * * an authorizer may be held liable in any employment
1802 discrimination suit in which an allegation of discrimination is
1803 made regarding an employment decision authorized under this
1804 section.

1805 (4) A charter school shall terminate any teacher or
1806 administrator for committing one or more of the following acts:

1807 (a) Engaging in unethical conduct relating to an
1808 educator-student relationship as identified by the
1809 Mississippi * * * Educator Code of Ethics;

1810 (b) Fondling a student as described in Section 97-5-23
1811 or engaging in any type of sexual involvement with a student as
1812 described in Section 97-3-95; or

1813 (c) Failure to report sexual involvement of a charter
1814 school employee with a student as required by Section 97-5-24.

1815 **SECTION 26.** Section 37-28-51, Mississippi Code of 1972, is
1816 brought forward as follows:

1817 37-28-51. A charter school is eligible to participate in
1818 state-sponsored or district-sponsored athletic and academic
1819 interscholastic leagues, competitions, awards, scholarships and



1820 recognition programs for students, educators, administrators and
1821 schools to the same extent as noncharter public schools.

1822 **SECTION 27.** Section 37-28-53, Mississippi Code of 1972, is
1823 amended as follows:

1824 37-28-53. (1) Each charter school, or charter management
1825 organization, on its behalf, shall certify annually to the State
1826 Department of Education * * * information necessary to calculate
1827 the charter school's state share of and local contribution to the
1828 state public school funding formula as established in Chapter 151,
1829 Title 37, Mississippi Code of 1972. Nothing in this section shall
1830 be construed to allow the State Department of Education to collect
1831 information not necessary for these calculations unless otherwise
1832 specifically authorized by law.

1833 (2) Each charter school shall certify annually to the school
1834 board of the school district in which the charter school is
1835 located the number of enrolled charter school students residing in
1836 the school district.

1837 **SECTION 28.** Section 37-28-55, Mississippi Code of 1972, is
1838 amended as follows:

1839 37-28-55. (1) (a) The State Department of Education shall
1840 make payments to charter schools for each student * * * enrolled,
1841 as annually projected by the terms of the charter contract or as
1842 otherwise projected by the charter school with approval of its
1843 authorizer, equal to the state share of the * * * state public
1844 school funding formula payments for each student * * *. In



1845 calculating the local contribution for purposes of determining the
1846 state share of the * * * state public school funding formula
1847 payments, the department shall deduct the pro rata local
1848 contribution of the school district in which the student resides,
1849 to be determined as provided in Section 37-151-7(2) (a).

1850 (b) Payments made pursuant to this subsection by the
1851 State Department of Education must be made at the same time and in
1852 the same manner as * * * state public school funding formula
1853 payments are made to school districts under Sections 37-151-101
1854 and 37-151-103. Amounts payable to a charter school must be
1855 determined by the State Department of Education pursuant to this
1856 section and Chapter 151, Title 37, Mississippi Code of 1972.

1857 * * * Enrollment projections used to determine the number of
1858 enrolled charter school students for calculating the state share
1859 payment must be reconciled with * * * a charter school's average
1860 daily * * * membership using months two (2) and three (3) * * *
1861 for the * * * year for which * * * state public school funding
1862 formula funds are being appropriated and any necessary adjustments
1863 must be made to payments during the school's following year of
1864 operation. Any necessary adjustment shall be based on the state
1865 share of the per pupil amount in effect for the year for which
1866 average daily membership did not meet enrollment projections and
1867 not any new amount appropriated for the year in which the
1868 adjustment will be made. If a school is closed by its authorizer



1869 prior to the following year, it must pay to the state any amounts
1870 due prior to completion of the closure.

1871 (2) (a) For students attending a charter school located in
1872 the school district in which the student resides, the school
1873 district in which * * * the charter school is located shall pay
1874 directly to the charter school an amount * * * as follows: the sum
1875 of the pro rata ad valorem tax receipts and in-lieu payments
1876 received * * * for the support of the local school district in
1877 which the student resides * * * as required by Sections 37-57-1
1878 (local contribution to the adequate education program) and
1879 37-57-105 (school district operational levy) * * * multiplied by
1880 the number of resident students enrolled in the charter school,
1881 based on the charter school's months two (2) and three (3) average
1882 daily membership of resident students for the current school year.
1883 However, the amount paid to the charter school may not include any
1884 taxes levied for the retirement of the local school district's
1885 bonded indebtedness or short-term notes or any taxes levied for
1886 the support of vocational-technical education programs. * * *

1887 (b) The pro rata amount * * * shall be calculated by
1888 dividing the sum of:

1889 (i) The local school district's months * * * two
1890 (2) and three (3) average daily membership of the previous school
1891 year;



1892 (ii) The average daily membership of resident
1893 students who were attending charter schools for months two (2) and
1894 three (3) of the current school year;

1895 (iii) Subtracting from the average daily
1896 membership of charter schools any students who transferred from
1897 the school district to a charter school after the previous school
1898 year so as not to double-count them, into the total amount of ad
1899 valorem receipts and in-lieu receipts of the school district, as
1900 reported to the State Department of Education by the local school
1901 district. * * *

1902 (c) The amount must be paid by the school district to
1903 the charter school before January 16 of the current fiscal year.
1904 If the local school district does not pay the required amount to
1905 the charter school before January 16, the State Department of
1906 Education shall reduce the local school district's January
1907 transfer of * * * state public school funding formula funds by the
1908 amount owed to the charter school and shall redirect that amount
1909 to the charter school. Any such payments made under this
1910 subsection (2) by the State Department of Education to a charter
1911 school * * * shall be made at the same time and in the same manner
1912 as * * * state public school funding formula payments are made to
1913 school districts under Sections 37-151-101 and 37-151-103.

1914 (3) (a) For students attending a charter school located in
1915 a school district in which the student does not reside, the State
1916 Department of Education shall pay to the charter school in



1917 which * * * such students are enrolled an amount as follows: the
1918 pro rata ad valorem receipts and in-lieu payments * * * received
1919 for the support of the local school district in which the student
1920 resides * * * as required by Sections 37-57-1 (local contribution
1921 to the * * * state public school funding formula) and 37-57-105
1922 (school district operational levy), multiplied by the number of
1923 students enrolled in the charter school but residing in that
1924 district, based on the charter school's months two (2) and three
1925 (3) average daily membership of these students for the current
1926 school year. However, * * * the amount paid to the charter school
1927 may not include any taxes levied for the retirement of the local
1928 school district's bonded indebtedness or short-term notes or any
1929 taxes levied for the support of vocational-technical education
1930 programs. * * *

1931 (b) The pro rata * * * ad valorem receipts and in-lieu
1932 payments as described in subsection (3) (a) of this section must be
1933 calculated by dividing the sum of the following into the total
1934 amount of ad valorem receipts and in-lieu receipts, as reported to
1935 the State Department of Education by the transferor local school
1936 district:

1937 (i) Local school district's months * * * two (2)
1938 and three (3) average daily membership of the previous school
1939 year;



1940 (ii) The average daily membership of students
1941 residing in the district who were attending charter schools for
1942 months two (2) and three (3) of the current school year; and

1943 (iii) Subtracting from the average daily
1944 membership of charter schools, any students who transferred from
1945 the school district to a charter school after the previous school
1946 year so as not to double-count them.

1947 * * *

1948 (c) The State Department of Education shall reduce the
1949 school district's January transfer of * * * state public school
1950 funding formula funds by the amount owed to the charter school and
1951 shall redirect that amount to the charter school. Any such
1952 payments made under this subsection (3) by the State Department of
1953 Education to a charter school must be made at the same time and in
1954 the same manner as * * * state public school funding formula
1955 payments are made to school districts under Sections 37-151-101
1956 and 37-151-103.

1957 (4) * * * The State Department of Education shall direct the
1958 proportionate share of monies generated under federal and state
1959 categorical aid programs or any student weights as designated in
1960 the state public school funding formula, including, but limited
1961 to, special education, vocational, gifted and alternative school
1962 programs, to charter schools serving students eligible for
1963 such * * * funding. The department shall ensure that charter
1964 schools with rapidly expanding enrollments are treated equitably



1965 in the calculation and disbursement of all federal and state
1966 categorical aid program dollars or weighted student dollars. Each
1967 charter school that serves students who may be eligible to receive
1968 services provided through such programs shall comply with all
1969 reporting requirements to receive the aid.

1970 * * *

1971 (5) * * * The State Department of Education shall disburse
1972 state transportation funding to a charter school on the same basis
1973 and in the same manner as it is paid to school districts under
1974 the * * * state public school funding formula or related codes.

1975 * * *

1976 (6) The State Department of Education shall disburse
1977 Education Enhancement Funds for classroom supplies, instructional
1978 materials and equipment, including computers and computer software
1979 to all eligible charter school teachers on the same basis and in
1980 the same manner as it is paid to school districts under Section
1981 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
1982 or credentials for a digital solution to eligible teachers.

1983 (7) Payments for charter schools operated by a charter
1984 management organization shall, if requested by the charter
1985 management organization, be made to the charter management
1986 organization rather than to the individual schools.

1987 **SECTION 29.** Section 37-28-57, Mississippi Code of 1972, is
1988 amended as follows:



1989 37-28-57. (1) (a) A charter school must adhere to
1990 generally accepted accounting principles as determined by the
1991 Financial Accounting Standards Board. The State Auditor, in
1992 consultation with nationally recognized experts in charter school
1993 financial accountability, shall develop financial rules and
1994 regulations, including a financial accounting manual, for charter
1995 schools that ensure accountability, transparency and comparability
1996 but reflect charter schools' autonomy and the nongovernmental,
1997 nonprofit status of the entities which hold their contracts.

1998 (b) Charter schools shall not be required to adhere to
1999 the financial accounting manual in use by the Mississippi
2000 Department of Education for school districts or any Mississippi
2001 Department of Education financial policy or procedure whose legal
2002 authority derives from a law not applicable to charter schools,
2003 unless otherwise made applicable by this chapter. Charter schools
2004 must comply with financial policies required for receipt and use
2005 of federal funds.

2006 (2) A nonprofit entity holding a charter contract for one or
2007 more charter schools shall have its financial records audited
2008 annually, with each school reported as a program under the entity,
2009 at the end of each fiscal year, either by the State Auditor or by
2010 a certified public accountant approved by the State Auditor.
2011 However, a certified public accountant may not be selected to
2012 perform the annual audit of a nonprofit entity holding a charter
2013 contract for one or more charter schools * * * for more than three



2014 (3) consecutive years. Certified public accountants must be
2015 selected in a manner determined by the State Auditor. The * * *
2016 nonprofit entity shall file a copy of * * * its audit report and
2017 accompanying management letter with * * * its authorizer
2018 before * * * December 1 of the calendar year the audit is
2019 conducted.

2020 (3) A nonprofit entity holding a charter contract for one or
2021 more charter schools shall not be required to report duplicative
2022 information, financial or otherwise, to both the State Department
2023 of Education and its authorizer on behalf of its schools. The
2024 State Department of Education and each authorizer shall enact a
2025 process to share relevant information as required by this chapter
2026 such that a nonprofit entity holding a charter contract for one or
2027 more charter schools must only report such information once.

2028 **SECTION 30.** Section 37-28-59, Mississippi Code of 1972, is
2029 brought forward as follows:

2030 37-28-59. (1) Any monies received by a charter school from
2031 any source remaining in the charter school's accounts at the end
2032 of a budget year must remain in the charter school's accounts for
2033 use by the charter school during subsequent budget years.

2034 (2) Nothing in this chapter may be construed to prohibit any
2035 person or organization from providing funding or other assistance
2036 to the establishment or operation of a charter school. The
2037 governing board of a charter school may accept gifts, donations
2038 and grants of any kind made to the charter school and may expend



2039 or use such gifts, donations and grants in accordance with the
2040 conditions prescribed by the donor; however, a gift, donation or
2041 grant may not be accepted if it is subject to a condition that is
2042 contrary to any provision of law or term of the charter contract.

2043 (3) A charter school must disclose publicly all sources of
2044 private funding and all funds received from foreign sources,
2045 including gifts from foreign governments, foreign legal entities
2046 and domestic entities affiliated with either foreign governments
2047 or foreign legal entities. For the purposes of this subsection,
2048 the term "foreign" means a country or jurisdiction outside of any
2049 state or territory of the United States.

2050 **SECTION 31.** Section 37-28-61, Mississippi Code of 1972, is
2051 brought forward as follows:

2052 37-28-61. (1) A charter school has a right of first refusal
2053 to purchase or lease at or below fair market value a closed public
2054 school facility or property or unused portions of a public school
2055 facility or property in the school district in which the charter
2056 school is located if the school district decides to sell or lease
2057 the public school facility or property. If a conversion charter
2058 school application is successful, the local school district owning
2059 the conversion charter school's facility must offer to lease or
2060 sell the building to the conversion charter school at or below
2061 fair market value.

2062 (2) A charter school may negotiate and contract at or below
2063 fair market value with a school district, state institution of



2064 higher learning, public community or junior college, or any other
2065 public or for-profit or nonprofit private entity for the use of a
2066 facility for a school building.

2067 (3) Public entities, including, but not limited to,
2068 libraries, community service organizations, museums, performing
2069 arts venues, theatres, cinemas, churches, community and junior
2070 colleges, colleges and universities, may provide space to charter
2071 schools within their facilities under their preexisting zoning and
2072 land use designations.

2073 **SECTION 32.** Section 31-7-1, Mississippi Code of 1972, is
2074 amended as follows:

2075 31-7-1. The following terms are defined for the purposes of
2076 this chapter to have the following meanings:

2077 (a) "Agency" means any state board, commission,
2078 committee, council, university, department or unit thereof created
2079 by the Constitution or statutes if such board, commission,
2080 committee, council, university, department, unit or the head
2081 thereof is authorized to appoint subordinate staff by the
2082 Constitution or statute, except a legislative or judicial board,
2083 commission, committee, council, department or unit thereof; except
2084 a charter school authorized by the Mississippi Charter School
2085 Authorizer Board or any other charter school authorizing entity
2086 under the provisions of Section 37-28-7; and except the
2087 Mississippi State Port Authority; except the Mississippi School of
2088 the Arts (MSA) established in Section 37-140-1 et seq. for the



2089 sole purpose of the application of the term "agency" as it
2090 pertains to the Public Procurement Review Board's powers and
2091 responsibilities as defined in Section 27-104-7(2) (a), but without
2092 application to the use of the term within this chapter, effective
2093 July 1, 2020; and except the Mississippi School for the Blind and
2094 the Mississippi School for the Deaf (MSBD) for the sole purpose of
2095 the application of the term "agency" as it pertains to the Public
2096 Procurement Review Board's powers and responsibilities as defined
2097 in Section 27-104-7(2) (a), but without application to the use of
2098 the term within this chapter, effective July 1, 2021. An academic
2099 medical center or health sciences school as defined in Section
2100 37-115-50 is not an "agency" for those purchases of commodities as
2101 defined in this section that are used for clinical purposes and
2102 (i) intended for use in the diagnosis of disease or other
2103 conditions or in the cure, mitigation, treatment or prevention of
2104 disease, and (ii) medical devices, biological, drugs and radiation
2105 emitting devices as defined by the United States Food and Drug
2106 Administration.

2107 (b) "Governing authority" means boards of supervisors,
2108 governing boards of all school districts, all boards of directors
2109 of public water supply districts, boards of directors of master
2110 public water supply districts, municipal public utility
2111 commissions, governing authorities of all municipalities, port
2112 authorities, Mississippi State Port Authority, commissioners and
2113 boards of trustees of any public hospitals, boards of trustees of



2114 public library systems, district attorneys, school attendance
2115 officers and any political subdivision of the state supported
2116 wholly or in part by public funds of the state or political
2117 subdivisions thereof, including commissions, boards and agencies
2118 created or operated under the authority of any county or
2119 municipality of this state. The term "governing authority" shall
2120 not include economic development authorities supported in part by
2121 private funds, or commissions appointed to hold title to and
2122 oversee the development and management of lands and buildings
2123 which are donated by private individuals to the public for the use
2124 and benefit of the community and which are supported in part by
2125 private funds. The term "governing authority" also shall not
2126 include the governing board of a charter school. The term
2127 "governing authority" also shall not include the Mississippi
2128 School of the Arts established in Section 37-140-1 et seq., for
2129 the sole purpose of the application of the term "agency" as it
2130 pertains to the Public Procurement Review Board's powers and
2131 responsibilities as defined in Section 27-104-7(2) (a), but without
2132 application to the use of the term within this chapter, effective
2133 July 1, 2020. The term "governing authority" also shall not
2134 include the Mississippi School for the Blind and the Mississippi
2135 School for the Deaf (MSBD) for the sole purpose of the application
2136 of the term "governing authority" as it pertains to the Public
2137 Procurement Review Board's powers and responsibilities as defined



2138 in Section 27-104-7(2) (a), but without application to the use of
2139 the term within this chapter, effective July 1, 2021.

2140 (c) "Purchasing agent" means any administrator,
2141 superintendent, purchase clerk or other chief officer so
2142 designated having general or special authority to negotiate for
2143 and make private contract for or purchase for any governing
2144 authority or agency, including issue purchase orders, invitations
2145 for bid, requests for proposals, and receive and accept bids.

2146 (d) "Public funds" means and includes any appropriated
2147 funds, special funds, fees or any other emoluments received by an
2148 agency or governing authority.

2149 (e) "Commodities" means and includes the various
2150 commodities, goods, merchandise, furniture, equipment, automotive
2151 equipment of every kind, and other personal property purchased by
2152 the agencies of the state and governing authorities, but not
2153 commodities purchased for resale or raw materials converted into
2154 products for resale.

2155 (i) "Equipment" shall be construed to include:
2156 automobiles, trucks, tractors, office appliances and all other
2157 equipment of every kind and description.

2158 (ii) "Furniture" shall be construed to include:
2159 desks, chairs, tables, seats, filing cabinets, bookcases and all
2160 other items of a similar nature as well as dormitory furniture,
2161 appliances, carpets and all other items of personal property
2162 generally referred to as home, office or school furniture.



2163 (f) "Emergency" means any circumstances caused by fire,
2164 flood, explosion, storm, earthquake, epidemic, riot, insurrection
2165 or caused by any inherent defect due to defective construction, or
2166 when the immediate preservation of order or of public health is
2167 necessary by reason of unforeseen emergency, or when the immediate
2168 restoration of a condition of usefulness of any public building,
2169 equipment, road or bridge appears advisable, or in the case of a
2170 public utility when there is a failure of any machine or other
2171 thing used and useful in the generation, production or
2172 distribution of electricity, water or natural gas, or in the
2173 transportation or treatment of sewage; or when the delay incident
2174 to obtaining competitive bids could cause adverse impact upon the
2175 governing authorities or agency, its employees or its citizens; or
2176 in the case of a public airport, when the delay incident to
2177 publishing an advertisement for competitive bids would endanger
2178 public safety in a specific (not general) manner, result in or
2179 perpetuate a specific breach of airport security, or prevent the
2180 airport from providing specific air transportation services.

2181 (g) "Construction" means the process of building,
2182 altering, improving, renovating or demolishing a public structure,
2183 public building, or other public real property. It does not
2184 include routine operation, routine repair or regularly scheduled
2185 maintenance of existing public structures, public buildings or
2186 other public real property.



2187 (h) "Purchase" means buying, renting, leasing or
2188 otherwise acquiring.

2189 (i) "Certified purchasing office" means any purchasing
2190 office in which fifty percent (50%) or more of the purchasing
2191 agents hold a certification from the Universal Public Purchasing
2192 Certification Council or other nationally recognized purchasing
2193 certification, and in which, in the case of a state agency
2194 purchasing office, in addition to the national certification, one
2195 hundred percent (100%) of the purchasing officials hold a
2196 certification from the State of Mississippi's Basic or Advanced
2197 Purchasing Certification Program.

2198 (j) "Certified Mississippi Purchasing Agent" means a
2199 state agency purchasing official who holds a certification from
2200 the Mississippi Basic Purchasing Certification Program as
2201 established by the Office of Purchasing, Travel and Fleet
2202 Management.

2203 (k) "Certified Mississippi Procurement Manager" means a
2204 state agency purchasing official who holds a certification from
2205 the Mississippi Advanced Purchasing Certification Program as
2206 established by the Office of Purchasing, Travel and Fleet
2207 Management.

2208 **SECTION 33.** Section 37-3-51, Mississippi Code of 1972, is
2209 amended as follows:

2210 37-3-51. (1) Upon the conviction of any licensed personnel,
2211 as defined in Section 37-9-1, employed by a public school district



2212 or any person employed by a charter or private elementary or
2213 secondary school in a position that requires licensure in the
2214 public school districts, of any felony, or of a sex offense as
2215 defined in subsection (2) of this section, the district attorney
2216 or other prosecuting attorney shall identify those defendants for
2217 the circuit clerk. Each circuit clerk shall provide the State
2218 Department of Education with notice of the conviction of any such
2219 personnel of a felony or a sex offense. In addition, if the
2220 convicted person is an employee of a charter school, the circuit
2221 clerk must provide the same notice to the Mississippi Charter
2222 School Authorizer Board or the appropriate entity empowered under
2223 the provisions of Section 37-28-7 to authorize charter schools.

2224 (2) "Sex offense" shall mean any of the following offenses:

2225 (a) Section 97-3-65, Mississippi Code of 1972, relating
2226 to the carnal knowledge of a child under fourteen (14) years of
2227 age;

2228 (b) Section 97-3-95, Mississippi Code of 1972, relating
2229 to sexual battery;

2230 (c) Section 97-5-21, Mississippi Code of 1972, relating
2231 to seduction of a child under age eighteen (18);

2232 (d) Section 97-5-23, Mississippi Code of 1972, relating
2233 to the touching of a child for lustful purposes;

2234 (e) Section 97-5-27, Mississippi Code of 1972, relating
2235 to the dissemination of sexually oriented material to children;



2236 (f) Section 97-5-33, Mississippi Code of 1972, relating
2237 to the exploitation of children;

2238 (g) Section 97-5-41, Mississippi Code of 1972, relating
2239 to the carnal knowledge of a stepchild, adopted child, or child of
2240 a cohabitating partner;

2241 (h) Section 97-29-59, Mississippi Code of 1972,
2242 relating to unnatural intercourse; or

2243 (i) Any other offense committed in another jurisdiction
2244 which, if committed in this state, would be deemed to be such a
2245 crime without regard to its designation elsewhere.

2246 (3) In addition, the State Department of Education is
2247 considered to be the employer of such personnel for purposes of
2248 requesting criminal record background checks.

2249 **SECTION 34.** Section 37-17-1, Mississippi Code of 1972, is
2250 amended as follows:

2251 37-17-1. (1) The power and authority to prescribe standards
2252 for the accreditation of noncharter public schools, to insure
2253 compliance with such standards and to establish procedures for the
2254 accreditation of noncharter public schools is hereby vested in the
2255 State Board of Education. The board shall, by orders placed upon
2256 its minutes, adopt all necessary rules and regulations to
2257 effectuate the purposes of this chapter and shall provide, through
2258 the State Department of Education, for the necessary personnel for
2259 the enforcement of standards so established.



2260 (2) A charter school authorized by * * * a charter school
2261 authorizing entity under the provisions of Section 37-28-7 must be
2262 granted accreditation by the State Board of Education based solely
2263 on the approval of the school by the authorizer. If * * * an
2264 authorizer, at any time, revokes a school's charter, the State
2265 Board of Education shall withdraw the accreditation of the charter
2266 school immediately.

2267 **SECTION 35.** Section 37-21-3, Mississippi Code of 1972, is
2268 amended as follows:

2269 37-21-3. (1) No person shall act in the capacity of master
2270 teacher, teacher or assistant teacher in any federal or
2271 state-funded program of early childhood education or "Head Start,"
2272 or perform any of the functions, duties or powers of the same,
2273 unless that person shall be qualified in the following manner:

2274 (a) A master teacher or any other employee or
2275 consultant receiving a salary or fee equivalent to that of a
2276 master teacher shall meet the qualifications of a teacher in this
2277 section, including the requirement that a teacher may be required
2278 to hold a state teaching license by the State Department of
2279 Education, and have demonstrated effectiveness as an early
2280 childhood educator. Effectiveness as an early childhood educator
2281 may be demonstrated by a rating of highly effective on a state
2282 evaluation of teaching, if available, or with evidence that the
2283 teacher has a record of raising the achievement outcomes of
2284 prekindergarten students.



2285 (b) A teacher shall possess a bachelor's degree in
2286 early childhood education, child development, or an equivalent
2287 field. A teacher may also possess a bachelor's degree in any
2288 field as well as have at least twelve (12) credit hours of
2289 coursework in early childhood education, child development, or an
2290 equivalent field approved by an institution granting a bachelor's
2291 degree in the early childhood education, child development, or an
2292 equivalent field; or have a bachelor's degree in any field as well
2293 as have completed a specialized early childhood training program
2294 deemed equivalent by the State Department of Education to twelve
2295 (12) hours of approved coursework.

2296 (c) An assistant teacher shall possess an associate's
2297 degree in early childhood education, child development, or an
2298 equivalent field; or an associate's degree in any field and a
2299 Child Development Associate credential, a Montessori
2300 certification, or an equivalent certification. Public school
2301 assistant teachers in the voluntary prekindergarten program
2302 established by the Early Learning Collaborative Act of 2013 may be
2303 required by the State Department of Education to meet the
2304 definition of a highly qualified paraprofessional in addition to
2305 these requirements.

2306 The State Department of Education shall adopt any necessary
2307 rules, policies or procedures to implement this section.

2308 (2) Persons employed as a teacher, assistant teacher or in
2309 any other capacity in a prekindergarten or early childhood



2310 education program in a charter school authorized by * * * a
2311 charter school authorizing entity under the provisions of Section
2312 37-28-7 are exempt from the requirements of this section.

2313 **SECTION 36.** Section 37-41-1, Mississippi Code of 1972, is
2314 amended as follows:

2315 37-41-1. The State Board of Education is authorized,
2316 empowered and directed to promulgate rules and regulations
2317 relating to the transportation of students enrolled in the public
2318 school districts, including rules and regulations for:

2319 (a) Setting standards for public school district bus
2320 routes;

2321 (b) Setting standards for public school district buses;

2322 (c) Setting standards for public school district bus
2323 drivers;

2324 (d) Formulating procedure for selecting public school
2325 district bus drivers;

2326 (e) Formulating courses of training for public school
2327 district bus drivers and mechanics, and assist in administering
2328 and financing such courses;

2329 (f) Providing operation procedure for public school
2330 district buses to insure safety of pupils;

2331 (g) Formulating specifications for use in purchasing
2332 public school district buses; getting bids on public school
2333 district buses; equipment and supplies; and fixing prices based



2334 upon said bids which school districts may not exceed in purchasing
2335 said equipment;

2336 (h) Formulating specifications for use by school
2337 districts in purchasing used school buses; and

2338 (i) Providing a system of records and reports for the
2339 purpose of carrying out the provisions of Sections 37-41-1 through
2340 37-41-51, and providing the superintendent of schools with a
2341 sufficient supply of report forms.

2342 All rules and regulations adopted and promulgated by the
2343 State Board of Education relating to school district bus drivers
2344 shall also be applicable to drivers of privately owned buses
2345 transporting public school district children.

2346 All rules and regulations adopted and promulgated by the
2347 State Board of Education pursuant to the authority conferred by
2348 this section shall be spread at large upon the minutes of the
2349 State Board of Education and copies thereof shall be furnished to
2350 all school boards not less than thirty (30) days prior to the
2351 effective date of such rules and regulations.

2352 The provisions of this chapter are applicable to school
2353 districts and the transportation of students enrolled in public
2354 school districts. Charter schools authorized by * * * a charter
2355 school authorizing entity under the provisions of Section 37-28-7
2356 are exempt from the provisions of this chapter.

2357 **SECTION 37.** Section 37-151-5, Mississippi Code of 1972, is
2358 amended as follows:



2359 37-151-5. As used in Sections 37-151-5 and 37-151-7:
2360 (a) "Adequate program" or "adequate education program"
2361 or "Mississippi Adequate Education Program (MAEP)" shall mean the
2362 program to establish adequate current operation funding levels
2363 necessary for the programs of such school district to meet at
2364 least a successful Level III rating of the accreditation system as
2365 established by the State Board of Education using current
2366 statistically relevant state assessment data.

2367 (b) "Educational programs or elements of programs not
2368 included in the adequate education program calculations, but which
2369 may be included in appropriations and transfers to school
2370 districts" shall mean:

2371 (i) "Capital outlay" shall mean those funds used
2372 for the constructing, improving, equipping, renovating or major
2373 repairing of school buildings or other school facilities, or the
2374 cost of acquisition of land whereon to construct or establish such
2375 school facilities.

2376 (ii) "Pilot programs" shall mean programs of a
2377 pilot or experimental nature usually designed for special purposes
2378 and for a specified period of time other than those included in
2379 the adequate education program.

2380 (iii) "Adult education" shall mean public
2381 education dealing primarily with students above eighteen (18)
2382 years of age not enrolled as full-time public school students and



2383 not classified as students of technical schools, colleges or
2384 universities of the state.

2385 (iv) "Food service programs" shall mean those
2386 programs dealing directly with the nutritional welfare of the
2387 student, such as the school lunch and school breakfast programs.

2388 (c) "Base student" shall mean that student
2389 classification that represents the most economically educated
2390 pupil in a school system meeting the definition of successful, as
2391 determined by the State Board of Education.

2392 (d) "Base student cost" shall mean the funding level
2393 necessary for providing an adequate education program for one (1)
2394 base student, subject to any minimum amounts prescribed in Section
2395 37-151-7(1).

2396 (e) "Add-on program costs" shall mean those items which
2397 are included in the adequate education program appropriations and
2398 are outside of the program calculations:

2399 (i) "Transportation" shall mean transportation to
2400 and from public schools for the students of Mississippi's public
2401 schools provided for under law and funded from state funds.

2402 (ii) "Vocational or technical education program"
2403 shall mean a secondary vocational or technical program approved by
2404 the State Department of Education and provided for from state
2405 funds.

2406 (iii) "Special education program" shall mean a
2407 program for exceptional children as defined and authorized by



2408 Sections 37-23-1 through 37-23-9, and approved by the State
2409 Department of Education and provided from state funds.

2410 (iv) "Gifted education program" shall mean those
2411 programs for the instruction of intellectually or academically
2412 gifted children as defined and provided for in Section 37-23-175
2413 et seq.

2414 (v) "Alternative school program" shall mean those
2415 programs for certain compulsory-school-age students as defined and
2416 provided for in Sections 37-13-92 and 37-19-22.

2417 (vi) "Extended school year programs" shall mean
2418 those programs authorized by law which extend beyond the normal
2419 school year.

2420 (vii) "University-based programs" shall mean those
2421 university-based programs for handicapped children as defined and
2422 provided for in Section 37-23-131 et seq.

2423 (viii) "Bus driver training" programs shall mean
2424 those driver training programs as provided for in Section 37-41-1.

2425 (f) "Teacher" shall include any employee of a local
2426 school who is required by law to obtain a teacher's license from
2427 the State Board of Education and who is assigned to an
2428 instructional area of work as defined by the State Department of
2429 Education.

2430 (g) "Principal" shall mean the head of an attendance
2431 center or division thereof.



2432 (h) "Superintendent" shall mean the head of a school
2433 district.

2434 (i) "School district" shall mean any type of school
2435 district in the State of Mississippi, and shall include
2436 agricultural high schools.

2437 (j) "Minimum school term" shall mean a term of at least
2438 one hundred eighty (180) days of school in which both teachers and
2439 pupils are in regular attendance for scheduled classroom
2440 instruction for not less than sixty-three percent (63%) of the
2441 instructional day, as fixed by the local school board for each
2442 school in the school district. It is the intent of the
2443 Legislature that any tax levies generated to produce additional
2444 local funds required by any school district to operate school
2445 terms in excess of one hundred seventy-five (175) days shall not
2446 be construed to constitute a new program for the purposes of
2447 exemption from the limitation on tax revenues as allowed under
2448 Sections 27-39-321 and 37-57-107 for new programs mandated by the
2449 Legislature.

2450 (k) The term "transportation density" shall mean the
2451 number of transported children in average daily attendance per
2452 square mile of area served in a school district, as determined by
2453 the State Department of Education.

2454 (l) The term "transported children" shall mean children
2455 being transported to school who live within legal limits for
2456 transportation and who are otherwise qualified for being



2457 transported to school at public expense as fixed by Mississippi
2458 state law.

2459 (m) The term "year of teaching experience" shall mean
2460 nine (9) months of actual teaching in the public or private
2461 elementary and secondary schools and shall also include nine (9)
2462 months of actual teaching at postsecondary institutions accredited
2463 by the Southern Association of Colleges and Schools (SACS) or
2464 equivalent regional accrediting body for degree-granting
2465 postsecondary institutions. In no case shall more than one (1)
2466 year of teaching experience be given for all services in one (1)
2467 calendar or school year. In determining a teacher's experience,
2468 no deduction shall be made because of the temporary absence of the
2469 teacher because of illness or other good cause, and the teacher
2470 shall be given credit therefor. Beginning with the 2003-2004
2471 school year, the State Board of Education shall fix a number of
2472 days, not to exceed forty-five (45) consecutive school days,
2473 during which a teacher may not be under contract of employment
2474 during any school year and still be considered to have been in
2475 full-time employment for a regular scholastic term. If a teacher
2476 exceeds the number of days established by the State Board of
2477 Education that a teacher may not be under contract but may still
2478 be employed, that teacher shall not be credited with a year of
2479 teaching experience. In determining the experience of school
2480 librarians, each complete year of continuous, full-time employment
2481 as a professional librarian in a public library in this or some



2482 other state shall be considered a year of teaching experience. If
2483 a full-time school administrator returns to actual teaching in the
2484 public schools, the term "year of teaching experience" shall
2485 include the period of time he or she served as a school
2486 administrator. In determining the salaries of teachers who have
2487 experience in any branch of the military, the term "year of
2488 teaching experience" shall include each complete year of actual
2489 classroom instruction while serving in the military. In
2490 determining the experience of speech-language pathologists and
2491 audiologists, each complete year of continuous full-time post
2492 master's degree employment in an educational setting in this or
2493 some other state shall be considered a year of teaching
2494 experience. Provided, however, that school districts are
2495 authorized, in their discretion, to negotiate the salary levels
2496 applicable to certificated employees employed after July 1, 2009,
2497 who are receiving retirement benefits from the retirement system
2498 of another state, and the annual experience increment provided in
2499 Section 37-19-7 shall not be applicable to any such retired
2500 certificated employee.

2501 (n) (i) The term "average daily attendance" shall be
2502 the figure which results when the total aggregate full-day
2503 attendance during the period or months counted is divided by the
2504 number of days during the period or months counted upon which both
2505 teachers and pupils are in regular attendance for scheduled
2506 classroom instruction, * * * less the average daily attendance for



2507 self-contained special education classes. For purposes of
2508 determining and reporting attendance, a pupil must be present for
2509 at least sixty-three percent (63%) of the instructional day, as
2510 fixed by the local school board for each school in the school
2511 district, in order to be considered in full-day attendance. Prior
2512 to full implementation of the adequate education program the
2513 department shall deduct the average daily attendance for the
2514 alternative school program provided for in Section 37-19-22.

2515 (ii) [Repealed]

2516 (o) The term "local supplement" shall mean the amount
2517 paid to an individual teacher over and above the adequate
2518 education program salary schedule for regular teaching duties.

2519 (p) The term "aggregate amount of support from ad
2520 valorem taxation" shall mean the amounts produced by the
2521 district's total tax levies for operations.

2522 (q) The term "adequate education program funds" shall
2523 mean all funds, both state and local, constituting the
2524 requirements for meeting the cost of the adequate program as
2525 provided for in Section 37-151-7.

2526 (r) "Department" shall mean the State Department of
2527 Education.

2528 (s) "Commission" shall mean the Mississippi Commission
2529 on School Accreditation created under Section 37-17-3.

2530 (t) The term "successful school district" shall mean a
2531 Level III school district as designated by the State Board of



2532 Education using current statistically relevant state assessment
2533 data.

2534 (u) "Dual enrollment-dual credit programs" shall mean
2535 programs for potential or recent high school student dropouts to
2536 dually enroll in their home high school and a local community
2537 college in a dual credit program consisting of high school
2538 completion coursework and a credential, certificate or degree
2539 program at the community college, as provided in Section
2540 37-15-38(19).

2541 (v) "Charter school" means a public school that is
2542 established and operating under the terms of a charter contract
2543 between the school's governing board and * * * a charter school
2544 authorizing entity under the provisions of Section 37-28-7.

2545 **SECTION 38.** This act shall take effect and be in force from
2546 and after its passage.

