

By: Representative Owen

To: Education

HOUSE BILL NO. 1683
(As Passed the House)

1 AN ACT TO BRING FORWARD SECTIONS 37-28-1, 37-28-3, 37-28-5,
2 37-28-7, 37-28-9, 37-28-11, 37-28-13, 37-28-15, 37-28-17,
3 37-28-19, 37-28-21, 37-28-23, 37-28-25, 37-28-27, 37-28-29,
4 37-28-31, 37-28-33, 37-28-35, 37-28-37, 37-28-39, 37-28-41,
5 37-28-43, 37-28-45, 37-28-49, 37-28-51, 37-28-53, 37-28-55,
6 37-28-57, 37-28-59 AND 37-28-61, MISSISSIPPI CODE OF 1972, WHICH
7 ARE PROVISIONS ESTABLISH THE MISSISSIPPI CHARTER SCHOOL ACT OF
8 2013, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTION
9 37-28-47, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CHARTER SCHOOL
10 EMPLOYEES HAVING SATISFIED ALL THE REQUIREMENTS FOR NATIONAL BOARD
11 CERTIFICATION IN THEIR RESPECTIVE PROFESSIONAL DISCIPLINES, SHALL
12 BE ENTITLED TO A \$6,000.00 ANNUAL SALARY SUPPLEMENT; TO BRING
13 FORWARD SECTION 31-7-1, MISSISSIPPI CODE OF 1972, WHICH IS THE
14 TERMS AND DEFINITIONS SECTION OF THE PUBLIC PURCHASING ACT, FOR
15 THE PURPOSE OF POSSIBLE AMENDMENTS; TO BRING FORWARD SECTION
16 37-3-51, MISSISSIPPI CODE OF 1972, WHICH REQUIRES NOTICE BY THE
17 DISTRICT ATTORNEY OF LICENSED SCHOOL EMPLOYEES WHO ARE CONVICTED
18 OF CERTAIN SEX OFFENSES, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
19 TO BRING FORWARD SECTION 37-17-1, MISSISSIPPI CODE OF 1972, WHICH
20 RELATES TO THE REQUIRED ACCREDITATION OF PUBLIC SCHOOLS, FOR THE
21 PURPOSE OF POSSIBLE AMENDMENTS; TO BRING FORWARD SECTION 37-21-3,
22 MISSISSIPPI CODE OF 1972, WHICH PROVIDE AND EXEMPTIONS FROM
23 CERTAIN QUALIFICATION REQUIREMENTS FOR EDUCATORS AT THE
24 PREKINDERGARTEN OR EARLY CHILDHOOD EDUCATION, FOR THE PURPOSE OF
25 POSSIBLE AMENDMENTS; TO BRING FORWARD SECTION 37-41-1, MISSISSIPPI
26 CODE OF 1972, WHICH RELATES TO THE TRANSPORTATION OF STUDENTS, FOR
27 THE PURPOSE OF POSSIBLE AMENDMENTS; TO BRING FORWARD SECTION
28 37-151-5, MISSISSIPPI CODE OF 1972, WHICH IS THE TERMS AND
29 DEFINITIONS SECTION OF THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM,
30 FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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



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

34 37-28-1. This chapter shall be known and may be cited as the
35 "Mississippi Charter Schools Act of 2013."

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

38 37-28-3. (1) The Legislature finds and declares that the
39 general purposes of the state's charter schools are as follows:

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

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

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

47 (d) To create new professional opportunities for
48 teachers, school administrators and other school personnel which
49 allow them to have a direct voice in the operation of their
50 schools;

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

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



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

59 (h) To encourage the replication of successful charter
60 schools.

61 (2) All charter schools in the state established under this
62 chapter are public schools and are part of the state's public
63 education system.

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

66 **SECTION 3.** Section 37-28-5, Mississippi Code of 1972, is
67 brought forward as follows:

68 37-28-5. As used in this chapter, the following words and
69 phrases have the meanings ascribed in this section unless the
70 context clearly indicates otherwise:

71 (a) "Applicant" means any person or group that develops
72 and submits an application for a charter school to the authorizer.

73 (b) "Application" means a proposal from an applicant to
74 the authorizer to enter into a charter contract whereby the
75 proposed school obtains charter school status.

76 (c) "Authorizer" means the Mississippi Charter School
77 Authorizer Board established under Section 37-28-7 to review
78 applications, decide whether to approve or reject applications,
79 enter into charter contracts with applicants, oversee charter



80 schools, and decide whether to renew, not renew, or revoke charter
81 contracts.

82 (d) "Charter contract" means a fixed-term, renewable
83 contract between a charter school and the authorizer which
84 outlines the roles, powers, responsibilities and performance
85 expectations for each party to the contract.

86 (e) "Charter school" means a public school that is
87 established and operating under the terms of charter contract
88 between the school's governing board and the authorizer. The term
89 "charter school" includes a conversion charter school and start-up
90 charter school.

91 (f) "Conversion charter school" means a charter school
92 that existed as a noncharter public school before becoming a
93 charter school.

94 (g) "Education service provider" means a charter
95 management organization, school design provider or any other
96 partner entity with which a charter school intends to contract for
97 educational design, implementation or comprehensive management.

98 (h) "Governing board" means the independent board of a
99 charter school which is party to the charter contract with the
100 authorizer and whose members have been elected or selected
101 pursuant to the school's application.

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



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

107 (k) "School board" means a school board exercising
108 management and control over a local school district and the
109 schools of that district pursuant to the State Constitution and
110 state statutes.

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

114 (m) "Start-up charter school" means a charter school
115 that did not exist as a noncharter public school before becoming a
116 charter school.

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

119 (o) "Underserved students" means students participating
120 in the federal free lunch program who qualify for at-risk student
121 funding under the Mississippi Adequate Education Program and
122 students who are identified as having special educational needs.

123 **SECTION 4.** Section 37-28-7, Mississippi Code of 1972, is
124 brought forward as follows:

125 37-28-7. (1) There is created the Mississippi Charter
126 School Authorizer Board as a state agency with exclusive
127 chartering jurisdiction in the State of Mississippi. Unless
128 otherwise authorized by law, no other governmental agency or



129 entity may assume any charter authorizing function or duty in any
130 form.

131 (2) (a) The mission of the Mississippi Charter School
132 Authorizer Board is to authorize high-quality charter schools,
133 particularly schools designed to expand opportunities for
134 underserved students, consistent with the purposes of this
135 chapter. Subject to the restrictions and conditions prescribed in
136 this subsection, the Mississippi Charter School Authorizer Board
137 may authorize charter schools within the geographical boundaries
138 of any school district.

139 (b) The Mississippi Charter School Authorizer Board may
140 approve a maximum of fifteen (15) qualified charter applications
141 during a fiscal year.

142 (c) In any school district designated as an "A," "B" or
143 "C" school district by the State Board of Education under the
144 accreditation rating system at the time of application, the
145 Mississippi Charter School Authorizer Board may authorize charter
146 schools only if a majority of the members of the local school
147 board votes at a public meeting to endorse the application or to
148 initiate the application on its own initiative.

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

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



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

157 (c) One (1) member appointed by the State
158 Superintendent of Public Education.

159 All appointments must be made with the advice and consent of
160 the Senate. In making the appointments, the appointing authority
161 shall ensure diversity among members of the Mississippi Charter
162 School Authorizer Board.

163 (4) Members appointed to the Mississippi Charter School
164 Authorizer Board collectively must possess strong experience and
165 expertise in public and nonprofit governance, management and
166 finance, public school leadership, assessment, curriculum and
167 instruction, and public education law. Each member of the
168 Mississippi Charter School Authorizer Board must have demonstrated
169 an understanding of and commitment to charter schooling as a
170 strategy for strengthening public education.

171 (5) To establish staggered terms of office, the initial term
172 of office for the three (3) Mississippi Charter School Authorizer
173 Board members appointed by the Governor shall be four (4) years
174 and thereafter shall be three (3) years; the initial term of
175 office for the three (3) members appointed by the Lieutenant
176 Governor shall be three (3) years and thereafter shall be three
177 (3) years; and the initial term of office for the member appointed
178 by the State Superintendent of Public Education shall be two (2)



179 years and thereafter shall be three (3) years. No member may
180 serve more than two (2) consecutive terms. The initial
181 appointments must be made before September 1, 2013.

182 (6) The Mississippi Charter School Authorizer Board shall
183 meet as soon as practical after September 1, 2013, upon the call
184 of the Governor, and shall organize for business by selecting a
185 chairman and adopting bylaws. Subsequent meetings shall be called
186 by the chairman.

187 (7) An individual member of the Mississippi Charter School
188 Authorizer Board may be removed by the board if the member's
189 personal incapacity renders the member incapable or unfit to
190 discharge the duties of the office or if the member is absent from
191 a number of meetings of the board, as determined and specified by
192 the board in its bylaws. Whenever a vacancy on the Mississippi
193 Charter School Authorizer Board exists, the original appointing
194 authority shall appoint a member for the remaining portion of the
195 term.

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

200 (9) The Mississippi Charter School Authorizer Board shall
201 appoint an individual to serve as the Executive Director of the
202 Mississippi Charter School Authorizer Board. The executive
203 director shall possess the qualifications established by the board



204 which are based on national best practices, and shall possess an
205 understanding of state and federal education law. The executive
206 director, who shall serve at the will and pleasure of the board,
207 shall devote his full time to the proper administration of the
208 board and the duties assigned to him by the board and shall be
209 paid a salary established by the board, subject to the approval of
210 the State Personnel Board. Subject to the availability of
211 funding, the executive director may employ such administrative
212 staff as may be necessary to assist the director and board in
213 carrying out the duties and directives of the Mississippi Charter
214 School Authorizer Board.

215 (10) The Mississippi Charter School Authorizer Board is
216 authorized to obtain suitable office space for administrative
217 purposes. In acquiring a facility or office space, the authorizer
218 board shall adhere to all policies and procedures required by the
219 Department of Finance and Administration and the Public
220 Procurement Review Board.

221 **SECTION 5.** Section 37-28-9, Mississippi Code of 1972, is
222 brought forward as follows:

223 37-28-9. (1) The authorizer is responsible for exercising,
224 in accordance with this chapter, the following powers and duties:

225 (a) Developing chartering policies and maintaining
226 practices consistent with nationally recognized principles and
227 standards for quality charter authorizing in all major areas of
228 authorizing responsibility, including:



229 (i) Organizational capacity and infrastructure;
230 (ii) Solicitation and evaluation of charter
231 applications;
232 (iii) Performance contracting;
233 (iv) Ongoing charter school oversight and
234 evaluation; and
235 (v) Charter renewal decision-making;
236 (b) Approving quality charter applications that meet
237 identified educational needs and promote a diversity of
238 educational choices;
239 (c) Declining to approve weak or inadequate charter
240 applications;
241 (d) Negotiating and executing charter contracts with
242 approved charter schools;
243 (e) Monitoring, in accordance with charter contract
244 terms, the performance and legal compliance of charter schools;
245 (f) Determining whether each charter contract merits
246 renewal, nonrenewal or revocation; and
247 (g) Applying for any federal funds that may be
248 available for the implementation of charter school programs.
249 (2) The authorizer shall carry out all its duties under this
250 chapter in a manner consistent with nationally recognized
251 principles and standards and with the spirit and intent of this
252 act.



253 (3) The authorizer may delegate its duties to the executive
254 director and general counsel.

255 (4) Regulation by the authorizer shall be limited to those
256 powers and duties prescribed in this section and all others
257 prescribed by law, consistent with the spirit and intent of this
258 chapter.

259 (5) Except in the case of gross negligence or reckless
260 disregard of the safety and well-being of another person, the
261 authorizer, members of the authorizer board in their official
262 capacity, and employees of the authorizer in their official
263 capacity are immune from civil liability with respect to all
264 activities related to a charter school approved by the authorizer.

265 **SECTION 6.** Section 37-28-11, Mississippi Code of 1972, is
266 brought forward as follows:

267 37-28-11. (1) To cover the costs of overseeing charter
268 schools in accordance with this chapter, the authorizer shall
269 receive three percent (3%) of annual per-pupil allocations
270 received by a charter school from state and local funds for each
271 charter school it authorizes.

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



276 (3) The authorizer may expend its resources, seek grant
277 funds and establish partnerships to support its charter school
278 authorizing activities.

279 **SECTION 7.** Section 37-28-13, Mississippi Code of 1972, is
280 brought forward as follows:

281 37-28-13. (1) Upon request, the State Department of
282 Education shall assist the Mississippi Charter School Authorizer
283 Board with implementing the authorizer's decisions by providing
284 such technical assistance and information as may be necessary for
285 the implementation of this chapter.

286 (2) Before July 1 of each year, the authorizer shall publish
287 a pamphlet, which may be in electronic form, containing:

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

290 (b) Any rules, regulations and policies adopted by the
291 State Superintendent of Public Education, the State Board of
292 Education or the State Department of Education with which charter
293 schools must comply by virtue of the applicability to charter
294 schools, as well as other public schools, of the state law to
295 which those relevant rules, regulations and policies pertain; and

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



299 The Mississippi Charter School Authorizer Board shall make
300 the pamphlet available to the public on the board's website and
301 shall notify all prospective applicants of the pamphlet.

302 **SECTION 8.** Section 37-28-15, Mississippi Code of 1972, is
303 brought forward as follows:

304 37-28-15. (1) To solicit, encourage and guide the
305 development of quality charter school applications, the authorizer
306 shall issue and publicize a request for proposals before September
307 1 of each year; however, during 2013, the authorizer shall issue
308 and publicize a request for proposals before December 1. The
309 content and dissemination of the request for proposals must be
310 consistent with the purposes and requirements of this chapter.

311 (2) The authorizer annually shall establish and disseminate
312 a statewide timeline for charter approval or denial decisions.

313 (3) The authorizer's request for proposals must include the
314 following:

315 (a) A clear statement of any preferences the authorizer
316 wishes to grant to applications intended to help underserved
317 students;

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

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



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

327 (4) In addition to all other requirements, the request for
328 proposals must require charter applications to provide or describe
329 thoroughly all of the following mandatory elements of the proposed
330 school plan:

331 (a) An executive summary;

332 (b) The mission and vision of the proposed charter
333 school, including identification of the targeted student
334 population and the community the school hopes to serve;

335 (c) The location or geographic area proposed for the
336 school;

337 (d) The grades to be served each year for the full term
338 of the charter contract;

339 (e) Minimum, planned and maximum enrollment per grade
340 per year for the term of the charter contract;

341 (f) Evidence of need and community support for the
342 proposed charter school;

343 (g) Background information, including proof of United
344 States citizenship, on the applicants, the proposed founding
345 governing board members and, if identified, members of the
346 proposed school leadership and management team. The background
347 information must include annual student achievement data,



348 disaggregated by subgroup, for every school under the current or
349 prior management of each board member and leadership team member;

350 (h) The school's proposed calendar, including the
351 proposed opening and closing dates for the school term, and a
352 sample daily schedule. The school must be kept in session no less
353 than the minimum number of school days established for all public
354 schools in Section 37-13-63;

355 (i) A description of the school's academic program,
356 aligned with state standards;

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

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

365 (l) The school's plan for identifying and successfully
366 serving students with disabilities (including all of the school's
367 proposed policies pursuant to the Individuals with Disabilities
368 Education Improvement Act of 2004, 20 USCS Section 1400 et seq.,
369 Section 504 of the Rehabilitation Act of 1973, 29 USCS Section
370 794, and Title 11 of the Americans with Disabilities Act, 42 USCS
371 Section 12101 et seq., and the school's procedures for securing
372 and providing evaluations and related services pursuant to federal



373 law), students who are English language learners, students who are
374 academically behind, and gifted students, including, but not
375 limited to, compliance with any applicable laws and regulations;

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

378 (n) Plans and timelines for student recruitment and
379 enrollment, including lottery policies and procedures that ensure
380 that every student has an equal opportunity to be considered in
381 the lottery and that the lottery is equitable, randomized,
382 transparent and impartial so that students are accepted in a
383 charter school without regard to disability, income level, race,
384 religion or national origin;

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

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

393 (q) A clear description of the roles and
394 responsibilities of the governing board, education service
395 provider, school leadership team, management team and all other
396 entities shown in the organizational chart;



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

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

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

404 (u) Proposed governing bylaws;

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

407 (w) The school's plans for providing transportation,
408 food service and all other significant operational or ancillary
409 services;

410 (x) Opportunities and expectations for parent
411 involvement;

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

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

416 (aa) A description of the insurance coverage the school
417 will obtain;

418 (bb) Start-up and five-year budgets with clearly stated
419 assumptions;

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



422 (dd) A disclosure of all sources of private funding and
423 all funds from foreign sources, including gifts from foreign
424 governments, foreign legal entities and domestic entities
425 affiliated with either foreign governments or foreign legal
426 entities. For the purposes of this paragraph, the term "foreign"
427 means a country or jurisdiction outside of any state or territory
428 of the United States;

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

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

433 (5) In the case of an application to establish a charter
434 school by converting an existing noncharter public school to
435 charter school status, the request for proposals additionally
436 shall require the applicant to demonstrate support for the
437 proposed charter school conversion by a petition signed by a
438 majority of teachers or a majority of parents of students in the
439 existing noncharter public school, or by a majority vote of the
440 local school board or, in the case of schools in districts under
441 state conservatorship, by the State Board of Education.

442 (6) In the case of a proposed charter school that intends to
443 contract with an education service provider for substantial
444 educational services, management services or both types of
445 services, the request for proposals additionally shall require the
446 applicant to:



447 (a) Provide evidence of the education service
448 provider's success in serving student populations similar to the
449 targeted population, including demonstrated academic achievement
450 as well as successful management of nonacademic school functions,
451 if applicable;

452 (b) Provide a term sheet setting forth: the proposed
453 duration of the service contract; roles and responsibilities of
454 the governing board, the school staff and the education service
455 provider; the scope of services and resources to be provided by
456 the education service provider; performance evaluation measures
457 and timelines; the compensation structure, including clear
458 identification of all fees to be paid to the education service
459 provider; methods of contract oversight and enforcement;
460 investment disclosure; and conditions for renewal and termination
461 of the contract;

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

465 (d) Background information, including proof of United
466 States citizenship, on the principal individuals affiliated with
467 the education service provider.

468 (7) In the case of a charter school proposal from an
469 applicant that currently operates one or more schools in any state
470 or nation, the request for proposals additionally shall require
471 the applicant to provide evidence of past performance and current



472 capacity for growth. The applicant shall be required to submit
473 clear evidence that it has produced statistically significant
474 gains in student achievement or consistently produced proficiency
475 levels as measured on state achievement tests.

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

478 37-28-17. (1) The following are the purposes of a charter
479 application:

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

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

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

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

488 **SECTION 10.** Section 37-28-19, Mississippi Code of 1972, is
489 brought forward as follows:

490 37-28-19. (1) In reviewing and evaluating charter
491 applications, the authorizer shall employ procedures, practices
492 and criteria consistent with nationally recognized principles and
493 standards for quality charter authorizing. The application review
494 process must include thorough evaluation of each written charter
495 application and in-person interview with the applicant group.



496 (2) In deciding whether to approve charter applications, the
497 authorizer must:

498 (a) Grant charters only to applicants that have
499 provided evidence of competence in each element of the
500 authorizer's published approval criteria, and in the case of an
501 applicant that currently operates one or more schools in any state
502 or nation, clear evidence that the management or leadership team
503 of the charter school or schools currently operated by the
504 applicant has produced statistically significant gains in student
505 achievement or consistently produced proficiency levels as
506 measured on state achievement test;

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

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

512 (3) Before the expiration of one hundred eighty (180) days
513 after the filing of a charter application, the authorizer must
514 approve or deny the charter application; however, an application
515 submitted by a public historically black college or university
516 (HBCU), in partnership with a national nonprofit public HBCU
517 support organization, for a charter school to be operated on or
518 near the campus of the HBCU must be considered for expedited
519 approval by the authorizer. The authorizer shall adopt by



520 resolution all charter approval or denial decisions in an open
521 meeting of the authorizer board.

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

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

528 (6) Before the expiration of ten (10) days after taking
529 action to approve or deny a charter application, the authorizer
530 shall provide a report to the applicant. The report must include
531 a copy of the authorizer's resolution setting forth the action
532 taken and reasons for the decision and assurances as to compliance
533 with all of the procedural requirements and application elements
534 set forth in this chapter.

535 **SECTION 11.** Section 37-28-21, Mississippi Code of 1972, is
536 brought forward as follows:

537 37-28-21. (1) The authorizer shall grant an initial charter
538 to each qualified applicant for a term of five (5) operating
539 years. The term of the charter shall commence on the charter
540 school's first day of operation. An approved charter school may
541 delay its opening for one (1) school year in order to plan and
542 prepare for the school's opening. If the school requires an
543 opening delay of more than one (1) school year, the school must
544 request an extension from the authorizer. The authorizer may



545 grant or deny the extension depending on the particular school's
546 circumstances.

547 (2) (a) The authorizer and the governing board of the
548 approved charter school shall execute a charter contract that
549 clearly sets forth the academic and operational performance
550 expectations and measures by which the charter school will be
551 judged and the administrative relationship between the authorizer
552 and charter school, including each party's rights and duties. The
553 performance expectations and measures set forth in the charter
554 contract must include, but need not be limited to, applicable
555 federal and state accountability requirements. The performance
556 provisions may be refined or amended by mutual agreement after the
557 charter school is operating and has collected baseline achievement
558 data for its enrolled students.

559 (b) The charter contract must be signed by the chairman
560 of the authorizer board and the president of the charter school's
561 governing board.

562 (c) A charter school may not commence operations
563 without a charter contract executed in accordance with this
564 section and approved in an open meeting of the authorizer board.

565 (3) The authorizer may establish reasonable preopening
566 requirements or conditions to monitor the start-up progress of a
567 newly approved charter school and to ensure that the school is
568 prepared to open smoothly on the date agreed and that the school



569 meets all building, health, safety, insurance and other legal
570 requirements before the school's opening.

571 **SECTION 12.** Section 37-28-23, Mississippi Code of 1972, is
572 brought forward as follows:

573 37-28-23. (1) A charter school must be open to:

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

576 (b) Any student who resides in the geographical
577 boundaries of a school district that was rated "C," "D" or "F" at
578 the time the charter school was approved by the authorizer board,
579 or who resides in the geographical boundaries of a school district
580 rated "C," or "D" or "F" at the time the student enrolls.

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

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

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

592 (5) The underserved student composition of a charter
593 school's enrollment collectively must reflect that of students of



594 all ages attending the school district in which the charter school
595 is located, to be defined for the purposes of this chapter as
596 being at least eighty percent (80%) of that population. If the
597 underserved student composition of an applicant's or charter
598 school's enrollment is less than eighty percent (80%) of the
599 enrollment of students of all ages in the school district in which
600 the charter school is located, despite the school's best efforts,
601 the authorizer must consider the applicant's or charter school's
602 recruitment efforts and the underserved student composition of the
603 applicant pool in determining whether the applicant or charter
604 school is operating in a nondiscriminatory manner. A finding by
605 the authorizer that a charter school is operating in a
606 discriminatory manner justifies the revocation of a charter.

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

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

613 (8) (a) Any noncharter public school or part of a
614 noncharter public school converting to a charter school shall
615 adopt and maintain a policy giving an enrollment preference to
616 students who reside within the former attendance area of that
617 public school. If the charter school has excess capacity after
618 enrolling students residing within the former attendance area of



619 the school, students outside of the former attendance area of the
620 school, but within the geographical boundaries of the school
621 district in which the charter school is located, are eligible for
622 enrollment. If the number of students applying for admission
623 exceeds the capacity of a program, class, grade level or building
624 of the charter school, the charter school must admit students on
625 the basis of a lottery.

626 (b) A charter school must give an enrollment preference
627 to students enrolled in the charter school during the preceding
628 school year and to siblings of students already enrolled in the
629 charter school. An enrollment preference for returning students
630 excludes those students from entering into a lottery.

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

636 (d) A charter school shall give an enrollment
637 preference to underserved children as defined in Section 37-28-5
638 to ensure the charter school meets its required underserved
639 student composition.

640 (e) This section does not preclude the formation of a
641 charter school whose mission is focused on serving students with
642 disabilities, students of the same gender, students who pose such
643 severe disciplinary problems that they warrant a specific



644 educational program, or students who are at risk of academic
645 failure. If capacity is insufficient to enroll all students who
646 wish to attend the school, the charter school must select students
647 through a lottery.

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

650 37-28-25. If a student previously enrolled in a charter
651 school enrolls in another public school in this state, the
652 student's new school must accept credits earned by the student in
653 courses or instructional programs at the charter school in a
654 uniform and consistent manner and according to the same criteria
655 that are used to accept academic credits from other public
656 schools.

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

659 37-28-27. A school district must provide or publicize to
660 parents and the general public information about charter schools
661 as an enrollment option within the district to the same extent and
662 through the same means that the district provides and publicizes
663 information about noncharter public schools in the district.

664 **SECTION 15.** Section 37-28-29, Mississippi Code of 1972, is
665 brought forward as follows:

666 37-28-29. (1) The performance provisions within a charter
667 contract must be based on a performance framework that clearly
668 sets forth the academic and operational performance indicators,



669 measures and metrics that will guide the authorizer's evaluations
670 of the charter school. The performance framework must include
671 indicators, measures and metrics, at a minimum, for the following:

- 672 (a) Student academic proficiency;
- 673 (b) Student academic growth;
- 674 (c) Achievement gaps in both proficiency and growth
675 between major student subgroups;
- 676 (d) Attendance;
- 677 (e) Recurrent enrollment from year to year;
- 678 (f) In-school and out-of-school suspension rates and
679 expulsion rates;
- 680 (g) For charter high schools, postsecondary readiness,
681 including the percentage of graduates submitting applications to
682 postsecondary institutions, high school completion, postsecondary
683 admission and postsecondary enrollment or employment;
- 684 (h) Financial performance and sustainability; and
- 685 (i) Board performance and stewardship, including
686 compliance with all applicable laws, regulations and terms of the
687 charter contract.

688 (2) The charter contract of each charter school serving
689 Grades 9-12 must include a provision ensuring that graduation
690 requirements meet or exceed those set by the Mississippi
691 Department of Education for a regular high school diploma.
692 Nothing in this section shall preclude competency-based
693 satisfaction of graduation requirements.



694 (3) Annual performance targets must be set by each charter
695 school in conjunction with the authorizer and must be designed to
696 help each school meet applicable federal, state and authorizer
697 expectations.

698 (4) The performance framework must allow the inclusion of
699 additional rigorous, valid and reliable indicators proposed by a
700 charter school to augment external evaluations of its performance;
701 however, the authorizer must approve the quality and rigor of any
702 indicators proposed by a charter school, which indicators must be
703 consistent with the purposes of this chapter.

704 (5) The performance framework must require the
705 disaggregation of all student performance data by major student
706 subgroups (gender, race, poverty status, special education status,
707 English learner status and gifted status).

708 (6) The authorizer shall collect, analyze and report all
709 data from state assessments in accordance with the performance
710 framework for each charter school. Multiple schools overseen by a
711 single governing board must report their performance as separate,
712 individual schools, and each school must be held independently
713 accountable for its performance.

714 (7) Information needed by the authorizer from the charter
715 school governing board for the authorizer's reports must be
716 required and included as a material part of the charter contract.

717 **SECTION 16.** Section 37-28-31, Mississippi Code of 1972, is
718 brought forward as follows:



719 37-28-31. (1) The authorizer shall monitor annually the
720 performance and legal compliance of each charter school it
721 oversees, including collecting and analyzing data to support the
722 school's evaluation according to the charter contract. The
723 authorizer may conduct or require oversight activities that enable
724 the authorizer to fulfill its responsibilities under this chapter,
725 including conducting appropriate inquiries and investigations, so
726 long as those activities are consistent with the intent of this
727 act, adhere to the terms of the charter contract and do not unduly
728 inhibit the autonomy granted to charter schools.

729 (2) As part of its annual report to the Legislature, the
730 authorizer shall publish and provide a performance report for each
731 charter school it oversees in accordance with the performance
732 framework set forth in the charter contract. The report must be
733 made available to the public at the same time as it is submitted
734 to the Legislature. The authorizer may require each charter
735 school it oversees to submit an annual report to assist the
736 authorizer in gathering complete information about each school,
737 consistent with the performance framework.

738 (3) If a charter school's performance or legal compliance is
739 unsatisfactory, the authorizer shall notify promptly the charter
740 school of the problem and provide reasonable opportunity for the
741 school to remedy the problem unless the problem warrants
742 revocation, in which case the revocation timeframes will apply.



743 (4) The authorizer may take appropriate corrective actions
744 or exercise sanctions in response to apparent deficiencies in a
745 charter school's performance or legal compliance. If warranted,
746 the actions or sanctions may include requiring a charter school to
747 develop and execute a corrective action plan within a specified
748 timeframe.

749 **SECTION 17.** Section 37-28-33, Mississippi Code of 1972, is
750 brought forward as follows:

751 37-28-33. (1) A charter may be renewed for successive
752 five-year terms of duration. The authorizer may grant renewal
753 with specific conditions for necessary improvements to a charter
754 school and may lessen the renewal term based on the performance,
755 demonstrated capacities and particular circumstances of each
756 charter school.

757 (2) Before September 30, the authorizer shall issue a
758 charter school performance report and charter renewal application
759 guidance to any charter school whose charter will expire the
760 following year. The performance report must summarize the charter
761 school's performance record to date, based on the data required by
762 this chapter and the charter contract, and must provide notice of
763 any weaknesses or concerns perceived by the authorizer which may
764 jeopardize the charter school's position in seeking renewal if not
765 timely rectified. The charter school must respond and submit any
766 corrections or clarifications for the performance report within
767 ninety (90) days after receiving the report.



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

770 (a) Present additional evidence, beyond the data
771 contained in the performance report, supporting its case for
772 charter renewal;

773 (b) Describe improvements undertaken or planned for the
774 school; and

775 (c) Detail the school's plans for the next charter
776 term.

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

782 (5) Before February 1, the governing board of a charter
783 school seeking renewal shall submit a renewal application to the
784 authorizer pursuant to the charter renewal application guidance
785 issued by the authorizer. The authorizer shall adopt a resolution
786 ruling on the renewal application no later than ninety (90) days
787 after the filing of the renewal application.

788 (6) In making each charter renewal decision, the authorizer
789 must:

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



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

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

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

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

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

806 (c) Failed to meet generally accepted standards of
807 fiscal management; or

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

810 (8) The authorizer shall develop revocation and nonrenewal
811 processes that:

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

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



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

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

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

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

827 (9) Notwithstanding any provision to the contrary, the
828 authorizer may not renew the charter of any charter school that,
829 during the school's final operating year under the term of the
830 charter contract, is designated an "F" school under the school
831 accreditation rating system.

832 (10) If the authorizer revokes or does not renew a charter,
833 the authorizer must state clearly, in a resolution of adopted by
834 the authorizer board, the reasons for the revocation or
835 nonrenewal.

836 (11) Within ten (10) days after taking action to renew, not
837 renew or revoke a charter, the authorizer shall provide a report
838 to the charter school. The report must include a copy of the
839 authorizer board's resolution setting forth the action taken,
840 reasons for the board's decision and assurances as to compliance
841 with all of the requirements set forth in this chapter.



842 **SECTION 18.** Section 37-28-35, Mississippi Code of 1972, is
843 brought forward as follows:

844 37-28-35. (1) Before implementing a charter school closure
845 decision, the authorizer must develop a charter school closure
846 protocol to ensure timely notification to parents, orderly
847 transition of students and student records to new schools, and
848 proper disposition of school funds, property and assets in
849 accordance with the requirements of this chapter. The protocol
850 must specify tasks, timelines and responsible parties, including
851 delineating the respective duties of the school and the
852 authorizer. If a charter school is to be closed for any reason,
853 the authorizer shall oversee and work with the closing school to
854 ensure a smooth and orderly closure and transition for students
855 and parents, as guided by the closure protocol.

856 (2) If a charter school closes, all unspent government
857 funds, unspent earnings from those funds and assets purchased with
858 government funds must revert to the local school district in which
859 the charter school is located. Unless otherwise provided for in
860 the charter or a debt instrument, unspent funds from
861 nongovernmental sources, unspent earnings from those funds, assets
862 purchased with those funds and debts of the school must revert to
863 the nonprofit entity created to operate the school and may be
864 disposed of according to applicable laws for nonprofit
865 corporations.



866 **SECTION 19.** Section 37-28-37, Mississippi Code of 1972, is
867 brought forward as follows:

868 37-28-37. (1) Before October 1 of each year, beginning in
869 the year that the state has had at least one (1) charter school
870 operating for a full school year, the Mississippi Charter School
871 Authorizer Board shall issue to the Governor, Legislature, State
872 Board of Education and the public an annual report on the state's
873 charter schools for the preceding school year. The report must
874 include a comparison of the performance of charter school students
875 with the performance of academically, ethnically and economically
876 comparable groups of students in the school district in which a
877 charter school is located. In addition, the report must include
878 the authorizer's assessment of the successes, challenges and areas
879 for improvement in meeting the purposes of this chapter. The
880 report also must include an assessment on whether the number and
881 size of operating charter schools are sufficient to meet demand,
882 as calculated according to admissions data and the number of
883 students denied enrollment based on lottery results. The report
884 due from the authorizer under this section must be coordinated
885 with reports due from charter school governing boards, as near as
886 possible, to decrease or eliminate duplication.

887 (2) The Joint Legislative Committee on Performance
888 Evaluation and Expenditure Review (PEER) shall prepare an annual
889 report assessing the sufficiency of funding for charter schools,
890 the efficacy of the state formula for authorizer funding, and any



891 suggested changes in state law or policy necessary to strengthen
892 the state's charter schools.

893 **SECTION 20.** Section 37-28-39, Mississippi Code of 1972, is
894 brought forward as follows:

895 37-28-39. (1) Notwithstanding any provision of law to the
896 contrary, to the extent that any provision of this chapter is
897 inconsistent with any other state or local law, rule or
898 regulation, the provisions of this act govern and are controlling.

899 (2) A charter school and any education service provider
900 which provides comprehensive management for a charter school must
901 be a nonprofit education organization.

902 (3) A charter school is subject to all federal laws and
903 authorities specified in this chapter or agreed upon with the
904 authorizer in the charter contract, where such contracting is
905 consistent with applicable laws, rules and regulations.

906 (4) To the extent approved by the authorizer, a charter
907 contract may consist of one or more schools. Each charter school
908 that is part of a charter contract must be separate and distinct
909 from any other charter school.

910 (5) A single governing board may hold one or more charter
911 contracts.

912 (6) A charter school must function as a local educational
913 agency, and as such, a charter school is responsible for meeting
914 the requirements of local educational agencies under applicable
915 federal laws, including those relating to special education,



916 receipt of funds and compliance with funding requirements. Status
917 as a local educational agency, however, does not preclude a
918 charter school from developing, by mutual agreement or formal
919 contract, links with the local school district for services,
920 resources and programs.

921 **SECTION 21.** Section 37-28-41, Mississippi Code of 1972, is
922 brought forward as follows:

923 37-28-41. A charter school may exercise those powers
924 necessary for carrying out the terms of its charter contract,
925 including the following powers:

926 (a) To receive and disburse funds authorized by law for
927 school purposes;

928 (b) To secure appropriate insurance and to enter into
929 contracts and leases;

930 (c) To contract with an education service provider for
931 the management and operation of the charter school so long as the
932 school's governing board retains oversight authority over the
933 school;

934 (d) To solicit and accept any gifts or grants for
935 school purposes subject to applicable laws and the terms of its
936 charter contract;

937 (e) To acquire real property for use as its facility or
938 facilities, from public or private sources; and

939 (f) To sue and be sued in its own name.



940 **SECTION 22.** Section 37-28-43, Mississippi Code of 1972, is
941 brought forward as follows:

942 37-28-43. (1) A charter school may not discriminate against
943 any person on the basis of race, creed, color, sex, disability,
944 national origin or any other category that would be unlawful if
945 done by a noncharter public school.

946 (2) A charter school may not engage in any sectarian
947 practices in its educational program, admissions or employment
948 policies or operations.

949 (3) A charter school may not discriminate against any
950 student on the basis of national origin, minority status or
951 limited proficiency in English. Consistent with federal civil
952 rights laws, charter schools must provide limited English
953 proficient students with appropriate services designed to teach
954 them English and the general curriculum.

955 (4) A charter school may not charge tuition.

956 (5) The terms of each charter school must include a
957 transportation plan for students attending the charter school.

958 (6) Subject to the approval of the authorizer, a charter
959 school may contract with an accredited online course provider for
960 the delivery of virtual courses to students enrolled in the
961 charter school.

962 (7) Except to the extent authorized under paragraph (c) of
963 Section 37-28-41, the powers, obligations and responsibilities set



964 forth in the charter contract may not be delegated or assigned by
965 either party.

966 **SECTION 23.** Section 37-28-45, Mississippi Code of 1972, is
967 brought forward as follows:

968 37-28-45. (1) Charter schools are subject to the same civil
969 rights, health and safety requirements applicable to noncharter
970 public schools in the state, except as otherwise specifically
971 provided in this chapter.

972 (2) Charter schools are subject to the student assessment
973 and accountability requirements applicable to noncharter public
974 schools in the state; however, this requirement does not preclude
975 a charter school from establishing additional student assessment
976 measures that go beyond state requirements if the authorizer
977 approves those measures.

978 (3) Although a charter school is geographically located
979 within the boundaries of a particular school district and enrolls
980 students who reside within the school district, the charter school
981 may not be considered a school within that district under the
982 purview of the school district's school board. The rules,
983 regulations, policies and procedures established by the school
984 board for the noncharter public schools that are in the school
985 district in which the charter school is geographically located do
986 not apply to the charter school unless otherwise required under
987 the charter contract or any contract entered into between the
988 charter school governing board and the local school board.



989 (4) Whenever the provisions of Title 37, Mississippi Code of
990 1972, relating to the elementary and secondary education of public
991 school students establish a requirement for or grant authority to
992 local school districts, their school boards and the schools within
993 the respective school districts, the language "school districts,"
994 "school boards," "boards of trustees," "the schools within a
995 school district," or any other similar phraseology does not
996 include a charter school and the governing board of a charter
997 school unless the statute specifically is made applicable to
998 charter schools as well as noncharter public schools.

999 (5) A charter school is not subject to any rule, regulation,
1000 policy or procedure adopted by the State Board of Education or the
1001 State Department of Education unless otherwise required by the
1002 authorizer or in the charter contract.

1003 (6) Charter schools are not exempt from the following
1004 statutes:

1005 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1006 which relate to open meetings of public bodies.

1007 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1008 which relate to public access to public records.

1009 (c) Section 37-3-51, which requires notice by the
1010 district attorney of licensed school employees who are convicted
1011 of certain sex offenses.

1012 (d) Section 37-3-53, which requires publication of the
1013 Mississippi Report Card by the State Board of Education.



1014 (e) Section 37-11-18, which requires the automatic
1015 expulsion of a student possessing a weapon or controlled substance
1016 on educational property.

1017 (f) Section 37-11-18.1, which requires expulsion of
1018 certain habitually disruptive students.

1019 (g) Section 37-11-19, which requires suspension or
1020 expulsion of a student who damages school property.

1021 (h) Section 37-11-20, which prohibits acts of
1022 intimidation intended to keep a student from attending school.

1023 (i) Section 37-11-21, which prohibits parental abuse of
1024 school staff.

1025 (j) Section 37-11-23, which prohibits the willful
1026 disruption of school and school meetings.

1027 (k) Sections 37-11-29 and 37-11-31, which relate to
1028 reporting requirements regarding unlawful or violent acts on
1029 school property.

1030 (l) Section 37-11-67, which prohibits bullying or
1031 harassing behavior in public schools.

1032 (m) Section 37-13-3, which prohibits doctrinal,
1033 sectarian or denominational teaching in public schools.

1034 (n) Sections 37-13-5 and 37-13-6, which require the
1035 flags of the United States and the State of Mississippi to be
1036 displayed near the school building.



1037 (o) Section 37-13-63(1), which prescribes the minimum
1038 number of days which public schools must be kept in session during
1039 a scholastic year.

1040 (p) Section 37-13-91, which is the Mississippi
1041 Compulsory School Attendance Law.

1042 (q) Section 37-13-171(2) and (4), which requires any
1043 course containing sex-related education to include instruction in
1044 abstinence-only or abstinence-plus education.

1045 (r) Section 37-13-173, which requires notice to parents
1046 before instruction on human sexuality is provided in public
1047 classrooms.

1048 (s) Section 37-13-193, which relates to civil rights
1049 and human rights education in the public schools.

1050 (t) Sections 37-15-1 and 37-15-3, which relate to the
1051 maintenance and transfer of permanent student records in public
1052 schools.

1053 (u) Section 37-15-6, which requires the State
1054 Department of Education to maintain a record of expulsions from
1055 the public schools.

1056 (v) Section 37-15-9, which establishes minimum age
1057 requirements for kindergarten and first grade enrollment in public
1058 schools.

1059 (w) Section 37-15-11, which requires a parent, legal
1060 guardian or custodian to accompany a child seeking enrollment in a
1061 public school.



1062 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,
1063 which relate to the statewide assessment testing program.

1064 (y) Section 37-18-1, which establishes the
1065 Superior-Performing Schools Program and Exemplary Schools Program
1066 to recognize public schools that improve.

1067 **SECTION 24.** Section 37-28-47, Mississippi Code of 1972, is
1068 amended as follows:

1069 37-28-47. (1) (a) Charter schools must comply with
1070 applicable federal laws, rules and regulations regarding the
1071 qualification of teachers and other instructional staff. No more
1072 than twenty-five percent (25%) of teachers in a charter school may
1073 be exempt from state teacher licensure requirements.
1074 Administrators of charter schools are exempt from state
1075 administrator licensure requirements. However, teachers and
1076 administrators must have a bachelor's degree as a minimum
1077 requirement, and teachers must have demonstrated subject-matter
1078 competency. Within three (3) years of a teacher's employment by a
1079 charter school, the teacher must have, at a minimum, alternative
1080 licensure approved by the Commission on Teacher and Administrator
1081 Education, Certification and Licensure and Development.

1082 (b) A charter school may not staff positions for
1083 teachers, administrators, ancillary support personnel or other
1084 employees by utilizing or otherwise relying on nonimmigrant
1085 foreign worker visa programs. However, a charter school may
1086 submit a request to the authorizer for an exception allowing the



1087 employment of a nonimmigrant foreign worker before the worker is
1088 employed. The authorizer may grant permission for the employment
1089 of the nonimmigrant foreign worker only if the charter school
1090 makes a satisfactory showing of efforts to recruit lawful
1091 permanent residents of the United States to fill the position and
1092 a lack of qualified applicants to fill the position.

1093 (2) Employees in charter schools must have the same general
1094 rights and privileges as other public school employees, except
1095 such employees are not:

1096 (a) Covered under the Education Employment Procedures
1097 Law (Section 37-9-103); and

1098 (b) Subject to the state salary requirements prescribed
1099 in Section 37-19-7.

1100 (3) For the purpose of eligibility for participation in the
1101 Public Employees' Retirement System, a public charter school is
1102 considered to be a political subdivision of the state. Employees
1103 in public charter schools are eligible for participation in other
1104 benefits programs if the public charter school governing board
1105 chooses to participate.

1106 (4) (a) The following charter school employees shall
1107 receive an annual salary supplement in the amount of Six Thousand
1108 Dollars (\$6,000.00), in addition to any other compensation to
1109 which the charter employee may be entitled:

1110 (i) Any licensed teacher who has met the
1111 requirements and acquired a Master Teacher certificate from the



1112 National Board for Professional Teaching Standards and who is
1113 employed by a charter school as a teacher and not as an
1114 administrator. Such teacher shall submit documentation to the
1115 State Department of Education that the certificate was received
1116 prior to October 15 in order to be eligible for the full salary
1117 supplement in the current school year, or the teacher shall submit
1118 such documentation to the State Department of Education prior to
1119 February 15 in order to be eligible for a prorated salary
1120 supplement beginning with the second term of the school year.

1121 (ii) A licensed nurse who has met the requirements
1122 and acquired a certificate from the National Board for
1123 Certification of School Nurses, Inc., and who is employed by a
1124 charter school as a school nurse and not as an administrator. The
1125 licensed school nurse shall submit documentation to the State
1126 Department of Education that the certificate was received before
1127 October 15 in order to be eligible for the full salary supplement
1128 in the current school year, or the licensed school nurse shall
1129 submit the documentation to the State Department of Education
1130 before February 15 in order to be eligible for a prorated salary
1131 supplement beginning with the second term of the school year.

1132 (iii) Any licensed school counselor who has met
1133 the requirements and acquired a National Certified School
1134 Counselor (NCSC) endorsement from the National Board of Certified
1135 Counselors and who is employed by a charter school as a counselor
1136 and not as an administrator. Such licensed school counselor shall



1137 submit documentation to the State Department of Education that the
1138 endorsement was received prior to October 15 in order to be
1139 eligible for the full salary supplement in the current school
1140 year, or the licensed school counselor shall submit such
1141 documentation to the State Department of Education prior to
1142 February 15 in order to be eligible for a prorated salary
1143 supplement beginning with the second term of the school year.

1144 (iv) Any licensed speech language pathologist and
1145 audiologist who has met the requirements and acquired a
1146 Certificate of Clinical Competence from the American Speech
1147 Language Hearing Association and any certified academic language
1148 therapist (CALT) who has met the certification requirements of the
1149 Academic Language Therapy Association and who is employed by a
1150 local school board. The licensed speech language pathologist and
1151 audiologist and certified academic language therapist shall submit
1152 documentation to the State Department of Education that the
1153 certificate or endorsement was received before October 15 in order
1154 to be eligible for the full salary supplement in the current
1155 school year, or the licensed speech language pathologist and
1156 audiologist and certified academic language therapist shall submit
1157 the documentation to the State Department of Education before
1158 February 15 in order to be eligible for a prorated salary
1159 supplement beginning with the second term of the school year.

1160 (v) Any licensed athletic trainer who has met the
1161 requirements and acquired Board Certification for the Athletic



1162 Trainer from the Board of Certification, Inc., and who is employed
1163 by a charter school as an athletic trainer and not as an
1164 administrator. The licensed athletic trainer shall submit
1165 documentation to the State Department of Education that the
1166 certificate was received before October 15 in order to be eligible
1167 for the full salary supplement in the current school year, or the
1168 licensed athletic trainer shall submit the documentation to the
1169 State Department of Education before February 15 in order to be
1170 eligible for a prorated salary supplement beginning with the
1171 second term of the school year.

1172 (vi) An occupational therapist who has met the
1173 requirements and acquired initial certification as an Occupational
1174 Therapist Registered from the National Board for Certification in
1175 Occupational Therapy, Inc., and who is employed by a charter
1176 school as an occupational therapist and not an administrator. The
1177 certified occupational therapist shall submit documentation to the
1178 State Department of Education that the certification was received
1179 before October 15 of each year in order to be eligible for the
1180 full salary supplement in the current school year, or the
1181 occupational therapist shall submit the documentation to the State
1182 Department of Education before February 15 of each year in order
1183 to be eligible for a prorated salary supplement beginning with the
1184 second term of the school year.

1185 (vii) Any licensed school psychologist who has met
1186 the requirements and acquired certification as a Nationally



1187 Certified School Psychologist (NCSP) from the National Association
1188 of School Psychologists (NASP), and who is employed by a charter
1189 school as a school psychologist. The licensed school psychologist
1190 shall submit documentation to the State Department of Education
1191 that the certificate was received before October 15 in order to be
1192 eligible for the full salary supplement in the current school
1193 year, or the licensed school psychologist shall submit the
1194 documentation to the State Department of Education before February
1195 15 in order to be eligible for a prorated salary supplement
1196 beginning with the second term of the school year.

1197 (b) A charter school employee shall be reimbursed for
1198 the actual cost of completing each component of acquiring the
1199 certificate or endorsement, excluding any costs incurred for
1200 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
1201 for each component, not to exceed four (4) components, for a
1202 teacher, school counselor or speech language pathologist and
1203 audiologist, regardless of whether or not the process resulted in
1204 the award of the certificate or endorsement. The charter school
1205 governing board or any private individual or entity may pay the
1206 cost of completing the process of acquiring the certificate or
1207 endorsement for any employee of the school district described
1208 under paragraph (a), and the State Department of Education shall
1209 reimburse the charter school for such cost, regardless of whether
1210 or not the process resulted in the award of the certificate or
1211 endorsement. If a private individual or entity has paid the cost



1212 of completing the process of acquiring the certificate or
1213 endorsement for an employee, the charter school may agree to
1214 directly reimburse the individual or entity for such cost on
1215 behalf of the employee.

1216 (c) All salary supplements and process reimbursement
1217 authorized under this subsection shall be paid directly by the
1218 State Department of Education to the charter school and shall be
1219 in addition to its adequate education program allotments and not a
1220 part thereof in accordance with regulations promulgated by the
1221 State Board of Education. However, an educational employee shall
1222 receive the salary supplement in the amount of Six Thousand
1223 Dollars (\$6,000.00) for only one (1) of the qualifying
1224 certifications authorized under paragraph (a) of this subsection.
1225 No charter school shall provide more than one (1) annual salary
1226 supplement under the provisions of this subsection to any one (1)
1227 individual employee holding multiple qualifying national
1228 certifications.

1229 (d) If an employee for whom such cost has been paid, in
1230 full or in part, by a charter school governing board or private
1231 individual or entity fails to complete the certification or
1232 endorsement process, the employee shall be liable to the charter
1233 school or individual or entity for all amounts paid by the charter
1234 school governing board or individual or entity on behalf of that
1235 employee toward his or her certificate or endorsement.



1236 **SECTION 25.** Section 37-28-49, Mississippi Code of 1972, is
1237 brought forward as follows:

1238 37-28-49. (1) Charter school teachers and other school
1239 personnel, as well as members of the governing board and any
1240 education service provider with whom a charter school contracts,
1241 are subject to criminal history record checks and fingerprinting
1242 requirements applicable to employees of other public schools. The
1243 authorizer shall require that current criminal records background
1244 checks and current child abuse registry checks are obtained, and
1245 that the criminal record information and registry checks are on
1246 file at the charter school for any new hires applying for
1247 employment. In order to determine an applicant's suitability for
1248 employment, the applicant must be fingerprinted. If no
1249 disqualifying record is identified at the state level, the
1250 fingerprints must be forwarded by the Department of Public Safety
1251 to the Federal Bureau of Investigation for a national criminal
1252 history record check. Under no circumstances may a member of the
1253 Mississippi Charter School Authorizer Board, member of the charter
1254 school governing board or any individual other than the subject of
1255 the criminal history record checks disseminate information
1256 received through the checks except as may be required to fulfill
1257 the purposes of this section. The determination whether the
1258 applicant has a disqualifying crime, as set forth in subsection
1259 (2) of this section, must be made by the appropriate state or



1260 federal governmental authority, which must notify the charter
1261 school whether a disqualifying crime exists.

1262 (2) If the fingerprinting or criminal record checks disclose
1263 a felony conviction, guilty plea or plea of nolo contendere to a
1264 felony of possession or sale of drugs, murder, manslaughter, armed
1265 robbery, rape, sexual battery, sex offense listed in Section
1266 45-33-23(g), child abuse, arson, grand larceny, burglary,
1267 gratification of lust or aggravated assault which has not been
1268 reversed on appeal or for which a pardon has not been granted, the
1269 new hire is not eligible to be employed at the charter school.
1270 However, the charter school, in its discretion, may allow any
1271 applicant aggrieved by the employment decision under this section
1272 to show mitigating circumstances that exist and may allow, subject
1273 to the approval of the Mississippi Charter School Authorizer
1274 Board, the new hire to be employed at the school. The authorizer
1275 may approve the employment depending on the mitigating
1276 circumstances, which may include, but need not be limited to: (a)
1277 age at which the crime was committed; (b) circumstances
1278 surrounding the crime; (c) length of time since the conviction and
1279 criminal history since the conviction; (d) work history; (e)
1280 current employment and character references; and (f) other
1281 evidence demonstrating the ability of the person to perform the
1282 employment responsibilities competently and that the person does
1283 not pose a threat to the health or safety of children.



1284 (3) No charter school, charter school employee, member of
1285 the charter school governing board, the Mississippi Charter School
1286 Authorizer Board or member or employee of the Mississippi Charter
1287 School Authorizer Board employee may be held liable in any
1288 employment discrimination suit in which an allegation of
1289 discrimination is made regarding an employment decision authorized
1290 under this section.

1291 (4) A charter school shall terminate any teacher or
1292 administrator for committing one or more of the following acts:

1293 (a) Engaging in unethical conduct relating to an
1294 educator-student relationship as identified by the Mississippi
1295 Charter School Authorizer Board;

1296 (b) Fondling a student as described in Section 97-5-23
1297 or engaging in any type of sexual involvement with a student as
1298 described in Section 97-3-95; or

1299 (c) Failure to report sexual involvement of a charter
1300 school employee with a student as required by Section 97-5-24.

1301 **SECTION 26.** Section 37-28-51, Mississippi Code of 1972, is
1302 brought forward as follows:

1303 37-28-51. A charter school is eligible to participate in
1304 state-sponsored or district-sponsored athletic and academic
1305 interscholastic leagues, competitions, awards, scholarships and
1306 recognition programs for students, educators, administrators and
1307 schools to the same extent as noncharter public schools.



1308 **SECTION 27.** Section 37-28-53, Mississippi Code of 1972, is
1309 brought forward as follows:

1310 37-28-53. (1) Each charter school shall certify annually to
1311 the State Department of Education its student enrollment, average
1312 daily attendance and student participation in the national school
1313 lunch program, special education, vocational education, gifted
1314 education, alternative school program and federal programs in the
1315 same manner as school districts.

1316 (2) Each charter school shall certify annually to the school
1317 board of the school district in which the charter school is
1318 located the number of enrolled charter school students residing in
1319 the school district.

1320 **SECTION 28.** Section 37-28-55, Mississippi Code of 1972, is
1321 brought forward as follows:

1322 37-28-55. (1) (a) The State Department of Education shall
1323 make payments to charter schools for each student in average daily
1324 attendance at the charter school equal to the state share of the
1325 adequate education program payments for each student in average
1326 daily attendance at the school district in which the charter
1327 school is located. In calculating the local contribution for
1328 purposes of determining the state share of the adequate education
1329 program payments, the department shall deduct the pro rata local
1330 contribution of the school district in which the student resides,
1331 to be determined as provided in Section 37-151-7(2) (a).



1332 (b) Payments made pursuant to this subsection by the
1333 State Department of Education must be made at the same time and in
1334 the same manner as adequate education program payments are made to
1335 school districts under Sections 37-151-101 and 37-151-103.
1336 Amounts payable to a charter school must be determined by the
1337 State Department of Education. Amounts payable to a charter
1338 school over its charter term must be based on the enrollment
1339 projections set forth over the term of the charter contract. Such
1340 projections must be reconciled with the average daily attendance
1341 using months two (2) and three (3) ADA for the current year for
1342 which adequate education program funds are being appropriated and
1343 any necessary adjustments must be made to payments during the
1344 school's following year of operation.

1345 (2) For students attending a charter school located in the
1346 school district in which the student resides, the school district
1347 in which a charter school is located shall pay directly to the
1348 charter school an amount for each student enrolled in the charter
1349 school equal to the ad valorem tax receipts and in-lieu payments
1350 received per pupil for the support of the local school district in
1351 which the student resides. The pro rata ad valorem receipts and
1352 in-lieu receipts to be transferred to the charter school shall
1353 include all levies for the support of the local school district
1354 under Sections 37-57-1 (local contribution to the adequate
1355 education program) and 37-57-105 (school district operational
1356 levy) and may not include any taxes levied for the retirement of



1357 the local school district's bonded indebtedness or short-term
1358 notes or any taxes levied for the support of vocational-technical
1359 education programs. The amount of funds payable to the charter
1360 school by the school district must be based on the previous year's
1361 enrollment data and ad valorem receipts and in-lieu receipts of
1362 the local school district in which the student resides. The pro
1363 rata amount must be calculated by dividing the local school
1364 district's months one (1) through nine (9) average daily
1365 membership into the total amount of ad valorem receipts and
1366 in-lieu receipts, as reported to the State Department of Education
1367 by the local school district. The local school district shall pay
1368 an amount equal to this pro rata amount multiplied by the number
1369 of students enrolled in the charter school, based on the charter
1370 school's end of first month enrollment for the current school
1371 year. The amount must be paid by the school district to the
1372 charter school before January 16 of the current fiscal year. If
1373 the local school district does not pay the required amount to the
1374 charter school before January 16, the State Department of
1375 Education shall reduce the local school district's January
1376 transfer of Mississippi Adequate Education Program funds by the
1377 amount owed to the charter school and shall redirect that amount
1378 to the charter school. Any such payments made under this
1379 subsection (2) by the State Department of Education to a charter
1380 school must be made at the same time and in the same manner as



1381 adequate education program payments are made to school districts
1382 under Sections 37-151-101 and 37-151-103.

1383 (3) For students attending a charter school located in a
1384 school district in which the student does not reside, the State
1385 Department of Education shall pay to the charter school in which
1386 the student is enrolled an amount as follows: the pro rata ad
1387 valorem receipts and in-lieu payments per pupil for the support of
1388 the local school district in which the student resides under
1389 Sections 37-57-1 (local contribution to the adequate education
1390 program) and 37-57-105 (school district operational levy),
1391 however, not including any taxes levied for the retirement of the
1392 local school district's bonded indebtedness or short-term notes or
1393 any taxes levied for the support of vocational-technical education
1394 programs. The amount of funds payable to the charter school by
1395 the school district must be based on the previous year's
1396 enrollment data and ad valorem receipts and in-lieu receipts of
1397 the local school district in which the student resides. The pro
1398 rata amount must be calculated by dividing the local school
1399 district's months one (1) through nine (9) average daily
1400 membership into the total amount of ad valorem receipts and
1401 in-lieu receipts, as reported to the State Department of Education
1402 by the transferor local school district. The payable amount shall
1403 be equal to this pro rata amount multiplied by the number of
1404 students enrolled in the charter school, based on the charter
1405 school's end of first month enrollment for the current school



1406 year. The State Department of Education shall reduce the school
1407 district's January transfer of Mississippi Adequate Education
1408 Program funds by the amount owed to the charter school and shall
1409 redirect that amount to the charter school. Any such payments
1410 made under this subsection (3) by the State Department of
1411 Education to a charter school must be made at the same time and in
1412 the same manner as adequate education program payments are made to
1413 school districts under Sections 37-151-101 and 37-151-103.

1414 (4) (a) The State Department of Education shall direct the
1415 proportionate share of monies generated under federal and state
1416 categorical aid programs, including special education, vocational,
1417 gifted and alternative school programs, to charter schools serving
1418 students eligible for such aid. The department shall ensure that
1419 charter schools with rapidly expanding enrollments are treated
1420 equitably in the calculation and disbursement of all federal and
1421 state categorical aid program dollars. Each charter school that
1422 serves students who may be eligible to receive services provided
1423 through such programs shall comply with all reporting requirements
1424 to receive the aid.

1425 (b) A charter school shall pay to a local school
1426 district any federal or state aid attributable to a student with a
1427 disability attending the charter school in proportion to the level
1428 of services for that student which the local school district
1429 provides directly or indirectly.



1430 (c) Subject to the approval of the authorizer, a
1431 charter school and a local school district may negotiate and enter
1432 into a contract for the provision of and payment for special
1433 education services, including, but not necessarily limited to, a
1434 reasonable reserve not to exceed five percent (5%) of the local
1435 school district's total budget for providing special education
1436 services. The reserve may be used by the local school district
1437 only to offset excess costs of providing services to students with
1438 disabilities enrolled in the charter school.

1439 (5) (a) The State Department of Education shall disburse
1440 state transportation funding to a charter school on the same basis
1441 and in the same manner as it is paid to school districts under the
1442 adequate education program.

1443 (b) A charter school may enter into a contract with a
1444 school district or private provider to provide transportation to
1445 the school's students.

1446 (6) The State Department of Education shall disburse
1447 Education Enhancement Funds for classroom supplies, instructional
1448 materials and equipment, including computers and computer software
1449 to all eligible charter school teachers on the same basis and in
1450 the same manner as it is paid to school districts under Section
1451 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
1452 or credentials for a digital solution to eligible teachers.

1453 **SECTION 29.** Section 37-28-57, Mississippi Code of 1972, is
1454 brought forward as follows:



1455 37-28-57. (1) A charter school must adhere to generally
1456 accepted accounting principles.

1457 (2) A charter school shall have its financial records
1458 audited annually, at the end of each fiscal year, either by the
1459 State Auditor or by a certified public accountant approved by the
1460 State Auditor. However, a certified public accountant may not be
1461 selected to perform the annual audit of a charter school if that
1462 accountant previously has audited the charter school for more than
1463 three (3) consecutive years. Certified public accountants must be
1464 selected in a manner determined by the State Auditor. The charter
1465 school shall file a copy of each audit report and accompanying
1466 management letter with the authorizer before October 1.

1467 **SECTION 30.** Section 37-28-59, Mississippi Code of 1972, is
1468 brought forward as follows:

1469 37-28-59. (1) Any monies received by a charter school from
1470 any source remaining in the charter school's accounts at the end
1471 of a budget year must remain in the charter school's accounts for
1472 use by the charter school during subsequent budget years.

1473 (2) Nothing in this chapter may be construed to prohibit any
1474 person or organization from providing funding or other assistance
1475 to the establishment or operation of a charter school. The
1476 governing board of a charter school may accept gifts, donations
1477 and grants of any kind made to the charter school and may expend
1478 or use such gifts, donations and grants in accordance with the
1479 conditions prescribed by the donor; however, a gift, donation or



1480 grant may not be accepted if it is subject to a condition that is
1481 contrary to any provision of law or term of the charter contract.

1482 (3) A charter school must disclose publicly all sources of
1483 private funding and all funds received from foreign sources,
1484 including gifts from foreign governments, foreign legal entities
1485 and domestic entities affiliated with either foreign governments
1486 or foreign legal entities. For the purposes of this subsection,
1487 the term "foreign" means a country or jurisdiction outside of any
1488 state or territory of the United States.

1489 **SECTION 31.** Section 37-28-61, Mississippi Code of 1972, is
1490 brought forward as follows:

1491 37-28-61. (1) A charter school has a right of first refusal
1492 to purchase or lease at or below fair market value a closed public
1493 school facility or property or unused portions of a public school
1494 facility or property in the school district in which the charter
1495 school is located if the school district decides to sell or lease
1496 the public school facility or property. If a conversion charter
1497 school application is successful, the local school district owning
1498 the conversion charter school's facility must offer to lease or
1499 sell the building to the conversion charter school at or below
1500 fair market value.

1501 (2) A charter school may negotiate and contract at or below
1502 fair market value with a school district, state institution of
1503 higher learning, public community or junior college, or any other



1504 public or for-profit or nonprofit private entity for the use of a
1505 facility for a school building.

1506 (3) Public entities, including, but not limited to,
1507 libraries, community service organizations, museums, performing
1508 arts venues, theatres, cinemas, churches, community and junior
1509 colleges, colleges and universities, may provide space to charter
1510 schools within their facilities under their preexisting zoning and
1511 land use designations.

1512 **SECTION 32.** Section 31-7-1, Mississippi Code of 1972, is
1513 brought forward as follows:

1514 31-7-1. The following terms are defined for the purposes of
1515 this chapter to have the following meanings:

1516 (a) "Agency" means any state board, commission,
1517 committee, council, university, department or unit thereof created
1518 by the Constitution or statutes if such board, commission,
1519 committee, council, university, department, unit or the head
1520 thereof is authorized to appoint subordinate staff by the
1521 Constitution or statute, except a legislative or judicial board,
1522 commission, committee, council, department or unit thereof; except
1523 a charter school authorized by the Mississippi Charter School
1524 Authorizer Board; and except the Mississippi State Port Authority;
1525 except the Mississippi School of the Arts (MSA) established in
1526 Section 37-140-1 et seq. for the sole purpose of the application
1527 of the term "agency" as it pertains to the Public Procurement
1528 Review Board's powers and responsibilities as defined in Section



1529 27-104-7(2) (a), but without application to the use of the term
1530 within this chapter, effective July 1, 2020; and except the
1531 Mississippi School for the Blind and the Mississippi School for
1532 the Deaf (MSBD) for the sole purpose of the application of the
1533 term "agency" as it pertains to the Public Procurement Review
1534 Board's powers and responsibilities as defined in Section
1535 27-104-7(2) (a), but without application to the use of the term
1536 within this chapter, effective July 1, 2021. An academic medical
1537 center or health sciences school as defined in Section 37-115-50
1538 is not an "agency" for those purchases of commodities as defined
1539 in this section that are used for clinical purposes and (i)
1540 intended for use in the diagnosis of disease or other conditions
1541 or in the cure, mitigation, treatment or prevention of disease,
1542 and (ii) medical devices, biological, drugs and radiation emitting
1543 devices as defined by the United States Food and Drug
1544 Administration.

1545 (b) "Governing authority" means boards of supervisors,
1546 governing boards of all school districts, all boards of directors
1547 of public water supply districts, boards of directors of master
1548 public water supply districts, municipal public utility
1549 commissions, governing authorities of all municipalities, port
1550 authorities, Mississippi State Port Authority, commissioners and
1551 boards of trustees of any public hospitals, boards of trustees of
1552 public library systems, district attorneys, school attendance
1553 officers and any political subdivision of the state supported



1554 wholly or in part by public funds of the state or political
1555 subdivisions thereof, including commissions, boards and agencies
1556 created or operated under the authority of any county or
1557 municipality of this state. The term "governing authority" shall
1558 not include economic development authorities supported in part by
1559 private funds, or commissions appointed to hold title to and
1560 oversee the development and management of lands and buildings
1561 which are donated by private individuals to the public for the use
1562 and benefit of the community and which are supported in part by
1563 private funds. The term "governing authority" also shall not
1564 include the governing board of a charter school. The term
1565 "governing authority" also shall not include the Mississippi
1566 School of the Arts established in Section 37-140-1 et seq., for
1567 the sole purpose of the application of the term "agency" as it
1568 pertains to the Public Procurement Review Board's powers and
1569 responsibilities as defined in Section 27-104-7(2) (a), but without
1570 application to the use of the term within this chapter, effective
1571 July 1, 2020. The term "governing authority" also shall not
1572 include the Mississippi School for the Blind and the Mississippi
1573 School for the Deaf (MSBD) for the sole purpose of the application
1574 of the term "governing authority" as it pertains to the Public
1575 Procurement Review Board's powers and responsibilities as defined
1576 in Section 27-104-7(2) (a), but without application to the use of
1577 the term within this chapter, effective July 1, 2021.



1578 (c) "Purchasing agent" means any administrator,
1579 superintendent, purchase clerk or other chief officer so
1580 designated having general or special authority to negotiate for
1581 and make private contract for or purchase for any governing
1582 authority or agency, including issue purchase orders, invitations
1583 for bid, requests for proposals, and receive and accept bids.

1584 (d) "Public funds" means and includes any appropriated
1585 funds, special funds, fees or any other emoluments received by an
1586 agency or governing authority.

1587 (e) "Commodities" means and includes the various
1588 commodities, goods, merchandise, furniture, equipment, automotive
1589 equipment of every kind, and other personal property purchased by
1590 the agencies of the state and governing authorities, but not
1591 commodities purchased for resale or raw materials converted into
1592 products for resale.

1593 (i) "Equipment" shall be construed to include:
1594 automobiles, trucks, tractors, office appliances and all other
1595 equipment of every kind and description.

1596 (ii) "Furniture" shall be construed to include:
1597 desks, chairs, tables, seats, filing cabinets, bookcases and all
1598 other items of a similar nature as well as dormitory furniture,
1599 appliances, carpets and all other items of personal property
1600 generally referred to as home, office or school furniture.

1601 (f) "Emergency" means any circumstances caused by fire,
1602 flood, explosion, storm, earthquake, epidemic, riot, insurrection



1603 or caused by any inherent defect due to defective construction, or
1604 when the immediate preservation of order or of public health is
1605 necessary by reason of unforeseen emergency, or when the immediate
1606 restoration of a condition of usefulness of any public building,
1607 equipment, road or bridge appears advisable, or in the case of a
1608 public utility when there is a failure of any machine or other
1609 thing used and useful in the generation, production or
1610 distribution of electricity, water or natural gas, or in the
1611 transportation or treatment of sewage; or when the delay incident
1612 to obtaining competitive bids could cause adverse impact upon the
1613 governing authorities or agency, its employees or its citizens; or
1614 in the case of a public airport, when the delay incident to
1615 publishing an advertisement for competitive bids would endanger
1616 public safety in a specific (not general) manner, result in or
1617 perpetuate a specific breach of airport security, or prevent the
1618 airport from providing specific air transportation services.

1619 (g) "Construction" means the process of building,
1620 altering, improving, renovating or demolishing a public structure,
1621 public building, or other public real property. It does not
1622 include routine operation, routine repair or regularly scheduled
1623 maintenance of existing public structures, public buildings or
1624 other public real property.

1625 (h) "Purchase" means buying, renting, leasing or
1626 otherwise acquiring.



1627 (i) "Certified purchasing office" means any purchasing
1628 office in which fifty percent (50%) or more of the purchasing
1629 agents hold a certification from the Universal Public Purchasing
1630 Certification Council or other nationally recognized purchasing
1631 certification, and in which, in the case of a state agency
1632 purchasing office, in addition to the national certification, one
1633 hundred percent (100%) of the purchasing officials hold a
1634 certification from the State of Mississippi's Basic or Advanced
1635 Purchasing Certification Program.

1636 (j) "Certified Mississippi Purchasing Agent" means a
1637 state agency purchasing official who holds a certification from
1638 the Mississippi Basic Purchasing Certification Program as
1639 established by the Office of Purchasing, Travel and Fleet
1640 Management.

1641 (k) "Certified Mississippi Procurement Manager" means a
1642 state agency purchasing official who holds a certification from
1643 the Mississippi Advanced Purchasing Certification Program as
1644 established by the Office of Purchasing, Travel and Fleet
1645 Management.

1646 **SECTION 33.** Section 37-3-51, Mississippi Code of 1972, is
1647 brought forward as follows:

1648 37-3-51. (1) Upon the conviction of any licensed personnel,
1649 as defined in Section 37-9-1, employed by a public school district
1650 or any person employed by a charter or private elementary or
1651 secondary school in a position that requires licensure in the



1652 public school districts, of any felony, or of a sex offense as
1653 defined in subsection (2) of this section, the district attorney
1654 or other prosecuting attorney shall identify those defendants for
1655 the circuit clerk. Each circuit clerk shall provide the State
1656 Department of Education with notice of the conviction of any such
1657 personnel of a felony or a sex offense. In addition, if the
1658 convicted person is an employee of a charter school, the circuit
1659 clerk must provide the same notice to the Mississippi Charter
1660 School Authorizer Board.

1661 (2) "Sex offense" shall mean any of the following offenses:

1662 (a) Section 97-3-65, Mississippi Code of 1972, relating
1663 to the carnal knowledge of a child under fourteen (14) years of
1664 age;

1665 (b) Section 97-3-95, Mississippi Code of 1972, relating
1666 to sexual battery;

1667 (c) Section 97-5-21, Mississippi Code of 1972, relating
1668 to seduction of a child under age eighteen (18);

1669 (d) Section 97-5-23, Mississippi Code of 1972, relating
1670 to the touching of a child for lustful purposes;

1671 (e) Section 97-5-27, Mississippi Code of 1972, relating
1672 to the dissemination of sexually oriented material to children;

1673 (f) Section 97-5-33, Mississippi Code of 1972, relating
1674 to the exploitation of children;



1675 (g) Section 97-5-41, Mississippi Code of 1972, relating
1676 to the carnal knowledge of a stepchild, adopted child, or child of
1677 a cohabitating partner;

1678 (h) Section 97-29-59, Mississippi Code of 1972,
1679 relating to unnatural intercourse; or

1680 (i) Any other offense committed in another jurisdiction
1681 which, if committed in this state, would be deemed to be such a
1682 crime without regard to its designation elsewhere.

1683 (3) In addition, the State Department of Education is
1684 considered to be the employer of such personnel for purposes of
1685 requesting criminal record background checks.

1686 **SECTION 34.** Section 37-17-1, Mississippi Code of 1972, is
1687 brought forward as follows:

1688 37-17-1. (1) The power and authority to prescribe standards
1689 for the accreditation of noncharter public schools, to insure
1690 compliance with such standards and to establish procedures for the
1691 accreditation of noncharter public schools is hereby vested in the
1692 State Board of Education. The board shall, by orders placed upon
1693 its minutes, adopt all necessary rules and regulations to
1694 effectuate the purposes of this chapter and shall provide, through
1695 the State Department of Education, for the necessary personnel for
1696 the enforcement of standards so established.

1697 (2) A charter school authorized by the Mississippi Charter
1698 School Authorizer Board must be granted accreditation by the State
1699 Board of Education based solely on the approval of the school by



1700 the authorizer. If the authorizer, at any time, revokes a
1701 school's charter, the State Board of Education shall withdraw the
1702 accreditation of the charter school immediately.

1703 **SECTION 35.** Section 37-21-3, Mississippi Code of 1972, is
1704 brought forward as follows:

1705 37-21-3. (1) No person shall act in the capacity of master
1706 teacher, teacher or assistant teacher in any federal or
1707 state-funded program of early childhood education or "Head Start,"
1708 or perform any of the functions, duties or powers of the same,
1709 unless that person shall be qualified in the following manner:

1710 (a) A master teacher or any other employee or
1711 consultant receiving a salary or fee equivalent to that of a
1712 master teacher shall meet the qualifications of a teacher in this
1713 section, including the requirement that a teacher may be required
1714 to hold a state teaching license by the State Department of
1715 Education, and have demonstrated effectiveness as an early
1716 childhood educator. Effectiveness as an early childhood educator
1717 may be demonstrated by a rating of highly effective on a state
1718 evaluation of teaching, if available, or with evidence that the
1719 teacher has a record of raising the achievement outcomes of
1720 prekindergarten students.

1721 (b) A teacher shall possess a bachelor's degree in
1722 early childhood education, child development, or an equivalent
1723 field. A teacher may also possess a bachelor's degree in any
1724 field as well as have at least twelve (12) credit hours of



1725 coursework in early childhood education, child development, or an
1726 equivalent field approved by an institution granting a bachelor's
1727 degree in the early childhood education, child development, or an
1728 equivalent field; or have a bachelor's degree in any field as well
1729 as have completed a specialized early childhood training program
1730 deemed equivalent by the State Department of Education to twelve
1731 (12) hours of approved coursework.

1732 (c) An assistant teacher shall possess an associate's
1733 degree in early childhood education, child development, or an
1734 equivalent field; or an associate's degree in any field and a
1735 Child Development Associate credential, a Montessori
1736 certification, or an equivalent certification. Public school
1737 assistant teachers in the voluntary prekindergarten program
1738 established by the Early Learning Collaborative Act of 2013 may be
1739 required by the State Department of Education to meet the
1740 definition of a highly qualified paraprofessional in addition to
1741 these requirements.

1742 The State Department of Education shall adopt any necessary
1743 rules, policies or procedures to implement this section.

1744 (2) Persons employed as a teacher, assistant teacher or in
1745 any other capacity in a prekindergarten or early childhood
1746 education program in a charter school authorized by the
1747 Mississippi Charter School Authorizer Board are exempt from the
1748 requirements of this section.



1749 **SECTION 36.** Section 37-41-1, Mississippi Code of 1972, is
1750 brought forward as follows:

1751 37-41-1. The State Board of Education is authorized,
1752 empowered and directed to promulgate rules and regulations
1753 relating to the transportation of students enrolled in the public
1754 school districts, including rules and regulations for:

1755 (a) Setting standards for public school district bus
1756 routes;

1757 (b) Setting standards for public school district buses;

1758 (c) Setting standards for public school district bus
1759 drivers;

1760 (d) Formulating procedure for selecting public school
1761 district bus drivers;

1762 (e) Formulating courses of training for public school
1763 district bus drivers and mechanics, and assist in administering
1764 and financing such courses;

1765 (f) Providing operation procedure for public school
1766 district buses to insure safety of pupils;

1767 (g) Formulating specifications for use in purchasing
1768 public school district buses; getting bids on public school
1769 district buses; equipment and supplies; and fixing prices based
1770 upon said bids which school districts may not exceed in purchasing
1771 said equipment;

1772 (h) Formulating specifications for use by school
1773 districts in purchasing used school buses; and



1774 (i) Providing a system of records and reports for the
1775 purpose of carrying out the provisions of Sections 37-41-1 through
1776 37-41-51, and providing the superintendent of schools with a
1777 sufficient supply of report forms.

1778 All rules and regulations adopted and promulgated by the
1779 State Board of Education relating to school district bus drivers
1780 shall also be applicable to drivers of privately owned buses
1781 transporting public school district children.

1782 All rules and regulations adopted and promulgated by the
1783 State Board of Education pursuant to the authority conferred by
1784 this section shall be spread at large upon the minutes of the
1785 State Board of Education and copies thereof shall be furnished to
1786 all school boards not less than thirty (30) days prior to the
1787 effective date of such rules and regulations.

1788 The provisions of this chapter are applicable to school
1789 districts and the transportation of students enrolled in public
1790 school districts. Charter schools authorized by the Mississippi
1791 Charter School Authorizer Board are exempt from the provisions of
1792 this chapter.

1793 **SECTION 37.** Section 37-151-5, Mississippi Code of 1972, is
1794 brought forward as follows:

1795 37-151-5. As used in Sections 37-151-5 and 37-151-7:

1796 (a) "Adequate program" or "adequate education program"
1797 or "Mississippi Adequate Education Program (MAEP)" shall mean the
1798 program to establish adequate current operation funding levels



1799 necessary for the programs of such school district to meet at
1800 least a successful Level III rating of the accreditation system as
1801 established by the State Board of Education using current
1802 statistically relevant state assessment data.

1803 (b) "Educational programs or elements of programs not
1804 included in the adequate education program calculations, but which
1805 may be included in appropriations and transfers to school
1806 districts" shall mean:

1807 (i) "Capital outlay" shall mean those funds used
1808 for the constructing, improving, equipping, renovating or major
1809 repairing of school buildings or other school facilities, or the
1810 cost of acquisition of land whereon to construct or establish such
1811 school facilities.

1812 (ii) "Pilot programs" shall mean programs of a
1813 pilot or experimental nature usually designed for special purposes
1814 and for a specified period of time other than those included in
1815 the adequate education program.

1816 (iii) "Adult education" shall mean public
1817 education dealing primarily with students above eighteen (18)
1818 years of age not enrolled as full-time public school students and
1819 not classified as students of technical schools, colleges or
1820 universities of the state.

1821 (iv) "Food service programs" shall mean those
1822 programs dealing directly with the nutritional welfare of the
1823 student, such as the school lunch and school breakfast programs.



1824 (c) "Base student" shall mean that student
1825 classification that represents the most economically educated
1826 pupil in a school system meeting the definition of successful, as
1827 determined by the State Board of Education.

1828 (d) "Base student cost" shall mean the funding level
1829 necessary for providing an adequate education program for one (1)
1830 base student, subject to any minimum amounts prescribed in Section
1831 37-151-7(1).

1832 (e) "Add-on program costs" shall mean those items which
1833 are included in the adequate education program appropriations and
1834 are outside of the program calculations:

1835 (i) "Transportation" shall mean transportation to
1836 and from public schools for the students of Mississippi's public
1837 schools provided for under law and funded from state funds.

1838 (ii) "Vocational or technical education program"
1839 shall mean a secondary vocational or technical program approved by
1840 the State Department of Education and provided for from state
1841 funds.

1842 (iii) "Special education program" shall mean a
1843 program for exceptional children as defined and authorized by
1844 Sections 37-23-1 through 37-23-9, and approved by the State
1845 Department of Education and provided from state funds.

1846 (iv) "Gifted education program" shall mean those
1847 programs for the instruction of intellectually or academically



1848 gifted children as defined and provided for in Section 37-23-175
1849 et seq.

1850 (v) "Alternative school program" shall mean those
1851 programs for certain compulsory-school-age students as defined and
1852 provided for in Sections 37-13-92 and 37-19-22.

1853 (vi) "Extended school year programs" shall mean
1854 those programs authorized by law which extend beyond the normal
1855 school year.

1856 (vii) "University-based programs" shall mean those
1857 university-based programs for handicapped children as defined and
1858 provided for in Section 37-23-131 et seq.

1859 (viii) "Bus driver training" programs shall mean
1860 those driver training programs as provided for in Section 37-41-1.

1861 (f) "Teacher" shall include any employee of a local
1862 school who is required by law to obtain a teacher's license from
1863 the State Board of Education and who is assigned to an
1864 instructional area of work as defined by the State Department of
1865 Education.

1866 (g) "Principal" shall mean the head of an attendance
1867 center or division thereof.

1868 (h) "Superintendent" shall mean the head of a school
1869 district.

1870 (i) "School district" shall mean any type of school
1871 district in the State of Mississippi, and shall include
1872 agricultural high schools.



1873 (j) "Minimum school term" shall mean a term of at least
1874 one hundred eighty (180) days of school in which both teachers and
1875 pupils are in regular attendance for scheduled classroom
1876 instruction for not less than sixty-three percent (63%) of the
1877 instructional day, as fixed by the local school board for each
1878 school in the school district. It is the intent of the
1879 Legislature that any tax levies generated to produce additional
1880 local funds required by any school district to operate school
1881 terms in excess of one hundred seventy-five (175) days shall not
1882 be construed to constitute a new program for the purposes of
1883 exemption from the limitation on tax revenues as allowed under
1884 Sections 27-39-321 and 37-57-107 for new programs mandated by the
1885 Legislature.

1886 (k) The term "transportation density" shall mean the
1887 number of transported children in average daily attendance per
1888 square mile of area served in a school district, as determined by
1889 the State Department of Education.

1890 (l) The term "transported children" shall mean children
1891 being transported to school who live within legal limits for
1892 transportation and who are otherwise qualified for being
1893 transported to school at public expense as fixed by Mississippi
1894 state law.

1895 (m) The term "year of teaching experience" shall mean
1896 nine (9) months of actual teaching in the public or private
1897 elementary and secondary schools and shall also include nine (9)



1898 months of actual teaching at postsecondary institutions accredited
1899 by the Southern Association of Colleges and Schools (SACS) or
1900 equivalent regional accrediting body for degree-granting
1901 postsecondary institutions. In no case shall more than one (1)
1902 year of teaching experience be given for all services in one (1)
1903 calendar or school year. In determining a teacher's experience,
1904 no deduction shall be made because of the temporary absence of the
1905 teacher because of illness or other good cause, and the teacher
1906 shall be given credit therefor. Beginning with the 2003-2004
1907 school year, the State Board of Education shall fix a number of
1908 days, not to exceed forty-five (45) consecutive school days,
1909 during which a teacher may not be under contract of employment
1910 during any school year and still be considered to have been in
1911 full-time employment for a regular scholastic term. If a teacher
1912 exceeds the number of days established by the State Board of
1913 Education that a teacher may not be under contract but may still
1914 be employed, that teacher shall not be credited with a year of
1915 teaching experience. In determining the experience of school
1916 librarians, each complete year of continuous, full-time employment
1917 as a professional librarian in a public library in this or some
1918 other state shall be considered a year of teaching experience. If
1919 a full-time school administrator returns to actual teaching in the
1920 public schools, the term "year of teaching experience" shall
1921 include the period of time he or she served as a school
1922 administrator. In determining the salaries of teachers who have



1923 experience in any branch of the military, the term "year of
1924 teaching experience" shall include each complete year of actual
1925 classroom instruction while serving in the military. In
1926 determining the experience of speech-language pathologists and
1927 audiologists, each complete year of continuous full-time post
1928 master's degree employment in an educational setting in this or
1929 some other state shall be considered a year of teaching
1930 experience. Provided, however, that school districts are
1931 authorized, in their discretion, to negotiate the salary levels
1932 applicable to certificated employees employed after July 1, 2009,
1933 who are receiving retirement benefits from the retirement system
1934 of another state, and the annual experience increment provided in
1935 Section 37-19-7 shall not be applicable to any such retired
1936 certificated employee.

1937 (n) (i) The term "average daily attendance" shall be
1938 the figure which results when the total aggregate full-day
1939 attendance during the period or months counted is divided by the
1940 number of days during the period or months counted upon which both
1941 teachers and pupils are in regular attendance for scheduled
1942 classroom instruction, * * * less the average daily attendance for
1943 self-contained special education classes. For purposes of
1944 determining and reporting attendance, a pupil must be present for
1945 at least sixty-three percent (63%) of the instructional day, as
1946 fixed by the local school board for each school in the school
1947 district, in order to be considered in full-day attendance. Prior



1948 to full implementation of the adequate education program the
1949 department shall deduct the average daily attendance for the
1950 alternative school program provided for in Section 37-19-22.

1951 (ii) [Repealed]

1952 (o) The term "local supplement" shall mean the amount
1953 paid to an individual teacher over and above the adequate
1954 education program salary schedule for regular teaching duties.

1955 (p) The term "aggregate amount of support from ad
1956 valorem taxation" shall mean the amounts produced by the
1957 district's total tax levies for operations.

1958 (q) The term "adequate education program funds" shall
1959 mean all funds, both state and local, constituting the
1960 requirements for meeting the cost of the adequate program as
1961 provided for in Section 37-151-7.

1962 (r) "Department" shall mean the State Department of
1963 Education.

1964 (s) "Commission" shall mean the Mississippi Commission
1965 on School Accreditation created under Section 37-17-3.

1966 (t) The term "successful school district" shall mean a
1967 Level III school district as designated by the State Board of
1968 Education using current statistically relevant state assessment
1969 data.

1970 (u) "Dual enrollment-dual credit programs" shall mean
1971 programs for potential or recent high school student dropouts to
1972 dually enroll in their home high school and a local community



1973 college in a dual credit program consisting of high school
1974 completion coursework and a credential, certificate or degree
1975 program at the community college, as provided in Section
1976 37-15-38(19).

1977 (v) "Charter school" means a public school that is
1978 established and operating under the terms of a charter contract
1979 between the school's governing board and the Mississippi Charter
1980 School Authorizer Board.

1981 **SECTION 38.** This act shall take effect and be in force from
1982 and after July 1, 2024, and shall stand repealed on June 30, 2024.

