

By: Senator(s) DeBar, Norwood

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2690

1 AN ACT TO AMEND SECTION 37-28-11, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE PROVISION THAT ALLOWED THE AUTHORIZER TO RECEIVE 3%
3 OF ANNUAL PER-PUPIL ALLOCATIONS FOR CHARTER SCHOOLS; TO PROVIDE
4 THAT THE LEGISLATURE MAY FUND THE AUTHORIZER THROUGH SPECIFIC
5 APPROPRIATION THEREOF; TO AMEND SECTION 37-28-55, MISSISSIPPI CODE
6 OF 1972, TO REVISE THE CHARTER SCHOOL FUNDING FORMULA TO ENSURE
7 SUCH CALCULATION IS BASED ON AVERAGE DAILY ATTENDANCE INSTEAD OF
8 AVERAGE DAILY MEMBERSHIP; AND FOR RELATED PURPOSES.

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

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

12 37-28-11. * * * (* * *1) The authorizer may receive
13 appropriate gifts, grants and donations of any kind from any
14 public or private entity to carry out the purposes of this
15 chapter, subject to all lawful terms and conditions under which
16 the gifts, grants or donations are given.

17 (* * *2) The authorizer may expend its resources, seek
18 grant funds and establish partnerships to support its charter
19 school authorizing activities.

20 (3) The Legislature may fund the authorizer through specific
21 appropriation thereof.



22 **SECTION 2.** Section 37-28-55, Mississippi Code of 1972, is
23 amended as follows:

24 37-28-55. (1) (a) The State Department of Education shall
25 make payments to charter schools for each student in average daily
26 attendance at the charter school equal to the state share of the
27 adequate education program payments for each student in average
28 daily attendance at the school district in which the charter
29 school is located. In calculating the local contribution for
30 purposes of determining the state share of the adequate education
31 program payments, the department shall deduct the pro rata local
32 contribution of the school district in which the student resides,
33 to be determined as provided in Section 37-151-7(2) (a).

34 (b) Payments made pursuant to this subsection by the
35 State Department of Education must be made at the same time and in
36 the same manner as adequate education program payments are made to
37 school districts under Sections 37-151-101 and 37-151-103.
38 Amounts payable to a charter school must be determined by the
39 State Department of Education. Amounts payable to a charter
40 school over its charter term must be based on the enrollment
41 projections set forth over the term of the charter contract. Such
42 projections must be reconciled with the average daily attendance
43 using months two (2) and three (3) ADA for the current year for
44 which adequate education program funds are being appropriated and
45 any necessary adjustments must be made to payments during the
46 school's following year of operation.



47 (2) For students attending a charter school located in the
48 school district in which the student resides, the school district
49 in which a charter school is located shall pay directly to the
50 charter school an amount for each student enrolled in the charter
51 school equal to the ad valorem tax receipts and in-lieu payments
52 received per pupil for the support of the local school district in
53 which the student resides. The pro rata ad valorem receipts and
54 in-lieu receipts to be transferred to the charter school shall
55 include all levies for the support of the local school district
56 under Sections 37-57-1 (local contribution to the adequate
57 education program) and 37-57-105 (school district operational
58 levy) and may not include any taxes levied for the retirement of
59 the local school district's bonded indebtedness or short-term
60 notes or any taxes levied for the support of vocational-technical
61 education programs. The amount of funds payable to the charter
62 school by the school district must be based on the previous year's
63 enrollment data and ad valorem receipts and in-lieu receipts of
64 the local school district in which the student resides. The pro
65 rata amount must be calculated by dividing the local school
66 district's months one (1) through nine (9) average daily * * *
67 attendance into the total amount of ad valorem receipts and
68 in-lieu receipts, as reported to the State Department of Education
69 by the local school district. The local school district shall pay
70 an amount equal to this pro rata amount multiplied by the number
71 of students enrolled in the charter school, based on the charter



72 school's end of first month enrollment for the current school
73 year. The amount must be paid by the school district to the
74 charter school before January 16 of the current fiscal year. If
75 the local school district does not pay the required amount to the
76 charter school before January 16, the State Department of
77 Education shall reduce the local school district's January
78 transfer of Mississippi Adequate Education Program funds by the
79 amount owed to the charter school and shall redirect that amount
80 to the charter school. Any such payments made under this
81 subsection (2) by the State Department of Education to a charter
82 school must be made at the same time and in the same manner as
83 adequate education program payments are made to school districts
84 under Sections 37-151-101 and 37-151-103.

85 (3) For students attending a charter school located in a
86 school district in which the student does not reside, the State
87 Department of Education shall pay to the charter school in which
88 the student is enrolled an amount as follows: the pro rata ad
89 valorem receipts and in-lieu payments per pupil for the support of
90 the local school district in which the student resides under
91 Sections 37-57-1 (local contribution to the adequate education
92 program) and 37-57-105 (school district operational levy),
93 however, not including any taxes levied for the retirement of the
94 local school district's bonded indebtedness or short-term notes or
95 any taxes levied for the support of vocational-technical education
96 programs. The amount of funds payable to the charter school by



97 the school district must be based on the previous year's
98 enrollment data and ad valorem receipts and in-lieu receipts of
99 the local school district in which the student resides. The pro
100 rata amount must be calculated by dividing the local school
101 district's months one (1) through nine (9) average daily * * *
102 attendance into the total amount of ad valorem receipts and
103 in-lieu receipts, as reported to the State Department of Education
104 by the transferor local school district. The payable amount shall
105 be equal to this pro rata amount multiplied by the number of
106 students enrolled in the charter school, based on the charter
107 school's end of first month enrollment for the current school
108 year. The State Department of Education shall reduce the school
109 district's January transfer of Mississippi Adequate Education
110 Program funds by the amount owed to the charter school and shall
111 redirect that amount to the charter school. Any such payments
112 made under this subsection (3) by the State Department of
113 Education to a charter school must be made at the same time and in
114 the same manner as adequate education program payments are made to
115 school districts under Sections 37-151-101 and 37-151-103.

116 (4) (a) The State Department of Education shall direct the
117 proportionate share of monies generated under federal and state
118 categorical aid programs, including special education, vocational,
119 gifted and alternative school programs, to charter schools serving
120 students eligible for such aid. The department shall ensure that
121 charter schools with rapidly expanding enrollments are treated



122 equitably in the calculation and disbursement of all federal and
123 state categorical aid program dollars. Each charter school that
124 serves students who may be eligible to receive services provided
125 through such programs shall comply with all reporting requirements
126 to receive the aid.

127 (b) A charter school shall pay to a local school
128 district any federal or state aid attributable to a student with a
129 disability attending the charter school in proportion to the level
130 of services for that student which the local school district
131 provides directly or indirectly.

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

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



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

148 (6) The State Department of Education shall disburse
149 Education Enhancement Funds for classroom supplies, instructional
150 materials and equipment, including computers and computer software
151 to all eligible charter school teachers on the same basis and in
152 the same manner as it is paid to school districts under Section
153 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
154 or credentials for a digital solution to eligible teachers.

155 **SECTION 3.** This act shall take effect and be in force from
156 and after July 1, 2024.

