

## Senate Amendments to House Bill No. 1683

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

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Amanda White  
Secretary of the Senate