

By: Representative Paden

To: Education;
Appropriations A

HOUSE BILL NO. 334

1 AN ACT TO AMEND SECTION 37-28-55, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE A CHARTER SCHOOL TO TRANSFER, UPON A STUDENT'S
3 DISENROLLMENT FROM THE CHARTER SCHOOL, TO THE STUDENT'S HOME
4 SCHOOL DISTRICT A PROPORTIONATE AMOUNT OF TOTAL FUNDING FORMULA
5 FUNDS FOR THE REMAINING MONTHS OF THE SCHOOL YEAR WHICH THE CHILD
6 IS NO LONGER ENROLLED IN THE CHARTER SCHOOL; AND FOR RELATED
7 PURPOSES.

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

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

11 37-28-55. (1) (a) The State Department of Education shall
12 make payments to charter schools for each student in net
13 enrollment at the charter school, as determined under Section
14 37-151-207, equal to the state share of total funding formula
15 payments for each student, as determined under Section 37-151-211.

16 (b) Payments made pursuant to this subsection by the
17 State Department of Education must be made at the same time and in
18 the same manner as total funding formula payments are made to
19 school districts under Sections 37-151-101 and 37-151-103.
20 Amounts payable to a charter school must be determined by the

21 State Department of Education pursuant to this section and the
22 total funding formula. Enrollment projections made under Section
23 37-151-207 to determine the net enrollment of a charter school for
24 calculating the state share payment must be reconciled with a
25 charter school's net enrollment using months two (2) and three (3)
26 for the year for which total funding formula funds are being
27 appropriated, and any necessary adjustments must be made to
28 payments during the school's following year of operation. Any
29 necessary adjustment must be based on the state share of the per
30 pupil amount in effect for the year for which net membership did
31 not meet enrollment projections and not any new amount
32 appropriated for the year in which the adjustment will be made.
33 If a charter school is closed by the authorizer before the
34 following year, it must pay to the state any amounts due before
35 completion of the closure.

36 (2) (a) For students attending a charter school located in
37 the school district in which the student resides, the school
38 district in which the charter school is located shall pay directly
39 to the charter school an amount as follows: the sum of the local
40 pro rata amount, as calculated by the State Department of
41 Education in accordance with Section 37-151-211(2) (b) (local
42 contribution), and the local pro rata amount, as calculated by the
43 State Department of Education in accordance with Section 37-57-105
44 (school district operational levy), multiplied by the number of
45 resident students enrolled in the charter school, based on the



46 charter school's months two (2) and three (3) net enrollment of
47 resident students for the current school year. However, the
48 amount to the charter school may not include any taxes levied for
49 the retirement of the local school district's bonded indebtedness
50 or short-term notes or any taxes levied for the support of
51 vocational-technical education programs.

52 (b) The amount must be paid by the school district to
53 the charter school before January 16 of the current fiscal year.
54 If the local school district does not pay the required amount to
55 the charter school before January 16, the State Department of
56 Education shall reduce the local school district's January
57 transfer of total funding formula funds by the amount owed to the
58 charter school and shall redirect that amount to the charter
59 school. Any such payments made under this paragraph by the State
60 Department of Education to a charter school must be made at the
61 same time and in the same manner as total funding formula payments
62 are made to school districts under Sections 37-151-101 and
63 37-151-103.

64 (3) (a) For students attending a charter school located in
65 a school district in which the student does not reside, the State
66 Department of Education shall pay to the charter school in which
67 the students are enrolled an amount as follows: the sum of the
68 local pro rata amount, as calculated by the State Department of
69 Education in accordance with Section 37-151-211(2) (b) (local
70 contribution), and the local pro rata amount, as calculated by the



71 State Department of Education in accordance with Section 37-57-105
72 (school district operational levy), multiplied by the number of
73 students enrolled in the charter school but residing in that
74 district, based on the charter school's months two (2) and three
75 (3) net enrollment of these students for the current school year.
76 However, the amount to the charter school may not include any
77 taxes levied for the retirement of the local school district's
78 bonded indebtedness or short-term notes or any taxes levied for
79 the support of vocational-technical education programs.

80 (b) The State Department of Education shall reduce the
81 school district's January transfer of total funding formula funds
82 by the amount owed to the charter school and shall redirect that
83 amount to the charter school. Any such payments made under this
84 subsection (3) by the State Department of Education to a charter
85 school must be made at the same time and in the same manner as
86 total funding formula payments are made to school districts under
87 Sections 37-151-101 and 37-151-103.

88 (4) (a) The State Department of Education shall direct the
89 proportionate share of monies generated under federal programs,
90 including, but not limited to, special education, vocational,
91 English Language Learner, and other programs, to charter schools
92 serving students eligible for such funding. The department shall
93 ensure that charter schools with rapidly expanding enrollments are
94 treated equitably in the calculation and disbursement of all
95 federal program dollars. Each charter school that serves students



96 who may be eligible to receive services provided through such
97 programs shall comply with all reporting requirements to receive
98 the aid.

99 (b) A charter school shall pay to a local school
100 district any federal or state aid attributable to a student with a
101 disability attending the charter school in proportion to the level
102 of services for that student which the local school district
103 provides directly or indirectly.

104 (c) Subject to the approval of the authorizer, a
105 charter school and a local school district may negotiate and enter
106 into a contract for the provision of and payment for special
107 education services, including, but not necessarily limited to, a
108 reasonable reserve not to exceed five percent (5%) of the local
109 school district's total budget for providing special education
110 services. The reserve may be used by the local school district
111 only to offset excess costs of providing services to students with
112 disabilities enrolled in the charter school.

113 (5) (a) The State Department of Education shall disburse
114 state transportation funding to a charter school on the same basis
115 and in the same manner as it is paid to school districts.

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

119 (6) The State Department of Education shall disburse
120 Education Enhancement Funds for classroom supplies, instructional

121 materials and equipment, including computers and computer software
122 to all eligible charter school teachers on the same basis and in
123 the same manner as it is paid to school districts under Section
124 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
125 or credentials for a digital solution to eligible teachers.

126 (7) If, for any reason, a student attending a charter school
127 disenrolls from the charter school after month three (3) of the
128 current school year and subsequently enrolls in the school
129 district in which the child resides, the charter school must pay
130 to the school district an amount equal to that school district's
131 pro rata share of total funding formula funds transferred or due
132 to the charter school under subsections (1) and (2) or (3), less a
133 proportionate amount for those months the student was enrolled in
134 the charter school.

135 **SECTION 2.** This act shall take effect and be in force from
136 and after July 1, 2025.

