

By: Representative Boyd (19th)

To: Education

HOUSE BILL NO. 760

1 AN ACT TO AMEND SECTION 37-28-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE STATE INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY AND
3 JUNIOR COLLEGES, IN ADDITION TO THE MISSISSIPPI CHARTER SCHOOL
4 AUTHORIZER BOARD, TO AUTHORIZE CHARTER SCHOOLS; TO REQUIRE STATE
5 INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY AND JUNIOR COLLEGES
6 DESIRING TO AUTHORIZE CHARTER SCHOOLS TO ESTABLISH AN OFFICE
7 SPECIFICALLY FOR THAT PURPOSE; TO REQUIRE THE CHAIR OF THE CHARTER
8 SCHOOL AUTHORIZER BOARD TO BE SELECTED FROM AMONG THE MEMBERS
9 APPOINTED TO THE BOARD BY THE GOVERNOR AND LIEUTENANT GOVERNOR; TO
10 AMEND SECTION 37-28-5, MISSISSIPPI CODE OF 1972, TO REVISE
11 DEFINITIONS USED IN THE MISSISSIPPI CHARTER SCHOOLS ACT IN
12 CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND SECTION 37-28-9,
13 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHARTER SCHOOL AUTHORIZERS
14 TO AMEND CHARTER SCHOOL CONTRACTS IN ORDER TO APPROVE MERGERS,
15 CONSOLIDATIONS AND RECONFIGURATIONS WITHOUT CLOSING A CHARTER
16 SCHOOL; TO AMEND SECTION 37-28-11, MISSISSIPPI CODE OF 1972, TO
17 PROHIBIT AN AUTHORIZER THAT RECEIVES AN APPROPRIATION FOR ITS
18 OPERATIONAL SUPPORT FROM RETAINING A PORTION OF PER-PUPIL
19 ALLOCATIONS FOR ITS SUPPORT; TO AMEND SECTION 37-28-13,
20 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
21 ACT; TO AMEND SECTION 37-28-15, MISSISSIPPI CODE OF 1972, TO
22 AUTHORIZE CHARTER SCHOOL AUTHORIZERS TO LIMIT THE INFORMATION
23 INITIALLY SUBMITTED BY A CHARTER SCHOOL APPLICANT TO THAT WHICH
24 THE AUTHORIZER DEEMS ESSENTIAL; TO AMEND SECTION 37-28-19,
25 MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN APPLICANTS THAT ARE
26 DENIED A CHARTER TO REMEDY THE APPLICATION'S DEFICIENCIES AND
27 REAPPLY BEFORE THE NEXT REGULAR APPLICATION PROCESS; TO AMEND
28 SECTION 37-28-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHARTER
29 SCHOOLS TO APPLY FOR OVERSIGHT WITH A DIFFERENT AUTHORIZER DURING
30 THE TERM OF AN EXISTING CHARTER CONTRACT; TO AMEND SECTION
31 37-28-23, MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN WHICH
32 A CHARTER SCHOOL'S UNDERSERVED POPULATION IS COMPARED TO THAT OF
33 THE LOCAL SCHOOL DISTRICT AND TO AUTHORIZE AN ENROLLMENT
34 PREFERENCE FOR CHILDREN TRANSFERRING TO A CHARTER SCHOOL FROM



35 ANOTHER SCHOOL CHARTERED BY THE SAME AUTHORIZER; TO AMEND SECTION
36 37-28-29, MISSISSIPPI CODE OF 1972, TO LIMIT COMPARISONS TO A
37 LOCAL SCHOOL DISTRICT'S ACADEMIC PERFORMANCE TO FIVE PERCENT OF
38 THE OVERALL ACADEMIC EVALUATION OF A CHARTER SCHOOL; TO AMEND
39 SECTION 37-28-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHARTER
40 SCHOOLS THAT RECEIVE A RENEWAL CONTRACT OF LESS THAN FIVE YEARS TO
41 APPEAL THE DECISION IN THE SAME MANNER THAT NONRENEWALS AND
42 REVOCATIONS ARE APPEALED; TO AMEND SECTION 37-28-37, MISSISSIPPI
43 CODE OF 1972, TO ELIMINATE ANNUAL PEER COMMITTEE REPORTS ON THE
44 SUFFICIENCY OF CHARTER SCHOOL FUNDING AND TO REQUIRE ADDITIONAL
45 REPORTS FROM CHARTER SCHOOL AUTHORIZERS; TO AMEND SECTION
46 37-28-47, MISSISSIPPI CODE OF 1972, TO EXCLUDE PROVISIONALLY
47 LICENSED TEACHERS AND TEACHERS OUT OF FIELD FROM THE 25%
48 LIMITATION ON CHARTER SCHOOL TEACHERS EXEMPT FROM LICENSURE
49 REQUIREMENTS; TO AMEND SECTIONS 37-28-49 AND 37-28-55, MISSISSIPPI
50 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO
51 AMEND SECTION 37-28-57, MISSISSIPPI CODE OF 1972, TO REQUIRE
52 CHARTER SCHOOLS TO CONSULT WITH THE STATE AUDITOR IN DEVELOPING
53 FINANCIAL REGULATIONS AND TO PROVIDE THAT CHARTER SCHOOLS ARE NOT
54 REQUIRED TO ADHERE TO FINANCIAL POLICIES ADOPTED BY THE STATE
55 DEPARTMENT OF EDUCATION UNLESS A RELEVANT STATUTE IS SPECIFICALLY
56 MADE APPLICABLE TO CHARTER SCHOOLS; AND FOR RELATED PURPOSES.

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

58 **SECTION 1.** Section 37-28-7, Mississippi Code of 1972, is
59 amended as follows:

60 37-28-7. (1) A charter school in the State of Mississippi
61 may be authorized by:

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

64 (b) An office of a state institution of higher learning
65 or community or junior college in this state which has been
66 created by the president of that state institution or community or
67 junior college specifically for the purpose of authorizing one or
68 more charter schools.



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

72 (* * *3) (a) The mission of the Mississippi Charter School
73 Authorizer Board is to authorize high-quality charter schools,
74 particularly schools designed to expand opportunities for
75 underserved students, consistent with the purposes of this
76 chapter. Subject to the restrictions and conditions prescribed in
77 this subsection, the Mississippi Charter School Authorizer Board
78 may authorize charter schools within the geographical boundaries
79 of any school district.

80 (b) The Mississippi Charter School Authorizer Board may
81 approve a maximum of fifteen (15) qualified charter applications
82 during a fiscal year.

83 (c) In any school district designated as an "A," "B" or
84 "C" school district by the State Board of Education under the
85 accreditation rating system at the time of application, the
86 Mississippi Charter School Authorizer Board may authorize a
87 charter * * * school only if a majority of the members of the
88 local school board votes at a public meeting to endorse the
89 application or to initiate the application on its own initiative.

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



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

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

98 (c) One (1) member appointed by the State
99 Superintendent of Public Education.

100 All appointments must be made with the advice and consent of
101 the Senate. In making the appointments, the appointing authority
102 shall ensure diversity among members of the Mississippi Charter
103 School Authorizer Board.

104 (* * *5) Members appointed to the Mississippi Charter
105 School Authorizer Board collectively must possess strong
106 experience and expertise in public and nonprofit governance,
107 management and finance, public school leadership, assessment,
108 curriculum and instruction, and public education law. Each member
109 of the Mississippi Charter School Authorizer Board must have
110 demonstrated an understanding of and commitment to charter
111 schooling as a strategy for strengthening public education.

112 (* * *6) To establish staggered terms of office, the
113 initial term of office for the three (3) Mississippi Charter
114 School Authorizer Board members appointed by the Governor shall be
115 four (4) years and thereafter shall be three (3) years; the
116 initial term of office for the three (3) members appointed by the



Lieutenant Governor shall be three (3) years and thereafter shall be three (3) years; and the initial term of office for the member appointed by the State Superintendent of Public Education shall be two (2) years and thereafter shall be three (3) years. No member may serve more than two (2) consecutive terms. The initial appointments must be made before September 1, 2013.

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

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

(* * *9) No member of the Mississippi Charter School Authorizer Board or employee, agent or representative of the board may serve simultaneously as an employee, trustee, agent,



representative, vendor or contractor of a charter school
authorized by the board.

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

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

(12) A state institution of higher learning or a community
or junior college that establishes an office for the purpose of



authorizing a charter school may accept applications and authorize contracts for the organization and operation of a charter school. The institution or college shall exercise the same authority, powers and duties granted to, and be subject to the same restrictions and limitations placed on, the Mississippi Charter School Authorizer Board under this chapter.

SECTION 2. Section 37-28-5, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(d) "Charter contract" means a fixed-term, renewable contract between a charter school and * * * an authorizer which



190 outlines the roles, powers, responsibilities and performance
191 expectations for each party to the contract.

192 (e) "Charter school" means a public school that is
193 established and operating under the terms of charter contract
194 between the school's governing board and * * * an authorizer. The
195 term "charter school" includes a conversion charter school and
196 start-up charter school.

197 (f) "Conversion charter school" means a charter school
198 that existed as a noncharter public school before becoming a
199 charter school.

200 (g) "Education service provider" means a charter
201 management organization, school design provider or any other
202 partner entity with which a charter school intends to contract for
203 educational design, implementation or comprehensive management.

204 (h) "Governing board" means the independent board of a
205 charter school which is party to the charter contract with * * *
206 an authorizer and whose members have been elected or selected
207 pursuant to the school's application.

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

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

213 (k) "School board" means a school board exercising
214 management and control over a local school district and the



schools of that district pursuant to the State Constitution and state statutes.

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

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

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

(o) "Underserved students" means students qualifying as low-income or qualifying for a special education program under Section 37-151-201.

SECTION 3. Section 37-28-9, Mississippi Code of 1972, is amended as follows:

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

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

(i) Organizational capacity and infrastructure;
(ii) Solicitation and evaluation of charter applications;



(iii) Performance contracting;

(iv) Ongoing charter school oversight and evaluation; and

(v) Charter renewal decision-making;

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

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

(d) Negotiating and executing charter contracts with approved charter schools;

(e) Amending charter school contracts, including approving mergers, consolidations or reconfigurations without the need for closure and restart of a charter school;

(* * * f) Monitoring, in accordance with charter contract terms, the performance and legal compliance of charter schools;

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

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

(i) Complying with the Mississippi Administrative Procedures Law for the adoption of any rule, policy, guideline or other regulation, including any performance framework, renewal



framework or any other relevant document with which charter schools are mandated to comply.

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

(3) The authorizer may delegate its duties to * * * an executive director * * *, general counsel or office appointed to manage charter authorizing operations.

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

(5) Except in the case of gross negligence or reckless disregard of the safety and well-being of another person, the authorizer, members of the authorizer's board acting in their official capacity, and employees of the authorizer tasked with managing or executing charter authorizing operations, acting in their official capacity, are immune from civil liability with respect to all activities related to a charter school approved by the authorizer.

SECTION 4. Section 37-28-11, Mississippi Code of 1972, is amended as follows:

37-28-11. (1) To cover the costs of overseeing charter schools in accordance with this chapter, * * * an authorizer * * *



may receive up to three percent (3%) of annual per-pupil allocations received by a charter school from state and local funds for each charter school it authorizes. However, this subsection does not apply to an authorizer that receives a state appropriation for the purpose of defraying the expenses of that authorizer.

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

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

SECTION 5. Section 37-28-13, Mississippi Code of 1972, is amended as follows:

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

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

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



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

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

* * * Each authorizer shall make the pamphlet available to the public on * * * its website and shall notify all prospective applicants of the pamphlet.

SECTION 6. Section 37-28-15, Mississippi Code of 1972, is amended as follows:

37-28-15. (1) To solicit, encourage and guide the development of quality charter school applications, * * * an authorizer shall issue and publicize a request for proposals before September 1 of each year; however, during 2013, the * * * Mississippi Charter School Authorizer Board shall issue and publicize a request for proposals before December 1. The content and dissemination of the request for proposals must be consistent with the purposes and requirements of this chapter.

(2) * * * An authorizer annually shall establish and disseminate a * * * timeline for charter approval or denial decisions.



(3) * * * An authorizer's request for proposals must include the following:

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

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

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

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

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

(a) An executive summary;

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

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



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

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

369 (f) Evidence of need and community support for the
370 proposed charter school;

371 (g) Background information, including proof of United
372 States citizenship, on the applicants, the proposed founding
373 governing board members and, if identified, members of the
374 proposed school leadership and management team. The background
375 information must include annual student achievement data,
376 disaggregated by subgroup, for every school under the current or
377 prior management of each board member and leadership team member;

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

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

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



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

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

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

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



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

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

421 (q) A clear description of the roles and
422 responsibilities of the governing board, education service
423 provider, school leadership team, management team and all other
424 entities shown in the organizational chart;

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

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

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

432 (u) Proposed governing bylaws;

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

435 (w) The school's plans for providing transportation,
436 food service and all other significant operational or ancillary
437 services;



438 (x) Opportunities and expectations for parent
439 involvement;
440 (y) A detailed school start-up plan, identifying tasks,
441 timelines and responsible individuals;
442 (z) A description of the school's financial plans and
443 policies, including financial controls and audit requirements;
444 (aa) A description of the insurance coverage the school
445 will obtain;
446 (bb) Start-up and five-year budgets with clearly stated
447 assumptions;
448 (cc) Start-up and first-year cash flow projections with
449 clearly stated assumptions;
450 (dd) A disclosure of all sources of private funding and
451 all funds from foreign sources, including gifts from foreign
452 governments, foreign legal entities and domestic entities
453 affiliated with either foreign governments or foreign legal
454 entities. For the purposes of this paragraph, the term "foreign"
455 means a country or jurisdiction outside of any state or territory
456 of the United States;
457 (ee) Evidence of anticipated fundraising contributions,
458 if claimed in the application; and
459 (ff) A sound facilities plan, including backup or
460 contingency plans if appropriate.
461 (5) An authorizer may limit its request to those elements in
462 subsection (4) deemed essential, as identified by the authorizer,



for the authorizer's initial review of applications, and
applications may be rejected based upon the information provided
for those elements during the initial review and any additional
review before a final review in which a determination is made.
However, an applicant must submit, and an authorizer must
evaluate, all elements enumerated in subsection (4) before an
application may be approved.

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

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

(a) Provide evidence of the education service
provider's success in serving student populations similar to the
targeted population, including demonstrated academic achievement



as well as successful management of nonacademic school functions,
if applicable;

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

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

(d) Provide background information, including proof of United States citizenship, on the principal individuals affiliated with the education service provider.

(* * *8) In the case of a charter school proposal from an applicant that currently operates one or more schools in any state or nation, the request for proposals additionally shall require the applicant to provide evidence of past performance and current capacity for growth. The applicant shall be required to submit clear evidence that it has produced * * * significant * * * growth



in student achievement or consistently produced proficiency levels
as measured on state achievement tests.

SECTION 7. Section 37-28-19, Mississippi Code of 1972, is
amended as follows:

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

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

(a) Grant charters only to applicants that have
provided evidence of competence in each element of the
authorizer's published approval criteria, and in the case of an
applicant that currently operates one or more schools in any state
or nation, clear evidence that the management or leadership team
of the charter school or schools currently operated by the
applicant has produced * * * significant * * * growth in student
achievement or consistently produced proficiency levels as
measured on state achievement tests;

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



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

538 (3) Before the expiration of one hundred eighty (180) days
539 after the filing of a charter application, * * * an authorizer
540 must approve or deny the charter application; however, an
541 application submitted by a public historically black college or
542 university (HBCU), in partnership with a national nonprofit public
543 HBCU support organization, for a charter school to be operated on
544 or near the campus of the HBCU must be considered for expedited
545 approval by the authorizer. * * * An authorizer shall adopt by
546 resolution all charter approval or denial decisions in an open
547 meeting of the authorizer * * *.

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

551 (5) For a charter denial, * * * an authorizer shall state
552 clearly, for public record, its reasons for denial. A denied
553 applicant may reapply subsequently with the authorizer. An
554 applicant that is denied after having progressed to a later stage
555 in the evaluation process, which must be identified by the
556 authorizer, may not be required to wait until the next regular
557 application process to reapply but must be allowed one (1)
558 opportunity before the next regular application process to



559 demonstrate to the authorizer that the applicant has remedied the
560 conditions upon which the denial was based.

561 (6) Before the expiration of ten (10) days after taking
562 action to approve or deny a charter application, * * * an
563 authorizer shall provide a report to the applicant. The report
564 must include a copy of the authorizer's resolution setting forth
565 the action taken and reasons for the decision and assurances as to
566 compliance with all of the procedural requirements and application
567 elements set forth in this chapter.

568 **SECTION 8.** Section 37-28-21, Mississippi Code of 1972, is
569 amended as follows:

570 37-28-21. (1) * * * An authorizer shall grant an initial
571 charter to each qualified applicant for a term of five (5)
572 operating years. The term of the charter shall commence on the
573 charter school's first day of operation. An approved charter
574 school may delay its opening for one (1) school year in order to
575 plan and prepare for the school's opening. If the school requires
576 an opening delay of more than one (1) school year, the school must
577 request an extension from the authorizer. The authorizer may
578 grant or deny the extension depending on the particular school's
579 circumstances.

580 (2) (a) * * * An authorizer and the governing board
581 of * * * an approved charter school shall execute a charter
582 contract that clearly sets forth the academic and operational
583 performance expectations and measures by which the charter school



will be judged and the administrative relationship between the authorizer and charter school, including each party's rights and duties. The performance expectations and measures set forth in the charter contract must include, but need not be limited to, applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the charter school is operating and has collected baseline achievement data for its enrolled students.

(b) * * * For charter schools authorized by the Mississippi Charter School Authorizer Board, the charter contract must be signed by the chairman of the * * * board and the president of the charter school's governing board. For charter schools authorized by a state institution of higher learning or community or junior college, the charter contract must be signed by the president of the state institution or community or junior college, or the president's designee, and the president of the charter school's governing board.

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

(d) An approved charter school may apply for operational oversight to an authorizer other than its current authorizer at any time so long as the established processes of the authorizer to whom the application is submitted are followed. A charter contract with an authorizer other than the current



authorizer must include the effective date on which the subsequent authorizer will begin its oversight of the school, which may not be less than thirty (30) days after a subsequent contract is executed. When the contract with the subsequent authorizer is executed, the charter school must notify the current authorizer of the date on which the subsequent authorizer will assume oversight responsibilities. On the effective date of the subsequent contract, the initial charter contract must be considered terminated.

(e) An approved charter school seeking to change authorizers at the end of a charter term is not required to apply for renewal with the current authorizer but may elect to apply for a subsequent contract with a different authorizer. A charter school's change to a different authorizer does not constitute a closure and restart of the charter school.

(f) An authorizer may accept or reject the application of an existing charter school seeking to change to a different authorizer, based on that authorizer's adopted policy for accepting applications of charter schools initially authorized by another authorizer. The application for an existing charter school to apply to a different authorizer need not be as extensive as required under Section 37-28-15; however, the approval process must comply with Section 37-28-19. A charter school that has had its initial charter revoked or nonrenewed by an authorizer must complete the application process described in Section 37-28-15 in



634 order for any authorizer to grant a new charter contract to the
635 school.

636 (g) A charter school is not required to notify its
637 current authorizer of a pending application to another authorizer.
638 If an authorizer learns of a charter school's intent to change to
639 a different authorizer, the current authorizer may not retaliate
640 against the charter school, either formally or informally, such as
641 by threatening revocation before a new contract is executed. An
642 authorizer may not continue to assess an authorizer fee to a
643 charter school after the effective date of a subsequent charter
644 contract, as established pursuant to paragraph (d) of this
645 subsection.

646 (3) * * * An authorizer may establish reasonable preopening
647 requirements or conditions to monitor the start-up progress of a
648 newly approved charter school and to ensure that the school is
649 prepared to open smoothly on the date agreed and that the school
650 meets all building, health, safety, insurance and other legal
651 requirements before the school's opening.

652 (4) This section may not be construed to preclude the
653 approval and operation of a virtual charter school.

654 **SECTION 9.** Section 37-28-23, Mississippi Code of 1972, is
655 amended as follows:

656 37-28-23. (1) A charter school must be open to:

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



659 (b) Any student who resides in the geographical
660 boundaries of a school district that was rated "C," "D" or "F" at
661 the time the charter school was approved by the authorizer * * *,
662 or who resides in the geographical boundaries of a school district
663 rated "C," or "D" or "F" at the time the student enrolls.

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

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

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

675 (5) (a) The schoolwide underserved student composition of a
676 charter school * * * must reflect that of * * * the school
677 district in which the charter school is located * * *. The
678 schoolwide underserved student composition of a charter school
679 must be at least eighty percent (80%) of the comparison school
680 district's composition in corresponding grade levels. If the
681 schoolwide underserved student composition of * * * a charter
682 school * * * is less than eighty percent (80%) of the * * *
683 underserved student composition in corresponding grade levels of



the school district in which the charter school is located, despite the school's best efforts, the authorizer must consider the * * * charter school's recruitment efforts and the underserved student composition of the applicant pool in determining whether the * * * charter school is operating in a * * * discriminatory manner. A finding by the authorizer that a charter school is operating in a discriminatory manner justifies the revocation of a charter.

(b) If a comparison school district is under a federal or state required remediation plan due to disproportionate identification of students with disabilities, the authorizer must consider the impact of this disproportionate identification in the comparison school district when determining the appropriate level of students with disabilities a charter school must enroll in the schoolwide underserved student population.

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

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

(8) (a) Any noncharter public school or part of a noncharter public school converting to a charter school shall adopt and maintain a policy giving an enrollment preference to students who reside within the former attendance area of that



709 public school. If the charter school has excess capacity after
710 enrolling students residing within the former attendance area of
711 the school, students outside of the former attendance area of the
712 school, but within the geographical boundaries of the school
713 district in which the charter school is located, are eligible for
714 enrollment. If the number of students applying for admission
715 exceeds the capacity of a program, class, grade level or building
716 of the charter school, the charter school must admit students on
717 the basis of a lottery.

718 (b) A charter school must give an enrollment preference
719 to students enrolled in the charter school during the preceding
720 school year and to siblings of students already enrolled in the
721 charter school. An enrollment preference for returning students
722 excludes those students from entering into a lottery.

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

728 (d) A charter school shall give an enrollment
729 preference to underserved children as defined in Section
730 37-28-5 * * * until the charter school meets its required
731 underserved student composition. The charter school may continue
732 to give an enrollment preference to underserved children after the
733 charter school meets its required underserved student composition.



(e) A charter school may give an enrollment preference to children transferring from a charter school whose contract is with the same governing board or which is listed as a school under the same contract. This enrollment preference includes children who have completed the final grade of one (1) school and are transferring to a higher grade in a different school.

(f) This section does not preclude the formation of a charter school whose mission is focused on serving students with disabilities, students of the same gender, students who pose such severe disciplinary problems that they warrant a specific educational program, or students who are at risk of academic failure. If capacity is insufficient to enroll all students who wish to attend the school, the charter school must select students through a lottery.

SECTION 10. Section 37-28-29, Mississippi Code of 1972, is amended as follows:

37-28-29. (1) The performance provisions within a charter contract must be based on a performance framework that clearly sets forth the academic, financial and operational performance indicators, measures and metrics that will guide the authorizer's evaluations of the charter school. The performance framework must include indicators, measures and metrics, at a minimum, for the following:

(a) Student academic proficiency;

(b) Student academic growth;



(c) Achievement gaps in * * * proficiency * * * between major student subgroups, as applicable;

(d) Attendance;

(e) Recurrent enrollment from year to year;

(f) In-school and out-of-school suspension rates and expulsion rates;

(g) For charter high schools, postsecondary readiness, including the percentage of graduates submitting applications to postsecondary institutions, high school completion, postsecondary admission and postsecondary enrollment or employment;

(h) Financial performance and sustainability; and

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

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

(3) Comparisons between the charter school and the district in which the charter school is located may not comprise more than five percent (5%) of the overall academic evaluation under the performance framework. Any comparisons must be based on statistically valid and reliable methods for establishing a



comparable population of students in a traditional public school district, including comparability based on race, economic status, any prior achievement, grade and disability status.

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

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

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

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



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

SECTION 11. Section 37-28-33, Mississippi Code of 1972, is amended as follows:

37-28-33. (1) A charter may be renewed for successive five-year terms of duration. The authorizer may grant renewal with specific conditions for necessary improvements to a charter school and may lessen the renewal term based on the performance, demonstrated capacities and particular circumstances of each charter school. A charter school renewed for fewer than five (5) years has the same right to appeal as a charter school for which a charter is revoked or not renewed, as described in subsection (8) of this section. An authorizer must describe its rationale for a renewal for fewer than five (5) years in the same manner as required under subsections (10) and (11) of this section.

(2) Before September 30, the authorizer shall issue a charter school performance report and charter renewal application guidance to any charter school whose charter will expire the following year. The performance report must summarize the charter school's performance record to date, based on the data required by this chapter and the charter contract, and must provide notice of any weaknesses or concerns perceived by the authorizer which may jeopardize the charter school's position in seeking renewal if not



timely rectified. The charter school must respond and submit any corrections or clarifications for the performance report within ninety (90) days after receiving the report.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

896 (9) * * * Notwithstanding any provision to the contrary, the
897 authorizer may not renew the charter of any charter school that,
898 during the school's final operating year under the term of the
899 charter contract, is designated an "F" school under the school
900 accreditation rating system.

901 (10) If the authorizer revokes or does not renew a charter,
902 the authorizer must state clearly, in a resolution * * * adopted
903 by the authorizer * * *, the reasons for the revocation or
904 nonrenewal.

905 (11) Within ten (10) days after taking action to renew, not
906 renew or revoke a charter, the authorizer shall provide a report
907 to the charter school. The report must include a copy of the
908 authorizer's * * * resolution setting forth the action taken,



reasons for * * * its decision and assurances as to compliance with all of the requirements set forth in this chapter.

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

37-28-37. (1) Before * * * December 1 of each year, * * * an authorizer with at least one (1) charter school approved and operating under its supervision shall issue to the Governor, Legislature, State Board of Education and the public an annual report on the * * * charter schools under its supervision for the preceding school year. The report must include * * * the authorizer's assessment of the successes, challenges and areas for improvement in meeting the purposes of this chapter. The report also must include an assessment on whether the number and size of operating charter schools are sufficient to meet demand, as calculated according to admissions data and the number of students denied enrollment based on lottery results. * * *

(2) * * * Every five (5) years, beginning in 2025, an authorizer with at least one (1) charter school approved and operating under its supervision must issue a supplementary report alongside its annual report described in subsection (1). This report must compare the performance of all charter school students in an authorizer's portfolio over the period with the performance of academically, racially and economically comparable groups of students in the school district in which each charter school is located or from which a charter school draws its students. The



934 report must use a statistically valid methodology for establishing
935 comparability. The report and its methodology may not be used as
936 part of an annual evaluation of a specific charter school.

937 (3) The reports due from an authorizer under this section
938 must be coordinated with reports due from charter school governing
939 boards, as near as possible, to decrease or eliminate duplication.

940 (4) Beginning July 1, 2025, and every three (3) years
941 thereafter, the State Auditor shall select a nationally recognized
942 charter authorizing expert to evaluate the performance of each
943 authorizer regarding, at a minimum, the following:

944 (a) The quality of its self-governance, policies and
945 financial oversight;

946 (b) The success of its authorizing portfolio, including
947 the number and quality of applicants and approved applicants, as
948 well as the performance of operating schools;

949 (c) The authorizer's fulfillment of the purposes for
950 charter schooling as described in Section 37-28-3; and

951 (d) The authorizer's relationship with charter school
952 stakeholders, including charter school leaders and governing
953 boards, charter school families, charter school support
954 organizations and the State Department of Education.

955 This evaluation must be paid for by each authorizer or by
956 funds appropriated to the State Auditor for this purpose. The
957 State Auditor shall submit a report to the Legislature based on
958 the findings, which must include whether any authorizer should be



959 prohibited from issuing charter contracts or required to meet
960 specific conditions for continued operation.

961 **SECTION 13.** Section 37-28-47, Mississippi Code of 1972, is
962 amended as follows:

963 37-28-47. (1) (a) Charter schools must comply with
964 applicable federal laws, rules and regulations regarding the
965 qualification of teachers and other instructional staff. No more
966 than twenty-five percent (25%) of teachers in a charter school may
967 be exempt from state teacher licensure requirements. However,
968 provisionally licensed teachers and licensed teachers teaching out
969 of field may not be counted against a charter school's twenty-five
970 percent (25%) exemption. The authorizer may consider the small
971 staff size of the school in determining what consequences to apply
972 in cases where more than twenty-five percent (25%) of a charter
973 school's teaching staff is unlicensed. Administrators of charter
974 schools are exempt from state administrator licensure
975 requirements. However, teachers and administrators must have a
976 bachelor's degree as a minimum requirement, and teachers must have
977 demonstrated subject-matter competency. Within three (3) years of
978 a teacher's employment by a charter school, the teacher must have,
979 at a minimum, alternative licensure approved by the Commission on
980 Teacher and Administrator Education, Certification and Licensure
981 and Development.

982 (b) A charter school may not staff positions for
983 teachers, administrators, ancillary support personnel or other



employees by utilizing or otherwise relying on nonimmigrant foreign worker visa programs. However, a charter school may submit a request to the authorizer for an exception allowing the employment of a nonimmigrant foreign worker before the worker is employed. The authorizer may grant permission for the employment of the nonimmigrant foreign worker only if the charter school makes a satisfactory showing of efforts to recruit lawful permanent residents of the United States to fill the position and a lack of qualified applicants to fill the position.

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

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

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

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

SECTION 14. Section 37-28-49, Mississippi Code of 1972, is amended as follows:



1008 37-28-49. (1) Charter school teachers and other school
1009 personnel, as well as members of the governing board and any
1010 education service provider with whom a charter school contracts,
1011 are subject to criminal history record checks and fingerprinting
1012 requirements applicable to employees of other public schools. The
1013 authorizer shall require that current criminal records background
1014 checks and current child abuse registry checks are obtained, and
1015 that the criminal record information and registry checks are on
1016 file at the charter school for any new hires applying for
1017 employment. In order to determine an applicant's suitability for
1018 employment, the applicant must be fingerprinted. If no
1019 disqualifying record is identified at the state level, the
1020 fingerprints must be forwarded by the Department of Public Safety
1021 to the Federal Bureau of Investigation for a national criminal
1022 history record check. Under no circumstances may * * * anyone
1023 associated with the authorizer, a member of the charter school
1024 governing board or any individual other than the subject of the
1025 criminal history record checks disseminate information received
1026 through the checks except as may be required to fulfill the
1027 purposes of this section. The determination whether the applicant
1028 has a disqualifying crime, as set forth in subsection (2) of this
1029 section, must be made by the appropriate state or federal
1030 governmental authority, which must notify the charter school
1031 whether a disqualifying crime exists.



1032 (2) If the fingerprinting or criminal record checks disclose
1033 a felony conviction, guilty plea or plea of nolo contendere to a
1034 felony of possession or sale of drugs, murder, manslaughter, armed
1035 robbery, rape, sexual battery, sex offense listed in Section
1036 45-33-23(g), child abuse, arson, grand larceny, burglary,
1037 gratification of lust or aggravated assault which has not been
1038 reversed on appeal or for which a pardon has not been granted, the
1039 new hire is not eligible to be employed at the charter school.
1040 However, the charter school, in its discretion, may allow any
1041 applicant aggrieved by the employment decision under this section
1042 to show mitigating circumstances that exist and may allow, subject
1043 to the approval of the * * * authorizer, the new hire to be
1044 employed at the school. The authorizer may approve the employment
1045 depending on the mitigating circumstances, which may include, but
1046 need not be limited to: (a) age at which the crime was committed;
1047 (b) circumstances surrounding the crime; (c) length of time since
1048 the conviction and criminal history since the conviction; (d) work
1049 history; (e) current employment and character references; and (f)
1050 other evidence demonstrating the ability of the person to perform
1051 the employment responsibilities competently and that the person
1052 does not pose a threat to the health or safety of children.

1053 (3) No charter school, charter school employee, member of
1054 the charter school governing board, the * * * authorizer, or
1055 member or employee of the * * * authorizer may be held liable in
1056 any employment discrimination suit in which an allegation of



discrimination is made regarding an employment decision authorized under this section.

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

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

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

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

SECTION 15. Section 37-28-55, Mississippi Code of 1972, is amended as follows:

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

(b) Payments made pursuant to this subsection by the State Department of Education must be made at the same time and in the same manner as total funding formula payments are made to school districts under Sections 37-151-101 and 37-151-103.

Amounts payable to a charter school must be determined by the State Department of Education pursuant to this section and the



1082 total funding formula. Enrollment projections made under Section
1083 37-151-207 to determine the net enrollment of a charter school for
1084 calculating the state share payment must be reconciled with a
1085 charter school's net enrollment using months two (2) and three (3)
1086 for the year for which total funding formula funds are being
1087 appropriated, and any necessary adjustments must be made to
1088 payments during the school's following year of operation. Any
1089 necessary adjustment must be based on the state share of the per
1090 pupil amount in effect for the year for which net membership did
1091 not meet enrollment projections and not any new amount
1092 appropriated for the year in which the adjustment will be made.
1093 If a charter school is closed by * * * an authorizer before the
1094 following year, it must pay to the state any amounts due before
1095 completion of the closure.

1096 (2) (a) For students attending a charter school located in
1097 the school district in which the student resides, the school
1098 district in which the charter school is located shall pay directly
1099 to the charter school an amount as follows: the sum of the local
1100 pro rata amount, as calculated by the State Department of
1101 Education in accordance with Section 37-151-211(2) (b) (local
1102 contribution), and the local pro rata amount, as calculated by the
1103 State Department of Education in accordance with Section 37-57-105
1104 (school district operational levy), multiplied by the number of
1105 resident students enrolled in the charter school, based on the
1106 charter school's months two (2) and three (3) net enrollment of



1107 resident students for the current school year. However, the
1108 amount to the charter school may not include any taxes levied for
1109 the retirement of the local school district's bonded indebtedness
1110 or short-term notes or any taxes levied for the support of
1111 vocational-technical education programs.

1112 (b) The amount must be paid by the school district to
1113 the charter school before January 16 of the current fiscal year.
1114 If the local school district does not pay the required amount to
1115 the charter school before January 16, the State Department of
1116 Education shall reduce the local school district's January
1117 transfer of total funding formula funds by the amount owed to the
1118 charter school and shall redirect that amount to the charter
1119 school. Any such payments made under this paragraph by the State
1120 Department of Education to a charter school must be made at the
1121 same time and in the same manner as total funding formula payments
1122 are made to school districts under Sections 37-151-101 and
1123 37-151-103.

1124 (3) (a) For students attending a charter school located in
1125 a school district in which the student does not reside, the State
1126 Department of Education shall pay to the charter school or schools
1127 in which the students are enrolled an amount as follows: the sum
1128 of the local pro rata amount, as calculated by the State
1129 Department of Education in accordance with Section
1130 37-151-211(2)(b) (local contribution), and the local pro rata
1131 amount, as calculated by the State Department of Education in



1132 accordance with Section 37-57-105 (school district operational
1133 levy), multiplied by the number of students enrolled in the
1134 charter school but residing in that district, based on the charter
1135 school's months two (2) and three (3) net enrollment of these
1136 students for the current school year. However, the amount to the
1137 charter school may not include any taxes levied for the retirement
1138 of the local school district's bonded indebtedness or short-term
1139 notes or any taxes levied for the support of vocational-technical
1140 education programs.

1141 (b) The State Department of Education shall reduce the
1142 school district's January transfer of total funding formula funds
1143 by the amount owed to the charter school and shall redirect that
1144 amount to the charter school. Any such payments made under this
1145 subsection (3) by the State Department of Education to a charter
1146 school must be made at the same time and in the same manner as
1147 total funding formula payments are made to school districts under
1148 Sections 37-151-101 and 37-151-103.

1149 (4) (a) The State Department of Education shall direct the
1150 proportionate share of monies generated under federal programs,
1151 including, but not limited to, special education, vocational,
1152 English Language Learner, and other programs, to charter schools
1153 serving students eligible for such funding. The department shall
1154 ensure that charter schools with rapidly expanding enrollments are
1155 treated equitably in the calculation and disbursement of all
1156 federal program dollars. Each charter school that serves students



1157 who may be eligible to receive services provided through such
1158 programs shall comply with all reporting requirements to receive
1159 the aid.

1160 (b) A charter school shall pay to a local school
1161 district any federal or state aid attributable to a student with a
1162 disability attending the charter school in proportion to the level
1163 of services for that student which the local school district
1164 provides directly or indirectly.

1165 (c) Subject to the approval of the authorizer, a
1166 charter school and a local school district may negotiate and enter
1167 into a contract for the provision of and payment for special
1168 education services, including, but not necessarily limited to, a
1169 reasonable reserve not to exceed five percent (5%) of the local
1170 school district's total budget for providing special education
1171 services. The reserve may be used by the local school district
1172 only to offset excess costs of providing services to students with
1173 disabilities enrolled in the charter school.

1174 (5) (a) The State Department of Education shall disburse
1175 state transportation funding to a charter school on the same basis
1176 and in the same manner as it is paid to school districts.

1177 (b) A charter school may enter into a contract with a
1178 school district or private provider to provide transportation to
1179 the school's students.

1180 (6) The State Department of Education shall disburse
1181 Education Enhancement Funds for classroom supplies, instructional



1182 materials and equipment, including computers and computer
1183 software, to * * * charter schools * * * on the same basis and in
1184 the same manner as * * * paid to school districts under Section
1185 37-61-33(3) (a) (iii) for the purpose of issuing procurement cards
1186 or credentials for a digital solution to all eligible charter
1187 school teachers.

1188 **SECTION 16.** Section 37-28-57, Mississippi Code of 1972, is
1189 amended as follows:

1190 37-28-57. (1) A charter school must adhere to generally
1191 accepted accounting principles. Each authorizer, in consultation
1192 with the State Auditor and nationally recognized experts in
1193 charter school financial accountability, shall develop financial
1194 rules and regulations for charter schools which ensure
1195 accountability while reflecting charter schools' autonomy and
1196 their operating boards' legal status as nonprofit entities.
1197 Charter schools may not be required to adhere to the financial
1198 accounting manual used by the State Department of Education for
1199 traditional public school districts nor any other State Department
1200 of Education financial policy adopted under a law not made
1201 applicable to charter schools by this chapter. Charter schools
1202 must comply with accounting and financial policies required for
1203 receipt and use of federal funds.

1204 (2) A charter school shall have its financial records
1205 audited annually, at the end of each fiscal year, either by the
1206 State Auditor or by a certified public accountant approved by the



1207 State Auditor. However, a certified public accountant may not be
1208 selected to perform the annual audit of a charter school if that
1209 accountant previously has audited the charter school for more than
1210 three (3) consecutive years. Certified public accountants must be
1211 selected in a manner determined by the State Auditor. The charter
1212 school shall file a copy of each audit report and accompanying
1213 management letter with * * * its authorizer before * * * December
1214 1.

1215 (3) Audit guidance must be promulgated by the State Auditor
1216 based primarily on nongovernmental accounting standards applicable
1217 to nonprofits. The State Auditor shall consult nationally
1218 recognized experts in charter school financial accountability in
1219 developing appropriate audit guidance.

1220 **SECTION 17.** This act shall take effect and be in force from
1221 and after July 1, 2025.

