

By: Representative Roberson

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1432

1 AN ACT TO AMEND SECTION 37-28-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE DEFINITIONS RELATED TO THE MISSISSIPPI CHARTER SCHOOL ACT
3 OF 2013; TO AMEND SECTION 37-28-7, MISSISSIPPI CODE OF 1972, TO
4 ALLOW APPLICATIONS TO BE APPROVED FOR CHARTER SCHOOLS IN CERTAIN
5 DISTRICTS RATED "C", UNTIL THE STATE BOARD OF EDUCATION READJUSTS
6 THE CUT SCORES UNDER THE SCHOOL ACCOUNTABILITY MODEL; TO AMEND
7 SECTION 37-28-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
8 CHARTER SCHOOL AUTHORIZER TO AMEND CHARTER SCHOOL CONTRACTS IN
9 ORDER TO APPROVE MERGERS, CONSOLIDATIONS AND RECONFIGURATIONS AND
10 CONTRACT REORGANIZATIONS WITHOUT CLOSING A CHARTER SCHOOL; TO
11 AMEND SECTION 37-28-11, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE
12 AUTHORIZER FROM RETAINING A PORTION OF PER-PUPIL ALLOCATIONS FOR
13 ITS SUPPORT AND PROVIDE THAT THE LEGISLATURE MAY FUND THE
14 AUTHORIZER THROUGH SPECIFIC APPROPRIATION; TO AMEND SECTION
15 37-28-13, MISSISSIPPI CODE OF 1972, TO REQUIRE AN AUTHORIZER TO
16 PUBLISH A PAMPHLET, BY AUGUST 1 OF EACH YEAR, INFORMING CHARTER
17 SCHOOLS AND CHARTER APPLICANTS OF ALL EDUCATIONAL STATUTES
18 APPLICABLE TO THE OPERATION AND ADMINISTRATION OF CHARTER SCHOOLS;
19 TO AMEND SECTION 37-28-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
20 THE CHARTER SCHOOL AUTHORIZER TO LIMIT THE INFORMATION INITIALLY
21 SUBMITTED BY A CHARTER SCHOOL APPLICANT TO THAT WHICH AN
22 AUTHORIZER DEEMS ESSENTIAL; TO AMEND SECTION 37-28-19, MISSISSIPPI
23 CODE OF 1972, TO AUTHORIZE CERTAIN APPLICANTS THAT ARE DENIED A
24 CHARTER TO REMEDY THE APPLICATION'S DEFICIENCIES AND REAPPLY
25 BEFORE THE NEXT REGULAR APPLICATION PROCESS; TO AMEND SECTION
26 37-28-21, MISSISSIPPI CODE OF 1972, TO REQUIRE AN AUTHORIZER TO
27 ALLOW A CHARTER MANAGEMENT ORGANIZATION TO HOLD A SINGLE CONTRACT
28 AND TO REORGANIZE UNDER A SINGLE CONTRACT WITHOUT RE-APPLYING FOR
29 EACH SCHOOL; TO PROVIDE THAT CHARTER SCHOOLS SHALL BE GRANTED A
30 TWO-YEAR DELAY START DATE FOR COMMENCEMENT OF INSTRUCTION OF
31 STUDENTS; TO FURTHER PROVIDE THAT IF THE CHARTER SCHOOL FAILS TO
32 START AFTER TWO YEARS OF BEING APPROVED, IT MUST REAPPLY FOR
33 AUTHORIZATION TO OPEN A CHARTER SCHOOL TO THE MISSISSIPPI CHARTER
34 SCHOOL AUTHORIZER BOARD; TO AMEND SECTION 37-28-23, MISSISSIPPI



35 CODE OF 1972, TO REVISE THE MANNER IN WHICH A CHARTER SCHOOL'S
36 UNDERSERVED POPULATION IS COMPARED TO THAT OF THE LOCAL SCHOOL
37 DISTRICT AND TO AUTHORIZE AN ENROLLMENT PREFERENCE FOR CHILDREN
38 TRANSFERRING TO A CHARTER SCHOOL FROM ANOTHER SCHOOL WHOSE
39 CONTRACT IS HELD BY THE SAME GOVERNING BOARD; TO AMEND SECTION
40 37-28-29, MISSISSIPPI CODE OF 1972, TO REQUIRE ACHIEVEMENT GAPS
41 COMPARISONS FOR PROFICIENCY BETWEEN APPLICABLE SUBGROUPS; TO AMEND
42 SECTION 37-28-31, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
43 AUTHORIZER TO ANNUALLY MONITOR THE PERFORMANCE AND LEGAL
44 COMPLIANCE OF CHARTER SCHOOLS IT HAS AUTHORIZED; TO ALLOW CHARTER
45 SCHOOLS UNDER THE SAME CHARTER CONTRACT TO SUBMIT A SINGLE ANNUAL
46 PERFORMANCE REPORT; TO AMEND SECTION 37-28-33, MISSISSIPPI CODE OF
47 1972, TO AUTHORIZE CHARTER SCHOOLS THAT RECEIVE A RENEWAL CONTRACT
48 OF LESS THAN FIVE YEARS TO APPEAL THE DECISION IN THE SAME MANNER
49 THAT NONRENEWALS AND REVOCATIONS ARE APPEALED; TO AMEND SECTION
50 37-28-35, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE TIMELINE AND
51 PROCEDURES TO BE FOLLOWED BY AN AUTHORIZER IN ITS DECISION TO
52 CLOSE A CHARTER SCHOOL; TO AMEND SECTION 37-28-37, MISSISSIPPI
53 CODE OF 1972, TO STREAMLINE REPORTS FROM A CHARTER SCHOOL
54 AUTHORIZER; TO AMEND SECTION 37-28-39, MISSISSIPPI CODE OF 1972,
55 TO PROVIDE THAT A NONPROFIT ENTITY THAT IS PARTY TO A CHARTER
56 CONTRACT, INCLUDING A CHARTER MANAGEMENT ORGANIZATION, IS A
57 NONGOVERNMENTAL ENTITY; TO REQUIRE THE GOVERNING BOARD OF A
58 NONPROFIT ENTITY HOLDING A CHARTER CONTRACT FOR MULTIPLE SCHOOLS
59 TO DETERMINE WHETHER EACH SCHOOL LISTED IN THE CHARTER CONTRACT
60 WILL FUNCTION AS A LOCAL EDUCATION AGENCY OR IF THE NONPROFIT WILL
61 FUNCTION AS SUCH FOR ALL SCHOOLS INCLUDED IN ITS CHARTER CONTRACT;
62 TO AMEND SECTION 37-28-41, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
63 THE NONPROFIT ENTITY HOLDING A CHARTER CONTRACT TO CONTRACT FOR
64 TRANSPORTATION SERVICES, SPECIAL EDUCATION SERVICES AND VIRTUAL
65 COURSES FOR STUDENTS ENROLLED IN THE CHARTER SCHOOL UNDER ITS
66 CONTRACT; TO AMEND SECTION 37-28-43, MISSISSIPPI CODE OF 1972, TO
67 REQUIRE CHARTER SCHOOLS TO PROVIDE APPROPRIATE SERVICES TO
68 STUDENTS DESIGNATED AS ENGLISH LANGUAGE LEARNERS WHO ARE ENROLLED
69 IN ITS SCHOOLS; TO AMEND SECTION 37-28-45, MISSISSIPPI CODE OF
70 1972, TO REQUIRE CHARTER SCHOOLS TO RECEIVE PERFORMANCE
71 CLASSIFICATIONS FROM THE STATE DEPARTMENT OF EDUCATION; TO PROVIDE
72 THAT CHARTER SCHOOLS ARE NOT SUBJECT TO ANY RULE, POLICY,
73 REGULATION OR PROCEDURE ADOPTED BY THE STATE BOARD OF EDUCATION
74 UNLESS SUCH WAS ADOPTED PURSUANT TO LAW APPLICABLE TO CHARTER
75 SCHOOLS; TO AMEND SECTION 37-28-47, MISSISSIPPI CODE OF 1972, TO
76 INCREASE THE TOTAL NUMBER OF NONLICENSED TEACHERS EMPLOYED IN AN
77 INSTRUCTIONAL CAPACITY TO 50% AND TO EXCLUDE PROVISIONALLY
78 LICENSED TEACHERS AND LICENSED TEACHERS TEACHING OUT OF FIELD FROM
79 THE 50% LIMITATION ON CHARTER SCHOOL TEACHERS EXEMPT FROM
80 LICENSURE REQUIREMENTS; TO PROVIDE THAT CHARTER SCHOOL EMPLOYEES
81 HAVING SATISFIED ALL THE REQUIREMENTS FOR NATIONAL BOARD
82 CERTIFICATION IN THEIR RESPECTIVE PROFESSIONAL DISCIPLINES, SHALL
83 BE ENTITLED TO A \$6,000.00 ANNUAL SALARY SUPPLEMENT; TO AMEND
84 SECTION 37-28-49, MISSISSIPPI CODE OF 1972, TO INSERT REFERENCE TO
85 THE MISSISSIPPI CODE OF EDUCATOR ETHICS; TO AMEND SECTION



37-28-53, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH CHARTER SCHOOL OR CHARTER MANAGEMENT ORGANIZATION TO ANNUALLY CERTIFY INFORMATION NECESSARY TO CALCULATE THE CHARTER SCHOOL'S STATE SHARE OF AND LOCAL CONTRIBUTION TO THE STATE PUBLIC SCHOOL FUNDING FORMULA TO THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-28-55, MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN WHICH THE PRO RATA SHARE OF LOCAL FUNDS FOR CHARTER SCHOOLS IS CALCULATED; TO AMEND SECTION 37-28-57, MISSISSIPPI CODE OF 1972, TO REQUIRE CHARTER SCHOOLS TO ADHERE TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AS DETERMINED BY THE FINANCIAL ACCOUNTING STANDARDS BOARD; TO REQUIRE THE STATE AUDITOR TO DEVELOP FINANCIAL RULES AND REGULATIONS, INCLUDING A FINANCIAL ACCOUNTING MANUAL SPECIFIC FOR CHARTER SCHOOLS; TO PROVIDE FOR THE ANNUAL AUDIT OF RECORDS OF NONPROFIT ENTITIES HOLDING A CHARTER CONTRACT FOR CHARTER SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION AND EACH AUTHORIZER TO DEVELOP A PROCESS OF SHARING RELEVANT INFORMATION TO AVOID DUPLICATION OF EFFORT; TO BRING FORWARD SECTIONS 37-28-1, 37-28-3, 37-28-17, 37-28-25, 37-28-27, 37-28-59 AND 37-28-61, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENTS; TO AMEND SECTIONS 31-7-1, 37-3-51, 37-17-1, 37-21-3 AND 37-41-1, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. 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 * * *, group or nonprofit entity 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 * * *,
oversee charter schools, and decide whether to renew, not renew,
or revoke charter contracts.

(d) "Charter contract" means a fixed-term, renewable
contract between the governing board of Mississippi nonprofit
entity with an approved application for a charter school and * * *
an authorizer which establishes the charter and outlines the
roles, powers, responsibilities and performance expectations for
each party to the contract.

(e) "Charter management organization" means a
Mississippi nonprofit entity whose purpose is to operate more than
one (1) charter school in Mississippi and which holds one or more
charter contract(s) that include(s) one or more of its authorized
schools. A charter management organization may operate its
schools as a single local educational agency or as multiple local
educational agencies.

(* * * f) "Charter school" means a public school that
is established and operating under the terms of charter
contract * * *. The term "charter school" includes a conversion
charter school and start-up charter school. A charter school may
serve children in any grades prekindergarten through Grade 12.
This definition does not create a right to state public school
formula funding for prekindergarten children where none exists.



(* * *g) "Conversion charter school" means a charter school that existed as a noncharter public school before becoming a charter school.

(* * *h) "Education service provider" means a * * * partner entity with which * * * the governing board intends to subcontract for * * * full or substantial educational services, including, but not limited to, comprehensive management. An education service provider does not itself hold a charter contract as defined in this section. A charter management organization operating its own schools is not an education service provider.

(* * *i) "Governing board" means the * * * board of directors of a * * * Mississippi nonprofit entity, including a charter management organization, which is party to the charter contract with * * * an authorizer and whose members have been elected or selected pursuant to the * * * bylaws of the nonprofit entity. A nonprofit entity that is party to a charter contract, including a charter management organization, is a nongovernmental entity, but its actions when operating as the board of a charter school shall be subject to applicable requirements of the Open Meetings Act, established under Section 25-41-1, et seq., and Public Records Act of 1983, and its funds received from governmental sources shall be subject to a public audit.

(* * *j) "Noncharter public school" means a public school that is under the direct management, governance and control of a school board or the state.



(* * *k) "Parent" means a parent, guardian or other person or entity having legal custody of a child.

(* * *l) "School board" or "local school board" means a * * * governmental board exercising management and control over a * * * school district and the schools of that district pursuant to the State Constitution and state statutes.

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

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

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

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

SECTION 2. Section 37-28-7, Mississippi Code of 1972, is amended as follows:

37-28-7. (1) There is created the Mississippi Charter School Authorizer Board as a state agency with * * * chartering jurisdiction in the State of Mississippi. Unless otherwise authorized by law, no other governmental agency or entity may assume any charter authorizing function or duty in any form.



195 (2) (a) The mission of the Mississippi Charter School
196 Authorizer Board is to authorize high-quality charter schools,
197 particularly schools designed to expand opportunities for
198 underserved students, consistent with the purposes of this
199 chapter. Subject to the restrictions and conditions prescribed in
200 this subsection, the Mississippi Charter School Authorizer Board
201 may authorize charter schools within the geographical boundaries
202 of any school district.

203 (b) The Mississippi Charter School Authorizer Board may
204 approve a maximum of fifteen (15) qualified charter applications
205 during a fiscal year.

206 (c) In any school district designated as an "A," or
207 "B" * * * school district by the State Board of Education under
208 the * * * performance classification system of the Mississippi
209 Public School Accountability Standards at the time of application,
210 the Mississippi Charter School Authorizer Board may authorize
211 charter schools only if a majority of the members of the local
212 school board votes at a public meeting to endorse the
213 application * * *. However, an authorizer may approve a charter
214 application without the need for a school board vote in a school
215 district that is currently rated "C" until such time as the State
216 Board of Education readjusts the cut scores under the school
217 accountability model, and upon such occurrence, the school board
218 of a "C" rated district shall be reauthorized to approve or deny
219 the establishment of charter schools in its district. A charter



220 school approved under such circumstances may operate thereafter in
221 the same manner as any other charter school regardless of the
222 performance classification of the school district in which the
223 charter school is located.

224 (d) The Mississippi Charter School Authorizer Board may
225 approve a charter application for a school designed to serve
226 students with autism, an emotional disability, an intellectual
227 disability, and/or dyslexia, provided the diagnosis of dyslexia
228 meets the eligibility criteria under the Individuals with
229 Disabilities Education Act (IDEA) that warrants the development of
230 an Individualized Education Program (IEP), in any school district,
231 regardless of the district's performance classification.

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

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

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

240 (c) One (1) member appointed by the State
241 Superintendent of Public Education who is not required to be an
242 employee of the State Department of Education.

243 All appointments must be made with the advice and consent of
244 the Senate. In making the appointments, the appointing authority



shall ensure diversity among members of the Mississippi Charter School Authorizer Board.

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

(5) To establish staggered terms of office, the initial term of office for the three (3) Mississippi Charter School Authorizer Board members appointed by the Governor shall be four (4) years and thereafter shall be three (3) years; the 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.

(6) 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 * * * chairperson and adopting bylaws. Subsequent meetings



shall be called by the * * * chairperson who shall be selected
from among the members appointed by the Governor or Lieutenant
Governor.

(7) 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.

(8) 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.

(9) 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 * * * shall be 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 or her full time to the proper administration of the board and the duties assigned to him or her



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.

(10) 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.

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, approving, maintaining, publishing via its website and the Administrative Procedures Bulletin, and operating in accordance with written chartering policies and * * * practices consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility, including:

(i) Authorizer organizational capacity and infrastructure;



320 (ii) Solicitation and evaluation of charter
321 applications;
322 (iii) Performance contracting;
323 (iv) Ongoing charter school oversight and
324 evaluation; and
325 (v) Charter renewal, nonrenewal and revocation
326 decision-making;
327 (b) Approving quality charter applications that meet
328 identified educational needs and promote a diversity of
329 educational choices;
330 (c) Declining to approve weak or inadequate charter
331 applications;
332 (d) Negotiating and executing charter contracts with
333 the governing boards of nonprofit entities with approved
334 charter * * * school applications;
335 (e) Amending charter school contracts, including, but
336 not limited to, executing the following:
337 (i) Approving material amendments for expansions,
338 mergers, consolidations or grade reconfigurations of operating
339 charter schools under the same governing board;
340 (ii) Transfers of charter contracts or one or more
341 charter schools under a single charter contract to other eligible
342 Mississippi nonprofit entities, including when such transfers are
343 for the purpose of merging or consolidating two (2) or more
344 operating charter schools; and



(iii) Reorganizations of separate charter contracts held by the governing board of the same nonprofit entity, including a charter management organization, into a single charter contract;

(* * * 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 provisions of the Open Meetings Act, established under Section 25-41-1, et seq., the Mississippi Public Records Act of 1983, and any other provision of Mississippi law pertaining to the conduct of public bodies, including abiding by 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) * * * An 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 act.



(3) * * * An authorizer may, as it deems appropriate,
delegate or withdraw delegation of one or more of its duties to
the executive director * * *.

(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. An authorizer may not issue directives or mandates to
charter schools except as pursuant to an applicable law or a
policy properly adopted by its board and published on its website
and in the Administrative Procedures Bulletin. An authorizer
shall not launch investigations without reasonable suspicion that
a school has violated a specific provision of law, its contract or
a properly adopted policy.

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

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

37-28-11. * * *

(* * *1) * * * 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.

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

(3) The Legislature may fund an authorizer through specific appropriation thereof.

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 the Mississippi Charter School Authorizer Board 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 * * * August 1 of each year, the 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 * * * 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 and authorized charter schools 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, * * * each authorizer shall issue and publicize a request for proposals before September * * * 30 of the calendar year prior to the year in which the authorizer shall make a final decision on approving applications. The content and dissemination of the request for proposals must be consistent with the purposes and requirements of this chapter.

(2) * * * Each authorizer annually shall establish and disseminate a statewide timeline for charter approval or denial decisions, which may include a rolling application process.

(3) * * * Each 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;

(d) The grades to be served each year * * * until the school reaches its proposed capacity;

(e) Minimum, planned and maximum enrollment per grade per year * * * until the school reaches its proposed capacity;



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

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

(h) The school's proposed calendar, including the proposed opening and closing dates for the school term, which shall be no less than the minimum number of school days established for all public schools in Section 37-13-63, and a sample daily schedule * * *;

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

(j) A description of the school's instructional design, including the type of learning environment (such as classroom-based or independent study), class size and structure, 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;



491 (1) The school's plan for identifying and successfully
492 serving students with disabilities (including all of the school's
493 proposed policies pursuant to the Individuals with Disabilities
494 Education Improvement Act of 2004, 20 USCS Section 1400 et seq.,
495 Section 504 of the Rehabilitation Act of 1973, 29 USCS Section
496 794, and Title 11 of the Americans with Disabilities Act, 42 USCS
497 Section 12101 et seq., and the school's procedures for securing
498 and providing evaluations and related services pursuant to federal
499 law), students who are English language learners, students who are
500 academically behind, and gifted students, including, but not
501 limited to, compliance with any applicable laws and regulations;

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

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

511 (o) The school's student discipline policies, including
512 those for * * * students with disabilities;

513 (p) An organizational chart that clearly presents the
514 school's organizational structure, including lines of authority
515 and reporting * * * among the governing board, charter management



organization staff or the education service provider (if any),
school leadership team and staff, related bodies (such as advisory
bodies or parent and teacher councils), and all other external
organizations that will play a role in managing the school;

(q) A clear description of the roles and
responsibilities of the governing board, charter management
organization staff or education service provider (if any), school
leadership team, management team and all other entities shown in
the organizational chart;

(r) A staffing chart for the school's first year, and a
staffing plan for the * * * first five (5) years;

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

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

(u) Proposed or adopted governing bylaws of the
governing board of the nonprofit entity proposed to hold the
charter contract and any relevant sub-entities controlled by the
nonprofit entity;

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

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



541 (x) Opportunities and expectations for * * * family
542 engagement;

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

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

547 (aa) A description of the insurance coverage the school
548 will obtain;

549 (bb) Start-up and five-year budgets with clearly stated
550 assumptions;

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

553 (dd) A disclosure of all sources of private funding and
554 all funds from foreign sources, including gifts from foreign
555 governments, foreign legal entities and domestic entities
556 affiliated with either foreign governments or foreign legal
557 entities. For the purposes of this paragraph, the term "foreign"
558 means a country or jurisdiction outside of any state or territory
559 of the United States;

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

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

564 (5) An authorizer may limit its initial request for
565 proposals to those elements in subsection (4) which it deems



essential for an initial review, and applications may be rejected
based upon the information provided for those elements. 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 subcontract with an education service provider for full
or substantial educational services, comprehensive 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;



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

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

603 (d) Background information, including proof of United
604 States citizenship, on the principal individuals affiliated with
605 the education service provider.

606 (* * *8) In the case of a charter school proposal from an
607 applicant that currently operates one or more schools in any state
608 or nation, the request for proposals additionally shall require
609 the applicant to provide evidence of past performance and current
610 capacity for organizational growth. * * *

611 (9) In the case of a governing board of an operating charter
612 school, including a school within a charter management
613 organization, seeking to expand the school's grades, whether
614 upwards or downwards, beyond those originally authorized, an



authorizer shall evaluate a plan for expansion as a material contract amendment and not require a new application as described in subsection (4) of this section. Expanded grades shall be listed as a separate school under the amended charter contract if requested by the governing board, and, if so, shall be evaluated separately for accountability and closure purposes as prescribed by law. The requirements for approving contract amendments for expansion shall be transparent, based on merit and not unduly burdensome and in accordance with law and board-adopted, published policies. An authorizer shall approve expansion requests by the governing board of any charter school meeting overall expectations in the areas of academic, financial and organizational performance per the school's most recent performance framework, regardless of the performance classification of either the charter school or the school district in which a charter school is located. An authorizer shall approve or deny expansions within ninety (90) calendar days of submission of a completed request by the governing board.

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 written, adopted and published procedures, practices and criteria consistent with nationally recognized principles and standards for quality charter authorizing. These procedures must provide clear standards for



meeting authorizer expectations on each required element of the proposed school plan as described in Section 37-28-15, including any points overall or per section of the application necessary for approval. The application review process must include thorough evaluation of each written charter application and an in-person interview with the applicant group. Evaluations shall be conducted by the staff or board members of an authorizer or consultants demonstrating support for and expertise in charter schools.

(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 * * * an 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 * * * sustained improvement in student achievement or consistently produced proficiency levels as measured on state achievement tests, although unusual circumstances such as a global pandemic or other disaster may be taken into account;

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



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

667 (3) Before the expiration of one hundred eighty (180) days
668 after the filing of a charter application, * * * an authorizer
669 must approve or deny the charter application; however, an
670 application submitted by a public historically black college or
671 university (HBCU), in partnership with a national nonprofit public
672 HBCU support organization, for a charter school to be operated on
673 or near the campus of the HBCU must be considered for expedited
674 approval by * * * an authorizer. * * * Each authorizer shall
675 adopt by resolution all charter approval or denial decisions in an
676 open meeting of the authorizer's board.

677 (4) An approval decision may include, if appropriate,
678 reasonable conditions that the charter applicant must meet before
679 a charter contract may be executed pursuant to Section 37-28-21.
680 A charter applicant must have achieved nonprofit entity status
681 prior to the execution of a contract if the applicant was not a
682 nonprofit entity prior to submission of the application.

683 (5) For a charter denial, * * * an authorizer shall state
684 clearly, for public record, its reasons for denial. A denied
685 applicant may reapply subsequently with the denying authorizer.
686 An applicant who is denied after having progressed past any
687 initial stage in the evaluation process shall not be required to
688 wait until the next regular application process to reapply but



689 must be allowed one (1) opportunity before the next regular
690 application process to demonstrate to the relevant authorizer that
691 the applicant has remedied the conditions upon which the denial
692 was based. The initial stage described in this subsection shall
693 be defined by each authorizer in its request for proposals.

694 (6) Before the expiration of ten (10) days after taking
695 action to approve or deny a charter application, * * * an
696 authorizer shall provide a report to the applicant. The report
697 must include a copy of the authorizer's resolution setting forth
698 the action taken and reasons for the decision and assurances as to
699 compliance with all of the procedural requirements and application
700 elements set forth in this chapter.

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

703 37-28-21. (1) * * * An authorizer shall grant an initial
704 charter contract to the nonprofit entity proposed by each
705 qualified applicant for a term of five (5) operating school years.
706 In the case of a charter contract including more than one (1)
707 school, the contract shall contain a separate addendum for each
708 school listing the school's approved term of operation; the
709 initial term for each school shall be five (5) operating school
710 years. The overall term of the contract with an entity that
711 operates more than one (1) charter school shall extend until the
712 latest date of any approved charter school in a contract addendum.
713 The term of the charter contract shall commence on the charter



714 school's first day of operation, or the first charter school's
715 first day of operation for a contract that includes more than one
716 (1) school, as specified in the contract. An approved charter
717 school may delay its opening for * * * two (2) school years in
718 order to plan and prepare for the school's opening. If the school
719 requires an opening delay of more than * * * two (2) school years,
720 the school must * * * reapply for authorization to its authorizer
721 and satisfy each mandatory of the charter application required
722 under Section 37-28-15 and such other requirements as the
723 authorizer may impose under the authority granted in this chapter.

724 * * *

725 (2) (a) * * * An authorizer and the governing board
726 of * * * a nonprofit entity with one or more approved charter
727 schools shall execute a charter contract that clearly sets forth
728 the academic, financial and operational performance expectations
729 and measures by which * * * each charter school will be judged, as
730 specified in Section 37-28-29; and the administrative relationship
731 between the authorizer, the governing board and each charter
732 school, including each party's rights and duties. * * *

733 (b) The charter contract must be signed by the * * *
734 chairperson of the authorizer board and the * * * chairperson
735 of * * * a charter school's governing board.

736 (c) A charter school may not commence operations
737 without a charter contract executed in accordance with this



738 section and approved in an open meeting of * * * an authorizer
739 board.

740 (3) * * * An authorizer * * * shall establish and publish
741 reasonable preopening requirements or conditions to monitor the
742 start-up progress of * * * each of its newly approved charter
743 schoolss and to ensure that * * * each school is prepared to open
744 smoothly on the date agreed and that * * * each school meets all
745 building, health, safety, insurance and other legal requirements
746 before * * * each school's opening. These preopening requirements
747 shall include enrollment benchmarks that ensure the school can
748 open at, or within a reasonable variance of, its contracted
749 enrollment. An authorizer may establish school-specific
750 preopening requirements or conditions for any of its newly
751 approved schools. Each authorizer must keep documentation that
752 any and all such preopening requirements have been met prior to
753 the school's opening.

754 (4) The charter contract of each charter school must include
755 the following provisions at a minimum:

756 (a) For any charter school serving any Grades 9 through
757 12, graduation requirements shall meet or exceed those set by the
758 State Department of Education for a standard high school diploma,
759 but this provision shall not preclude competency-based
760 satisfaction of graduation requirements;



761 (b) A charter school must be kept in session no less
762 than the minimum number of school days established for all public
763 schools in Section 37-13-63;

764 (c) A charter school's academic program shall be
765 aligned to state learning standards, including offering courses
766 required for a standard Mississippi high school diploma;

767 (d) The charter contract shall require a charter school
768 to adopt a transportation plan for students attending a charter
769 school;

770 (e) The charter contract shall include, by reference,
771 all preopening requirements pursuant to subsection (3) of this
772 section and list any school-specific preopening requirements of
773 the authorizer;

774 (f) The charter contract shall list and require, as a
775 material part of the charter contract, information needed by the
776 authorizer from the governing board of a charter school for the
777 authorizer's performance framework reports; and

778 (g) The charter contract shall require the nonprofit
779 entity to complete one (1) annual audit in which every Mississippi
780 charter school that it is authorized to operate is reported as a
781 program under the nonprofit entity, regardless of how many
782 separate Mississippi contracts the nonprofit holds.

783 (5) An authorizer must allow a nonprofit entity authorized
784 to operate more than one (1) school, including a charter
785 management organization, to hold a contract with more than one (1)



of its approved Mississippi schools without requiring the
nonprofit entity to apply for the right to hold such a contract.
Nothing in this section grants a nonprofit entity the right to
unilaterally establish new charter schools by adding them to such
a contract without the prior authorization of its authorizer
pursuant to this chapter. A contract with more than one (1)
school must provide the following:

(a) Each school listed within the contract shall have
its own addendum to include its operating term, as well as any
unique elements such as essential educational terms, mission and
vision, grades and enrollment projections, location or facilities,
school-selected indicators or goals, any enrollment policies and
procedures or any preopening requirements that differ from other
schools listed in the contract;

(b) The nonprofit entity may jointly manage all assets,
funds and property of all schools listed in the contract, provided
that funds are tracked and reported by schools, and comply with
policies for financial transparency and accountability of the
authorizer. All state funds, and assets and property purchased
with state funds, must be used only for the benefit of approved
Mississippi charter schools and their students;

(c) An authorizer may issue notices of concern or
breach of contract to an individual charter school listed within
the contract without implicating or adversely affecting the
remaining schools listed in the contract;



811 (d) An authorizer may close a charter school within the
812 contract without closing the remainder of the charter schools
813 within that contract. In the event of closure of one or more
814 schools, but when other schools listed in the contract remain
815 operational, the nonprofit entity shall retain ownership of the
816 assets and property of the closed school or schools to be used at
817 its remaining Mississippi schools, except for unspent governmental
818 funds or unspent earnings of governmental funds which shall be
819 redirected on a per-pupil basis to the school districts or charter
820 schools to which students of the closed school transfer, as
821 allowable. If an authorizer concludes the appropriate recipient
822 of unspent governmental funds and unspent earnings is difficult to
823 determine as a practical matter, the unspent governmental funds
824 and unspent earnings will revert to the school district in which
825 the charter school was located as provided by law. A nonprofit
826 entity whose entire portfolio of Mississippi schools is closed by
827 an authorizer must follow authorizer policies for school closure
828 and disposition of assets, funds and property as provided by law.
829 The authorizer may not close an entire portfolio of Mississippi
830 schools within a contract without due cause for closing each
831 school as required by Section 37-28-35. However, if such a burden
832 is met, the entire contract is considered terminated;

833 (e) In the case of a nonprofit entity reorganizing
834 separate existing charter contracts into the same contract, the
835 nonprofit entity shall retain all assets, funds and property from



836 the charter schools for use in the schools reorganized under the
837 same contract; and

838 (f) Each Mississippi charter school within the contract
839 of a nonprofit entity authorized to operate more than one (1)
840 school must be considered for renewal according to each school's
841 term of operation as specified in the contract.

842 (6) In the case of the proposed merger, consolidation, or
843 grade reconfiguration of two (2) or more schools operated by the
844 same nonprofit entity, whether originally within a single contract
845 or separate contracts held by the governing board of the same
846 nonprofit entity, the nonprofit entity shall retain all assets,
847 funds and property for use in the newly merged, consolidated or
848 reconfigured school or schools as specified in the amended
849 contract effectuating the merger, consolidation or
850 reconfiguration.

851 (7) The governing board of a nonprofit entity that is party
852 to a charter contract or, in the case of the required or voluntary
853 closure of such a nonprofit entity, the charter school leader or
854 leadership team of the operating charter school established by the
855 contract may request its authorizer to transfer the charter
856 contract to another eligible Mississippi nonprofit entity. The
857 authorizer may approve transfers through a material contract
858 amendment, and the transfer shall become effective upon the
859 consent of the authorizer and the parties to the transfer
860 agreement. By assuming a charter contract, a nonprofit entity



861 also assumes all assets, liabilities, revenues and expenses
862 ascribable to a transferred charter school as specified in the
863 transfer agreement. An authorizer may not require the transfer of
864 a charter contract unless a nonprofit entity plans to close a
865 school meeting authorizer expectations, and the authorizer seeks
866 to enable the school to continue to operate.

867 (8) Mergers, consolidations, grade reconfigurations and
868 transfers of charter schools as well as reorganization of charter
869 schools from separate contracts into the same contract as
870 specified in subsections (5) through (7) of this section, or any
871 analogous situation, shall not require or constitute closure and
872 restart of the affected charter schools and shall not require
873 reversion of their assets. Furthermore, an authorizer shall not
874 require the governing board of such schools to file a new school
875 application as described in Section 37-28-15, but shall approve
876 all such mergers, consolidations, grade reconfigurations,
877 transfers and reorganizations as material contract amendments.

878 (9) In the case of merged or consolidating nonprofit
879 entities where one (1) nonprofit entity is party to a charter
880 contract, the successor entity shall become the party to the
881 charter contract upon the effective date of the merger or
882 consolidation and shall assume all assets, liabilities, revenues
883 and expenses ascribable to the charter school. Charter schools
884 affected by this provision shall not be considered closed and
885 restarted nor shall the schools have to revert their assets.



Furthermore, the governing board of the successor entity shall not have to file a new school application as described in Section 37-28-15, unless an authorizer does not consent to the assumption of the contract by the successor entity. In such cases, the successor entity must reapply for the right to hold the charter contract, or the contract is considered terminated.

(10) Except to the extent authorized under paragraph (c), (d) or (e) of Section 37-28-41, the powers, obligations and responsibilities set forth in the charter contract may not be delegated or assigned by either party.

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

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

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

(b) Any student who resides in the geographical boundaries of a school district that was rated "C," "D" or "F" at the time the charter school was approved by * * * an authorizer * * *, or who resides in the geographical boundaries of a school district rated "C," * * * "D" or "F" at the time the student enrolls. However, at such time that the State Board of Education readjusts the cut scores under the school accountability model, this paragraph shall only be applicable to school district rated as "D" or "F";



911 (c) The siblings or foster siblings of any enrolled
912 charter school student residing in the same household of any
913 charter school student, regardless of the performance
914 classification of the resident school district at the time the
915 sibling or foster sibling enrolls;

916 (d) The child of an employee of a charter school,
917 regardless of the performance classification of their resident
918 school district at the time a child of an employee enrolls; and

919 (e) Any student who qualifies to transfer under Section
920 37-15-29(3), 37-15-29(5) or 37-15-31.

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

923 (3) Except as otherwise provided under subsection (8)(d) of
924 this section, a charter school may not limit admission based on
925 race, ethnicity, national origin, religion, gender, income level,
926 disabling condition, proficiency in the English language, or
927 academic or athletic ability.

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

932 (5) (a) The percentage size of the schoolwide underserved
933 student composition of a charter * * * school must be at least
934 eighty percent (80%) of that of the comparison population. If the
935 schoolwide underserved student composition of * * * a



936 charter * * * school is less than eighty percent (80%) of
937 the * * * underserved student composition of the comparison
938 population, despite the school's best efforts, the school's
939 authorizer must consider the * * * charter school's recruitment
940 efforts and the underserved student composition of the applicant
941 pool in determining whether the * * * charter school is operating
942 in a * * * discriminatory manner. A finding by the school's
943 authorizer that * * * the charter school is operating in a
944 discriminatory manner justifies the revocation of a charter.

945 (b) The comparison population for the purposes of this
946 subsection shall be the total percentage of underserved students
947 from the corresponding grade levels of each school district from
948 which the charter school draws at least ten percent (10%) of its
949 students.

950 (c) If a school district within the comparison
951 population is under a state or federally required remediation plan
952 due to disproportionate identification of students with
953 disabilities, the authorizer must consider the impact of this
954 disproportionate identification in the comparison school district
955 when determining the appropriate level of students with
956 disabilities a charter school must enroll in the schoolwide
957 underserved student population.

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



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

964 (8) (a) Any noncharter public school or part of a
965 noncharter public school converting to a charter school shall
966 adopt and maintain a policy giving an enrollment preference to
967 students who reside within the former attendance area of that
968 public school. If the charter school has excess capacity after
969 enrolling students residing within the former attendance area of
970 the school, students outside of the former attendance area of the
971 school, but within the geographical boundaries of the school
972 district in which the charter school is located, are eligible for
973 enrollment. If the number of students applying for admission
974 exceeds the capacity of a program, class, grade level or building
975 of the charter school, the charter school must admit students on
976 the basis of a lottery.

977 (b) A charter school must give an enrollment preference
978 to students enrolled in the charter school during the preceding
979 school year and to siblings of students already enrolled in the
980 charter school. An enrollment preference for returning students
981 excludes those students from entering into a lottery.

982 (c) A charter school may give an enrollment preference
983 to children of the charter school's applicant, governing board
984 members and full-time employees, so long as those children



constitute no more than ten percent (10%) of the charter school's total student population.

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

(e) A charter school may give an enrollment preference to children transferring from a charter school under the same contract or whose contract is held by the same governing board, such as schools under the operation of the same charter management organization. This enrollment preference includes children who have completed the final grade of their current school and are transferring to a higher grade in a different school. An enrollment preference for such students excludes those students from entering into a lottery.

(* * * 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.



1010 **SECTION 10.** Section 37-28-29, Mississippi Code of 1972, is
1011 amended as follows:

1012 37-28-29. (1) The performance provisions within a charter
1013 contract for each charter school must be based on a performance
1014 framework that clearly sets forth the academic, financial and
1015 operational performance indicators, measures and metrics that will
1016 guide the authorizer's evaluations of the charter school. The
1017 performance framework must include indicators, measures and
1018 metrics, at a minimum, for the following:

- 1019 (a) Student academic proficiency;
- 1020 (b) Student academic growth;
- 1021 (c) Achievement gaps in * * * proficiency and * * *
1022 between major student subgroups, as applicable;
- 1023 (d) Attendance;
- 1024 (e) Recurrent enrollment from year to year;
- 1025 (f) In-school and out-of-school suspension rates and
1026 expulsion rates;
- 1027 (g) For each charter high * * * school, postsecondary
1028 readiness, including the percentage of graduates submitting
1029 applications to postsecondary institutions * * * and graduation
1030 and high school completion * * * rates;
- 1031 (h) Financial performance and sustainability as
1032 follows:
 - 1033 (i) For a nonprofit entity authorized to operate a
1034 single school and which has no or minimal other financial activity



than that pertaining to the charter school, financial performance and sustainability of the nonprofit entity;

(ii) For a nonprofit entity authorized to operate one or more schools and which has at least some financial activity other than that pertaining to the charter schools, financial performance of each Mississippi charter school as a program of the nonprofit entity as well as relevant financial performance and sustainability of the nonprofit entity, provided that school and organizational indicators, measures and metrics are logical and not unduly duplicative;

(iii) For a nonprofit entity authorized to operate more than one (1) school and which has no or minimal financial activity other than that pertaining to the charter schools, such as a charter management organization, financial performance of each charter school as a program of the nonprofit entity as well as financial performance and sustainability of the nonprofit entity, provided that school and organizational indicators, measures and metrics are logical and not unduly duplicative; and

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

* * *

(* * *2) The performance framework must allow the inclusion of additional rigorous, valid and reliable indicators proposed by the governing board of a charter school to augment external



1060 evaluations of * * * school and organizational performance;
1061 however, * * * its authorizer must approve the quality and rigor
1062 of any indicators proposed by the governing board of a charter
1063 school, which indicators must be consistent with the purposes of
1064 this chapter.

1065 (* * * 3) The performance framework must require the
1066 disaggregation of all student performance data by major student
1067 subgroups (gender, race, poverty status, special education
1068 status * * * and English learner status * * *). However,
1069 achievement gap measures must be deemed sufficient for evaluating
1070 subgroup performance without additional duplicative measures.

1071 (* * * 4) * * * An authorizer shall collect, analyze and
1072 report all data from state assessments and other necessary sources
1073 in accordance with * * * its performance framework * * *.

1074 * * *

1075 **SECTION 11.** Section 37-28-31, Mississippi Code of 1972, is
1076 amended as follows:

1077 37-28-31. (1) * * * Each authorizer shall monitor annually
1078 the performance and legal compliance of each charter school it
1079 oversees, including collecting and analyzing data to support the
1080 school's evaluation according to the charter contract. * * * An
1081 authorizer may conduct or require oversight activities that enable
1082 the authorizer to fulfill its responsibilities under this chapter,
1083 including conducting appropriate inquiries and investigations
1084 based on reasonable suspicion of misconduct or a violation of law,



1085 properly adopted authorizer policy or the charter contract, so
1086 long as those activities are consistent with the intent of
1087 this * * * chapter, adhere to written policies and procedures of
1088 the authorizer and the terms of the charter contract and do not
1089 unduly inhibit the autonomy granted to charter schools. An
1090 authorizer shall not discuss its oversight activities, inquiries
1091 or investigations in executive session unless clear and convincing
1092 evidence exists that an investigation would be irreparably harmed
1093 by discussing it in an open session.

1094 (2) As part of its annual report to the Legislature, the
1095 authorizer shall publish and provide a performance report for each
1096 charter school it oversees in accordance with the performance
1097 framework set forth in the charter contract. The report must be
1098 made available to the public at the same time as it is submitted
1099 to the Legislature. The authorizer may require each charter
1100 school it oversees to submit an annual report to assist the
1101 authorizer in gathering complete information about each school,
1102 consistent with the performance framework. An authorizer shall
1103 not require charter schools under the same contract or whose
1104 contracts are held by the same nonprofit entity to submit separate
1105 reports but shall instead require one (1) annual report from the
1106 nonprofit entity on behalf of all of its authorized schools.

1107 (3) If a charter school's performance or legal compliance is
1108 unsatisfactory, * * * its authorizer shall notify promptly the
1109 charter school of the problem and provide reasonable opportunity



for the school to remedy the problem unless the problem warrants revocation, in which case the revocation timeframes will apply.

(4) * * * An authorizer may take appropriate corrective actions or exercise sanctions in response to * * * clear and convincing evidence of deficiencies in a charter school's performance or legal compliance. If warranted, the actions or sanctions may include requiring a charter school to develop and execute a corrective action plan within a specified timeframe.

SECTION 12. Section 37-28-33, Mississippi Code of 1972, is amended as follows:

37-28-33. (1) The contract for * * * a charter school or the term for a charter school within a contract that includes more than one (1) school may be renewed for successive five-year terms of duration. Any charter school meeting its authorizer's expectations as evidenced by the school's most recent overall performance framework results shall be renewed for a full term of five (5) years. * * * An authorizer may grant renewal with specific conditions for necessary improvements to a charter school not meeting overall expectation on its most recent performance framework, and may lessen the renewal term based on the school's performance, demonstrated capacities and particular circumstances of each charter school if these do not meet published renewal criteria. 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. The authorizer must describe



1135 its rationale in writing for a renewal of fewer than five (5)
1136 years in the same manner as required under subsections (10) and
1137 (11) of this section.

1138 (2) Before September 30 of each year, * * * each authorizer
1139 shall issue a charter school performance report and charter
1140 renewal application guidance to any charter school whose charter
1141 term will expire the following year. The performance report must
1142 summarize the charter school's performance record to date, based
1143 on the data required by this chapter and the charter contract, and
1144 must provide notice of any weaknesses or concerns perceived by the
1145 authorizer which may jeopardize the charter school's position in
1146 seeking renewal if not timely rectified. The charter school must
1147 respond and submit any corrections or clarifications for the
1148 performance report within ninety (90) days after receiving the
1149 report.

1150 (3) The charter renewal application guidance must provide,
1151 at a minimum, an opportunity for the charter school to:

1152 (a) Present additional evidence, beyond the data
1153 contained in the performance report, supporting its case for
1154 charter renewal;

1155 (b) Describe improvements undertaken or planned for the
1156 school; and

1157 (c) Detail the school's plans for the next charter
1158 term.



1159 (4) The charter renewal application guidance must include or
1160 refer explicitly to the criteria that will guide the authorizer's
1161 renewal decision, which must be based on the performance framework
1162 set forth in the charter contract and consistent with this
1163 chapter.

1164 (5) Before * * * December 1 in the final year of charter
1165 school's approved term, the governing board of a charter school
1166 seeking renewal shall submit a renewal application to * * * an
1167 authorizer pursuant to the charter renewal application guidance
1168 issued by * * * that authorizer. The authorizer shall adopt a
1169 resolution ruling on the renewal application no later than ninety
1170 (90) days after the filing of the renewal application. However,
1171 nothing shall preclude a school from seeking, or being granted in
1172 accordance with authorizer policies, renewal in the penultimate
1173 year of its term, provided the school meets overall expectations
1174 on its performance framework in the two (2) most recent years of
1175 its operation.

1176 (6) In making each charter renewal decision, * * * an
1177 authorizer must:

1178 (a) Ground its decision in evidence of the school's
1179 performance over the term of the charter contract in accordance
1180 with the performance framework set forth in the charter contract
1181 and the renewal criteria published in the authorizer's renewal
1182 application guidance;



1183 (b) Ensure that data used in making the renewal
1184 decision is available to the school and the public; and

1185 (c) Provide a public report summarizing the evidence
1186 that is the basis for the renewal decision.

1187 (7) A charter contract or the term of a charter school
1188 within a contract that includes more than one (1) school must be
1189 revoked at any time or not renewed if * * * its authorizer
1190 determines by clear and convincing evidence that the charter
1191 school has done any of the following or otherwise failed to comply
1192 with the provisions of this chapter:

1193 (a) Committed a material and substantial violation of
1194 any of the terms, conditions, standards or procedures required
1195 under this chapter or the charter contract;

1196 (b) Failed to meet or make sufficient progress toward
1197 the performance expectations set forth in the charter contract by
1198 the end of the contract term;

1199 (c) Failed to meet generally accepted standards of
1200 fiscal management; or

1201 (d) Substantially violated any material provision of
1202 law which is applicable to the charter school.

1203 (8) * * * Each authorizer shall develop revocation and
1204 nonrenewal processes that:

1205 (a) Provide the governing board of a charter school
1206 with a timely notification of the prospect of revocation or



1207 nonrenewal and of the reasons for such possible closure, which are
1208 limited to those prescribed in subsection (7) of this section;

1209 (b) Allow the governing board a reasonable amount of
1210 time in which to prepare a response;

1211 (c) Provide the governing board with an opportunity to
1212 submit documents and give testimony challenging the rationale for
1213 closure and in support of the continuation of the school at an
1214 orderly proceeding held for that purpose;

1215 (d) Allow the governing board access to representation
1216 by counsel and to call witnesses on the school's behalf;

1217 (e) Permit the recording of such proceedings; and

1218 (f) After a reasonable period for deliberation, require
1219 a final determination to be made and conveyed in writing to the
1220 governing board.

1221 (9) * * * Notwithstanding any provision to the contrary, the
1222 authorizer may not renew the charter contract of any charter
1223 school, or the term of a charter school within a contract that
1224 includes more than one (1) school, that * * * is designated an "F"
1225 school under the * * * Mississippi Public School Accountability
1226 Standards for its five (5) most recent consecutive years of
1227 operation.

1228 (10) If * * * an authorizer revokes * * *, does not renew or
1229 renews for less than a five-year term, the contract of a charter
1230 school or the term of a charter school within a contract that
1231 includes more than one (1) school, the authorizer must state



clearly, in a resolution * * * adopted by the authorizer board,
the reasons for the revocation * * *, nonrenewal or shortened
renewal term, which shall be one or more of the reasons prescribed
in subsection (7) of this section.

(11) Within ten (10) days after taking action to renew, not
renew or revoke a charter contract or the term of any charter
school within a contract that includes more than one (1)
school, * * * an authorizer shall provide a report to the charter
school. The report must include a copy of the authorizer's * * *
resolution setting forth the action taken, reasons for the * * *
authorizer's decision and assurances as to compliance with all of
the requirements set forth in this chapter.

SECTION 13. Section 37-28-35, Mississippi Code of 1972, is
amended as follows:

37-28-35. (1) Before implementing a charter school closure
decision, * * * an authorizer must develop a charter school
closure protocol to ensure timely notification to parents, orderly
transition of students and student records to new schools, and
proper disposition of school funds, property and assets in
accordance with the requirements of this chapter. The protocol
must specify tasks, timelines and responsible parties, including
delineating the respective duties of the school, its governing
board and nonprofit entity and the authorizer. If a charter
school is to be closed for any reason, the authorizer shall
oversee and work with the closing school and its governing board



1257 and nonprofit entity to ensure a smooth and orderly closure and
1258 transition for students and parents, as guided by the closure
1259 protocol. No charter school shall be closed by its authorizer
1260 before the end of the school year in which the decision for
1261 closure is made, unless the authorizer determines that the health
1262 and safety of the students in the school warrant its immediate
1263 closure.

1264 (2) If a charter school closes, all unspent government
1265 funds, unspent earnings from those funds and assets purchased with
1266 government funds must revert to the local school district in which
1267 the charter school is located unless the school operates under a
1268 nonprofit entity authorized to operate more than one (1)
1269 Mississippi school, in which the requirements of Section 37-28-21
1270 shall apply. Unless otherwise provided for in the charter
1271 contract or a debt instrument or grant instrument, unspent funds
1272 from nongovernmental sources, unspent earnings from those funds,
1273 assets purchased with those funds and debts of the school must
1274 revert to the nonprofit entity * * * which held the charter
1275 contract for the school and may be used, retained or disposed of
1276 according to applicable laws for nonprofit corporations.

1277 **SECTION 14.** Section 37-28-37, Mississippi Code of 1972, is
1278 amended as follows:

1279 37-28-37. (1) Before * * * December 1 of each year,
1280 beginning in the year that * * * an authorizer has had at least
1281 one (1) charter school operating for a full school year, * * *



1282 each authorizer shall issue to the Governor, Legislature, State
1283 Board of Education and the public an annual report on * * * its
1284 charter schools for the preceding school year. * * * The report
1285 must include the authorizer's assessment of the successes,
1286 challenges and areas for improvement in meeting the purposes of
1287 this chapter. The report also must include an assessment on
1288 whether the number and size of operating charter schools are
1289 sufficient to meet demand, as calculated according to admissions
1290 data and the number of students denied enrollment based on lottery
1291 results. * * *

1292 (2) * * * Every five (5) years, beginning on July 1, 2026,
1293 each authorizer must issue a supplementary report alongside its
1294 annual report described in subsection (1) of this section. This
1295 report must compare the performance of all charter school students
1296 in its authorized schools with the performance of academically,
1297 racially and economically comparable groups of students, including
1298 students with disabilities, in the school district in which each
1299 charter school is located or from which a charter school draws its
1300 students. The report must use statistically valid methodology for
1301 establishing comparability. The report and its methodology shall
1302 not be used as part of an annual evaluation of a specific charter
1303 school.

1304 (3) The report due from * * * an authorizer under this
1305 section must be coordinated with reports due from charter * * *



1306 schools, as near as possible, to decrease or eliminate
1307 duplication.

1308 (4) Beginning July 1, 2025, and every three (3) years
1309 thereafter, the State Auditor shall select a nationally recognized
1310 charter authorizing expert to evaluate the performance of any
1311 authorizer regarding, at a minimum, the following:

1312 (a) The quality of its self-governance, policies and
1313 financial stewardship;

1314 (b) The success of its authorizing portfolio, including
1315 the number and quality of applicants and approved applicants, as
1316 well as the performance of operating schools;

1317 (c) Its fulfillment of the purposes for charter
1318 schooling as described in Section 37-28-3; and

1319 (d) The authorizer's relationship with charter school
1320 stakeholders, including charter school leaders and governing
1321 boards, charter school families, charter school support
1322 organizations and advocacy groups, and the State Department of
1323 Education.

1324 (5) Each authorizer shall pay the costs associated with the
1325 evaluation of its performance required by subsection (4) of this
1326 section, unless funds are appropriated by the Legislature to the
1327 State Auditor for this purpose. The State Auditor shall prepare a
1328 report for the Legislature based on the findings, which shall
1329 include whether any authorizer should be decommissioned or
1330 required to meet specific conditions for continued operation.



1331 **SECTION 15.** Section 37-28-39, Mississippi Code of 1972, is
1332 amended as follows:

1333 37-28-39. (1) Notwithstanding any provision of law to the
1334 contrary, to the extent that any provision of this chapter is
1335 inconsistent with any other state or local law, rule or
1336 regulation, the provisions of this act govern and are controlling.

1337 (2) * * * The entity holding a charter contract, including a
1338 charter management organization, and any education service
1339 provider which provides comprehensive management for a charter
1340 school must be a nonprofit education organization. A nonprofit
1341 entity that is party to a charter contract, including a charter
1342 management organization, is a nongovernmental entity.

1343 (3) A charter school is subject to all federal laws and
1344 authorities specified in this chapter or agreed upon with * * * an
1345 authorizer in the charter contract, where such contracting is
1346 consistent with applicable laws, rules and regulations.

1347 (4) To the extent approved by * * * an authorizer, a charter
1348 contract may consist of one or more schools. Each charter school
1349 that is part of a charter contract must be separate and distinct
1350 from any other charter school for oversight and renewal,
1351 nonrenewal or revocation purposes.

1352 (5) A single governing board may hold one or more charter
1353 contracts.

1354 (6) The governing board of a nonprofit entity holding a
1355 charter contract for more than one (1) school, including a charter



1356 management organization, shall choose whether each school listed
1357 in its contract shall function as a local educational agency or if
1358 the nonprofit entity will function as a local educational agency.
1359 If a nonprofit entity only operates a single charter school, * * *
1360 the charter school must function as a local educational
1361 agency * * *. Any local education agency composed of one or more
1362 charter schools is responsible for meeting the requirements of
1363 local educational agencies under applicable federal laws,
1364 including those relating to special education, receipt of federal
1365 funds and compliance with federal funding requirements. Status as
1366 a local educational agency, however, does not preclude the
1367 governing board of a charter school from developing, by mutual
1368 agreement or formal contract, links with the local school district
1369 for services, resources and programs. A charter school shall pay
1370 to a local school district any federal or state aid attributable
1371 to a student with a disability attending the charter school in
1372 proportion to the level of services for that student which the
1373 local school district provides directly or indirectly.

1374 (7) A charter school shall provide live, synchronous
1375 instruction.

1376 **SECTION 16.** Section 37-28-41, Mississippi Code of 1972, is
1377 amended as follows:

1378 37-28-41. * * * The governing board of the nonprofit entity
1379 holding a charter contract may exercise those powers necessary for



1380 carrying out the terms of its charter contract, including, but not
1381 limited to, the following powers:

1382 (a) To receive and disburse funds authorized by law for
1383 school purposes;

1384 (b) To secure appropriate insurance and to enter into
1385 contracts and leases;

1386 (c) To contract with an education service provider for
1387 the management and operation of the charter school so long as the
1388 school's governing board retains oversight authority over the
1389 school;

1390 (d) To contract with a school district or private
1391 provider to provide transportation to the school's students;

1392 (e) To negotiate and enter into a contract for the
1393 provision of and payment for special education services with a
1394 local school district, including, but not necessarily limited to,
1395 a reasonable reserve not to exceed five percent (5%) of the local
1396 school district's total special education services budget. The
1397 reserve may be used by the local school district only to offset
1398 excess costs of providing services to students with disabilities
1399 enrolled in the charter school;

1400 (f) To contract with an accredited online course
1401 provider for the delivery of virtual courses to students enrolled
1402 in the charter school;



1403 (* * *g) To solicit and accept any gifts or grants for
1404 school purposes subject to applicable laws and the terms of its
1405 charter contract;

1406 (* * *h) To acquire real property for use as its
1407 facility or facilities, from public or private sources; and

1408 (* * *i) To sue and be sued in its own name.

1409 **SECTION 17.** Section 37-28-43, Mississippi Code of 1972, is
1410 amended as follows:

1411 37-28-43. (1) A charter school may not discriminate against
1412 any person on the basis of race, creed, color, sex, disability,
1413 national origin or any other category that would be unlawful if
1414 done by a noncharter public school.

1415 (2) A charter school may not engage in any sectarian
1416 practices in its educational program, admissions or employment
1417 policies or operations.

1418 (3) A charter school may not discriminate against any
1419 student on the basis of national origin, minority status or
1420 limited proficiency in English. Consistent with federal civil
1421 rights laws, charter schools must provide * * * students
1422 designated as English learners with appropriate services designed
1423 to teach them English and the general curriculum.

1424 (4) A charter school may not charge tuition or fees that
1425 would be unlawful if charged by a noncharter public school, except
1426 as permitted pursuant to Section 37-7-335.

1427 * * *



1428 **SECTION 18.** Section 37-28-45, Mississippi Code of 1972, is
1429 amended as follows:

1430 37-28-45. (1) Charter schools are subject to the same civil
1431 rights, health and safety requirements applicable to noncharter
1432 public schools in the state, except as otherwise specifically
1433 provided in this chapter.

1434 (2) Charter schools are subject to the student
1435 assessment * * * requirements applicable to noncharter public
1436 schools in the state and must receive a performance classification
1437 from the State Department of Education; however, this requirement
1438 does not preclude a charter school from establishing additional
1439 student assessment measures that go beyond state
1440 requirements * * *.

1441 (3) Although a charter school is geographically located
1442 within the boundaries of a particular school district and * * *
1443 may enroll students who reside within the school district, the
1444 charter school may not be considered a school within that district
1445 under the purview of the school district's school board. The
1446 rules, regulations, policies and procedures established by the
1447 school board for the noncharter public schools that are in the
1448 school district in which the charter school is geographically
1449 located do not apply to the charter school unless otherwise
1450 required under the charter contract or any contract entered into
1451 between the charter * * * school's governing board and the local
1452 school board.



1453 (4) Whenever the provisions of Title 37, Mississippi Code of
1454 1972, relating to the elementary and secondary education of public
1455 school students establish a requirement for or grant authority to
1456 local school districts, their school boards and the schools within
1457 the respective school districts, the language "school districts,"
1458 "school boards," "boards of trustees," "the schools within a
1459 school district," or any other similar phraseology does not
1460 include a charter school and the governing board of a charter
1461 school unless the statute specifically is made applicable to
1462 charter schools as well as noncharter public schools.

1463 (5) A charter school is not subject to any rule, regulation,
1464 policy or procedure adopted by the State Board of Education or the
1465 State Department of Education unless such rule, regulation, policy
1466 or procedure is or was adopted pursuant to a law applicable to
1467 charter schools, including federal law, or otherwise required by
1468 this chapter. * * * An authorizer * * * may not make any rule,
1469 regulation, policy or procedure adopted by the State Board of
1470 Education or the State Department of Education applicable to
1471 charter schools, which is not otherwise applicable under this
1472 chapter.

1473 (6) Charter schools and their governing boards, when
1474 conducting charter school business, are not exempt from the
1475 following statutes:

1476 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1477 which relate to open meetings of public bodies.



1478 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1479 which relate to public access to public records.

1480 (c) Section 37-3-51, which requires notice by the
1481 district attorney of licensed school employees who are convicted
1482 of certain sex offenses.

1483 (d) Section 37-3-53, which requires publication of the
1484 Mississippi Report Card by the State Board of Education.

1485 (e) Section 37-11-18, which requires the automatic
1486 expulsion of a student possessing a weapon or controlled substance
1487 on educational property.

1488 (f) Section 37-11-18.1, which requires expulsion of
1489 certain habitually disruptive students.

1490 (g) Section 37-11-19, which requires suspension or
1491 expulsion of a student who damages school property.

1492 (h) Section 37-11-20, which prohibits acts of
1493 intimidation intended to keep a student from attending school.

1494 (i) Section 37-11-21, which prohibits parental abuse of
1495 school staff.

1496 (j) Section 37-11-23, which prohibits the willful
1497 disruption of school and school meetings.

1498 (k) Sections 37-11-29 and 37-11-31, which relate to
1499 reporting requirements regarding unlawful or violent acts on
1500 school property.

1501 (l) Section 37-11-67, which prohibits bullying or
1502 harassing behavior in public schools.



1503 (m) Section 37-13-3, which prohibits doctrinal,
1504 sectarian or denominational teaching in public schools.

1505 (n) Sections 37-13-5 and 37-13-6, which require the
1506 flags of the United States and the State of Mississippi to be
1507 displayed near the school building.

1508 (o) Section 37-13-63(1), which prescribes the minimum
1509 number of days which public schools must be kept in session during
1510 a scholastic year.

1511 (p) Section 37-13-91, which is the Mississippi
1512 Compulsory School Attendance Law.

1513 (q) Section 37-13-171(2) and (4), which requires any
1514 course containing sex-related education to include instruction in
1515 abstinence-only or abstinence-plus education.

1516 (r) Section 37-13-173, which requires notice to parents
1517 before instruction on human sexuality is provided in public
1518 classrooms.

1519 (s) Section 37-13-193, which relates to civil rights
1520 and human rights education in the public schools.

1521 (t) Sections 37-15-1 and 37-15-3, which relate to the
1522 maintenance and transfer of permanent student records in public
1523 schools.

1524 (u) Section 37-15-6, which requires the State
1525 Department of Education to maintain a record of expulsions from
1526 the public schools.



1527 (v) Section 37-15-9, which establishes minimum age
1528 requirements for kindergarten and first grade enrollment in public
1529 schools.

1530 (w) Section 37-15-11, which requires a parent, legal
1531 guardian or custodian to accompany a child seeking enrollment in a
1532 public school.

1533 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,
1534 which relate to the statewide assessment testing program.

1535 (y) Section 37-18-1, which establishes the
1536 Superior-Performing Schools Program and Exemplary Schools Program
1537 to recognize public schools that improve.

1538 **SECTION 19.** Section 37-28-47, Mississippi Code of 1972, is
1539 amended as follows:

1540 37-28-47. (1) (a) Charter schools must comply with
1541 applicable federal laws, rules and regulations regarding the
1542 qualification of teachers and other instructional staff. No more
1543 than * * * fifty percent (50%) of teachers in a charter school may
1544 be exempt from state teacher licensure requirements.

1545 Provisionally licensed teachers as well as licensed teachers
1546 teaching out of field may not be counted against a charter
1547 school's fifty percent (50%) exemption. An authorizer may
1548 consider the small staff size of the school in determining what
1549 consequences apply in cases where more than fifty percent (50%) of
1550 a charter school's staff is unlicensed. Administrators of charter
1551 schools are exempt from state administrator licensure



1552 requirements. However, teachers and administrators must have a
1553 bachelor's degree as a minimum requirement, and teachers must have
1554 demonstrated subject-matter competency. Within three (3) years of
1555 a teacher's employment by a charter school, the teacher must have,
1556 at a minimum, alternative licensure approved by the Commission on
1557 Teacher and Administrator Education, Certification and Licensure
1558 and Development.

1559 (b) A charter school may not staff positions for
1560 teachers, administrators, ancillary support personnel or other
1561 employees by utilizing or otherwise relying on nonimmigrant
1562 foreign worker visa programs. However, a charter school may
1563 submit a request to * * * its authorizer for an exception allowing
1564 the employment of a nonimmigrant foreign worker before the worker
1565 is employed. The authorizer may grant permission for the
1566 employment of the nonimmigrant foreign worker only if the charter
1567 school makes a satisfactory showing of efforts to recruit lawful
1568 permanent residents of the United States to fill the position and
1569 a lack of qualified applicants to fill the position.

1570 (2) Employees in charter schools must have the same general
1571 rights and privileges as other public school employees, except
1572 such employees are not:

1573 (a) Covered under the Education Employment Procedures
1574 Law (Section 37-9-103); and

1575 (b) Subject to the state salary requirements prescribed
1576 in Section 37-19-7.



1577 (3) For the purpose of eligibility for participation in the
1578 Public Employees' Retirement System, a public charter school is
1579 considered to be a political subdivision of the state; however,
1580 the nonprofit entity holding the charter contract is not a
1581 political subdivision. Employees * * * paid through governmental
1582 funds, which are provided for the operation of a public charter
1583 school, are eligible for participation in the Public Employee's
1584 Retirement System, as well as other benefits programs, if the
1585 governing board of the nonprofit entity holding the charter
1586 contract chooses for the charter school to participate.

1587 (4) (a) The following charter school employees shall
1588 receive an annual salary supplement in the amount of Six Thousand
1589 Dollars (\$6,000.00), in addition to any other compensation to
1590 which the charter employee may be entitled:

1591 (i) Any licensed teacher who has met the
1592 requirements and acquired a Master Teacher certificate from the
1593 National Board for Professional Teaching Standards and who is
1594 employed by a charter school as a teacher and not as an
1595 administrator. Such teacher shall submit documentation to the
1596 State Department of Education that the certificate was received
1597 prior to October 15 in order to be eligible for the full salary
1598 supplement in the current school year, or the teacher shall submit
1599 such documentation to the State Department of Education prior to
1600 February 15 in order to be eligible for a prorated salary
1601 supplement beginning with the second term of the school year.



1602 (ii) A licensed nurse who has met the requirements
1603 and acquired a certificate from the National Board for
1604 Certification of School Nurses, Inc., and who is employed by a
1605 charter school as a school nurse and not as an administrator. The
1606 licensed school nurse shall submit documentation to the State
1607 Department of Education that the certificate was received before
1608 October 15 in order to be eligible for the full salary supplement
1609 in the current school year, or the licensed school nurse shall
1610 submit the documentation to the State Department of Education
1611 before February 15 in order to be eligible for a prorated salary
1612 supplement beginning with the second term of the school year.

1613 (iii) Any licensed school counselor who has met
1614 the requirements and acquired a National Certified School
1615 Counselor (NCSC) endorsement from the National Board of Certified
1616 Counselors and who is employed by a charter school as a counselor
1617 and not as an administrator. Such licensed school counselor shall
1618 submit documentation to the State Department of Education that the
1619 endorsement was received prior to October 15 in order to be
1620 eligible for the full salary supplement in the current school
1621 year, or the licensed school counselor shall submit such
1622 documentation to the State Department of Education prior to
1623 February 15 in order to be eligible for a prorated salary
1624 supplement beginning with the second term of the school year.

1625 (iv) Any licensed speech language pathologist and
1626 audiologist who has met the requirements and acquired a



1627 Certificate of Clinical Competence from the American Speech
1628 Language Hearing Association and any certified academic language
1629 therapist (CALT) who has met the certification requirements of the
1630 Academic Language Therapy Association and who is employed by a
1631 local school board. The licensed speech language pathologist and
1632 audiologist and certified academic language therapist shall submit
1633 documentation to the State Department of Education that the
1634 certificate or endorsement was received before October 15 in order
1635 to be eligible for the full salary supplement in the current
1636 school year, or the licensed speech language pathologist and
1637 audiologist and certified academic language therapist shall submit
1638 the documentation to the State Department of Education before
1639 February 15 in order to be eligible for a prorated salary
1640 supplement beginning with the second term of the school year.

1641 (v) Any licensed athletic trainer who has met the
1642 requirements and acquired Board Certification for the Athletic
1643 Trainer from the Board of Certification, Inc., and who is employed
1644 by a charter school as an athletic trainer and not as an
1645 administrator. The licensed athletic trainer shall submit
1646 documentation to the State Department of Education that the
1647 certificate was received before October 15 in order to be eligible
1648 for the full salary supplement in the current school year, or the
1649 licensed athletic trainer shall submit the documentation to the
1650 State Department of Education before February 15 in order to be



eligible for a prorated salary supplement beginning with the
second term of the school year.

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

(vii) Any licensed school psychologist who has met
the requirements and acquired certification as a Nationally
Certified School Psychologist (NCSP) from the National Association
of School Psychologists (NASP), and who is employed by a charter
school as a school psychologist. The licensed school psychologist
shall submit documentation to the State Department of Education
that the certificate was received before October 15 in order to be
eligible for the full salary supplement in the current school
year, or the licensed school psychologist shall submit the
documentation to the State Department of Education before February



15 in order to be eligible for a prorated salary supplement beginning with the second term of the school year.

(b) A charter school employee shall be reimbursed for the actual cost of completing each component of acquiring the certificate or endorsement, excluding any costs incurred for postgraduate courses, not to exceed Five Hundred Dollars (\$500.00) for each component, not to exceed four (4) components, for a teacher, school counselor or speech language pathologist and audiologist, regardless of whether or not the process resulted in the award of the certificate or endorsement. The charter school governing board or any private individual or entity may pay the cost of completing the process of acquiring the certificate or endorsement for any employee of the school district described under paragraph (a), and the State Department of Education shall reimburse the charter school for such cost, regardless of whether or not the process resulted in the award of the certificate or endorsement. If a private individual or entity has paid the cost of completing the process of acquiring the certificate or endorsement for an employee, the charter school may agree to directly reimburse the individual or entity for such cost on behalf of the employee.

(c) All salary supplements and process reimbursement authorized under this subsection shall be paid directly by the State Department of Education to the charter school for payment to the employee who earned it and shall be in addition to its



adequate education program or any successor state public school
funding formula allotments and not a part thereof in accordance
with regulations promulgated by the State Board of Education.
However, an educational employee shall receive the salary
supplement in the amount of Six Thousand Dollars (\$6,000.00) for
only one (1) of the qualifying certifications authorized under
paragraph (a) of this subsection. No charter school shall provide
more than one (1) annual salary supplement under the provisions of
this subsection to any one (1) individual employee holding
multiple qualifying national certifications.

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

SECTION 20. Section 37-28-49, Mississippi Code of 1972, is
amended as follows:

37-28-49. (1) Charter school teachers and other school
personnel, as well as members of the governing board and any
education service provider with whom * * * the governing board
contracts, are subject to criminal history record checks and
fingerprinting requirements applicable to employees of other
public schools. * * * Each authorizer shall require that current



1726 criminal records background checks and current child abuse
1727 registry checks are obtained, and that the criminal record
1728 information and registry checks are on file at the charter school
1729 for any new hires applying for employment. In order to determine
1730 an applicant's suitability for employment, the applicant must be
1731 fingerprinted. If no disqualifying record is identified at the
1732 state level, the fingerprints must be forwarded by the Department
1733 of Public Safety to the Federal Bureau of Investigation for a
1734 national criminal history record check. Under no circumstances
1735 may * * * anyone associated with an authorizer, member of * * * a
1736 charter school governing board or any individual other than the
1737 subject of the criminal history record checks view or disseminate
1738 information received through the checks except as may be required
1739 to fulfill the purposes of this section. The determination
1740 whether the applicant has a disqualifying crime, as set forth in
1741 subsection (2) of this section, must be made by the appropriate
1742 state or federal governmental authority, which must notify the
1743 charter school whether a disqualifying crime exists.

1744 (2) If the fingerprinting or criminal record checks disclose
1745 a felony conviction, guilty plea or plea of nolo contendere to a
1746 felony of possession or sale of drugs, murder, manslaughter, armed
1747 robbery, rape, sexual battery, sex offense listed in Section
1748 45-33-23(g), child abuse, arson, grand larceny, burglary,
1749 gratification of lust or aggravated assault which has not been
1750 reversed on appeal or for which a pardon has not been granted,



1751 the * * * applicant is not eligible to be employed at the charter
1752 school. However, the charter school, in its discretion, may allow
1753 any applicant aggrieved by the employment decision under this
1754 section to show mitigating circumstances that exist and may allow,
1755 subject to the approval of * * * its authorizer, the * * *
1756 applicant to be employed at the school. * * * An authorizer may
1757 approve the employment depending on the mitigating circumstances,
1758 which may include, but need not be limited to: (a) age at which
1759 the crime was committed; (b) circumstances surrounding the crime;
1760 (c) length of time since the conviction and criminal history since
1761 the conviction; (d) work history; (e) current employment and
1762 character references; and (f) other evidence demonstrating the
1763 ability of the person to perform the employment responsibilities
1764 competently and that the person does not pose a threat to the
1765 health or safety of children.

1766 (3) No charter school, charter school employee, member of
1767 the charter school governing board, * * * or member or employee
1768 of * * * an authorizer may be held liable in any employment
1769 discrimination suit in which an allegation of discrimination is
1770 made regarding an employment decision authorized under this
1771 section.

1772 (4) A charter school shall terminate any teacher or
1773 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 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 21. Section 37-28-53, Mississippi Code of 1972, is amended as follows:

37-28-53. (1) Each charter school, or charter management organization, on its behalf, shall certify annually to the State Department of Education its student enrollment, net enrollment and student participation in federal programs. Nothing in this section shall be construed to allow the State Department of Education to collect information not necessary for these calculations unless otherwise specifically authorized by law.

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

SECTION 22. 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



1799 enrollment at the charter school, as determined under Section
1800 37-151-207, equal to the state share of total funding formula
1801 payments for each student, as determined under Section 37-151-211.

1802 (b) Payments made pursuant to this subsection by the
1803 State Department of Education must be made at the same time and in
1804 the same manner as total funding formula payments are made to
1805 school districts under Sections 37-151-101 and 37-151-103.
1806 Amounts payable to a charter school must be determined by the
1807 State Department of Education pursuant to this section and the
1808 total funding formula. Enrollment projections made under Section
1809 37-151-207 to determine the net enrollment of a charter school for
1810 calculating the state share payment must be reconciled with a
1811 charter school's net enrollment using months two (2) and three (3)
1812 for the year for which total funding formula funds are being
1813 appropriated, and any necessary adjustments must be made to
1814 payments during the school's following year of operation. Any
1815 necessary adjustment must be based on the state share of the per
1816 pupil amount in effect for the year for which net membership did
1817 not meet enrollment projections and not any new amount
1818 appropriated for the year in which the adjustment will be made.
1819 If a charter school is closed by the authorizer before the
1820 following year, it must pay to the state any amounts due before
1821 completion of the closure.

1822 (2) (a) For students attending a charter school located in
1823 the school district in which the student resides, the school



1824 district in which the charter school is located shall pay directly
1825 to the charter school an amount as follows: the sum of the local
1826 pro rata amount, as calculated by the State Department of
1827 Education in accordance with Section 37-151-211(2) (b) (local
1828 contribution), and the local pro rata amount, as calculated by the
1829 State Department of Education in accordance with Section 37-57-105
1830 (school district operational levy), multiplied by the number of
1831 resident students enrolled in the charter school, based on the
1832 charter school's months two (2) and three (3) net enrollment of
1833 resident students for the current school year. However, the
1834 amount to the charter school may not include any taxes levied for
1835 the retirement of the local school district's bonded indebtedness
1836 or short-term notes or any taxes levied for the support of
1837 vocational-technical education programs.

1838 (b) The amount must be paid by the school district to
1839 the charter school before January 16 of the current fiscal year.
1840 If the local school district does not pay the required amount to
1841 the charter school before January 16, the State Department of
1842 Education shall reduce the local school district's January
1843 transfer of total funding formula funds by the amount owed to the
1844 charter school and shall redirect that amount to the charter
1845 school. Any such payments made under this paragraph by the State
1846 Department of Education to a charter school must be made at the
1847 same time and in the same manner as total funding formula payments



1848 are made to school districts under Sections 37-151-101 and
1849 37-151-103.

1850 (3) (a) For students attending a charter school located in
1851 a school district in which the student does not reside, the State
1852 Department of Education shall pay to the charter school in which
1853 the students are enrolled an amount as follows: the sum of the
1854 local pro rata amount, as calculated by the State Department of
1855 Education in accordance with Section 37-151-211(2) (b) (local
1856 contribution), and the local pro rata amount, as calculated by the
1857 State Department of Education in accordance with Section 37-57-105
1858 (school district operational levy), multiplied by the number of
1859 students enrolled in the charter school but residing in that
1860 district, based on the charter school's months two (2) and three
1861 (3) net enrollment of these students for the current school year.
1862 However, the amount to the charter school may not include any
1863 taxes levied for the retirement of the local school district's
1864 bonded indebtedness or short-term notes or any taxes levied for
1865 the support of vocational-technical education programs.

1866 (b) The State Department of Education shall reduce the
1867 school district's January transfer of total funding formula funds
1868 by the amount owed to the charter school and shall redirect that
1869 amount to the charter school. Any such payments made under this
1870 subsection (3) by the State Department of Education to a charter
1871 school must be made at the same time and in the same manner as



1872 total funding formula payments are made to school districts under
1873 Sections 37-151-101 and 37-151-103.

1874 (4) The State Department of Education shall direct the
1875 proportionate share of monies generated under federal programs,
1876 including, but not limited to, special education, vocational,
1877 English Language Learner, and other programs, to charter schools
1878 serving students eligible for such funding. The department shall
1879 ensure that charter schools with rapidly expanding enrollments are
1880 treated equitably in the calculation and disbursement of all
1881 federal program dollars. Each charter school that serves students
1882 who may be eligible to receive services provided through such
1883 programs shall comply with all reporting requirements to receive
1884 the aid.

1885 * * *

1886 (5) * * * The State Department of Education shall disburse
1887 state transportation funding to a charter school on the same basis
1888 and in the same manner as it is paid to school districts under the
1889 Section 37-151-201, et. seq.

1890 * * *

1891 (6) The State Department of Education shall disburse
1892 Education Enhancement Funds for classroom supplies, instructional
1893 materials and equipment, including computers and computer software
1894 to all eligible charter school teachers on the same basis and in
1895 the same manner as it is paid to school districts under Section



37-61-33(3)(a)(iii) for the purpose of issuing procurement cards or credentials for a digital solution to eligible teachers.

(7) Payments for charter schools operated by a charter management organization shall, if requested by the charter management organization, be made to the charter management organization rather than to the individual charter schools.

SECTION 23. Section 37-28-57, Mississippi Code of 1972, is amended as follows:

37-28-57. (1) (a) A charter school must adhere to generally accepted accounting principles as determined by the Financial Accounting Standards Board. The State Auditor, in consultation with nationally recognized experts in charter school financial accountability, shall develop financial rules and regulations, including a financial accounting manual, for charter schools that ensure accountability, transparency and comparability but reflect charter schools' autonomy and the nongovernmental, nonprofit status of the entities which hold their contracts.

(b) Charter schools shall not be required to adhere to the financial accounting manual in use by the State Department of Education for school districts or any State Department of Education financial policy or procedure whose legal authority derives from a law not applicable to charter schools, unless otherwise made applicable by this chapter. Charter schools must comply with financial policies required for receipt and use of federal funds.



(2) A nonprofit entity holding a charter contract for one or more charter schools shall have its financial records audited annually, with each school reported as a program under the entity, at the end of each fiscal year, either by the State Auditor or by a certified public accountant approved by the State Auditor. However, a certified public accountant may not be selected to perform the annual audit of a nonprofit entity holding a charter contract for one or more charter schools * * * for more than three (3) consecutive years. Certified public accountants must be selected in a manner determined by the State Auditor. The * * * nonprofit entity shall file a copy of * * * its audit report and accompanying management letter with the authorizer before * * * December 1 of the calendar year the audit is conducted.

(3) A nonprofit entity holding a charter contract for one or more charter schools shall not be required to report duplicative information, financial or otherwise, to both the State Department of Education and its authorizer on behalf of its schools. The State Department of Education and each authorizer shall enact a process to share relevant information as required by this chapter such that a nonprofit entity holding a charter contract for one or more charter schools must only report such information once.

SECTION 24. Section 37-28-1, Mississippi Code of 1972, is brought forward as follows:

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



SECTION 25. Section 37-28-3, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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

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

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

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

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



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

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

SECTION 26. Section 37-28-17, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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

SECTION 27. Section 37-28-25, Mississippi Code of 1972, is brought forward as follows:

37-28-25. If a student previously enrolled in a charter school enrolls in another public school in this state, the student's new school must accept credits earned by the student in courses or instructional programs at the charter school in a uniform and consistent manner and according to the same criteria



1995 that are used to accept academic credits from other public
1996 schools.

1997 **SECTION 28.** Section 37-28-27, Mississippi Code of 1972, is
1998 brought forward as follows:

1999 37-28-27. A school district must provide or publicize to
2000 parents and the general public information about charter schools
2001 as an enrollment option within the district to the same extent and
2002 through the same means that the district provides and publicizes
2003 information about noncharter public schools in the district.

2004 **SECTION 29.** Section 37-28-59, Mississippi Code of 1972, is
2005 brought forward as follows:

2006 37-28-59. (1) Any monies received by a charter school from
2007 any source remaining in the charter school's accounts at the end
2008 of a budget year must remain in the charter school's accounts for
2009 use by the charter school during subsequent budget years.

2010 (2) Nothing in this chapter may be construed to prohibit any
2011 person or organization from providing funding or other assistance
2012 to the establishment or operation of a charter school. The
2013 governing board of a charter school may accept gifts, donations
2014 and grants of any kind made to the charter school and may expend
2015 or use such gifts, donations and grants in accordance with the
2016 conditions prescribed by the donor; however, a gift, donation or
2017 grant may not be accepted if it is subject to a condition that is
2018 contrary to any provision of law or term of the charter contract.



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

SECTION 30. Section 37-28-61, Mississippi Code of 1972, is brought forward as follows:

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

(2) A charter school may negotiate and contract at or below fair market value with a school district, state institution of higher learning, public community or junior college, or any other public or for-profit or nonprofit private entity for the use of a facility for a school building.



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

SECTION 31. Section 31-7-1, Mississippi Code of 1972, is amended as follows:

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

(a) "Agency" means any state board, commission, committee, council, university, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, university, department, unit or the head thereof is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof; except a charter school authorized by the Mississippi Charter School Authorizer Board or any other charter school authorizing entity under the provisions of Section 37-28-7; and except the Mississippi State Port Authority; except the Mississippi School of the Arts (MSA) established in Section 37-140-1 et seq. for the sole purpose of the application of the term "agency" as it pertains to the Public Procurement Review Board's powers and responsibilities as defined in Section 27-104-7(2) (a), but without



2068 application to the use of the term within this chapter, effective
2069 July 1, 2020; and except the Mississippi School for the Blind and
2070 the Mississippi School for the Deaf (MSBD) for the sole purpose of
2071 the application of the term "agency" as it pertains to the Public
2072 Procurement Review Board's powers and responsibilities as defined
2073 in Section 27-104-7(2)(a), but without application to the use of
2074 the term within this chapter, effective July 1, 2021. An academic
2075 medical center or health sciences school as defined in Section
2076 37-115-50 is not an "agency" for those purchases of commodities as
2077 defined in this section that are used for clinical purposes and
2078 (i) intended for use in the diagnosis of disease or other
2079 conditions or in the cure, mitigation, treatment or prevention of
2080 disease, and (ii) medical devices, biological, drugs and radiation
2081 emitting devices as defined by the United States Food and Drug
2082 Administration.

2083 (b) "Governing authority" means boards of supervisors,
2084 governing boards of all school districts, all boards of directors
2085 of public water supply districts, boards of directors of master
2086 public water supply districts, municipal public utility
2087 commissions, governing authorities of all municipalities, port
2088 authorities, Mississippi State Port Authority, commissioners and
2089 boards of trustees of any public hospitals, boards of trustees of
2090 public library systems, district attorneys, school attendance
2091 officers and any political subdivision of the state supported
2092 wholly or in part by public funds of the state or political



2093 subdivisions thereof, including commissions, boards and agencies
2094 created or operated under the authority of any county or
2095 municipality of this state. The term "governing authority" shall
2096 not include economic development authorities supported in part by
2097 private funds, or commissions appointed to hold title to and
2098 oversee the development and management of lands and buildings
2099 which are donated by private individuals to the public for the use
2100 and benefit of the community and which are supported in part by
2101 private funds. The term "governing authority" also shall not
2102 include the governing board of a charter school. The term
2103 "governing authority" also shall not include the Mississippi
2104 School of the Arts established in Section 37-140-1 et seq., for
2105 the sole purpose of the application of the term "agency" as it
2106 pertains to the Public Procurement Review Board's powers and
2107 responsibilities as defined in Section 27-104-7(2)(a), but without
2108 application to the use of the term within this chapter, effective
2109 July 1, 2020. The term "governing authority" also shall not
2110 include the Mississippi School for the Blind and the Mississippi
2111 School for the Deaf (MSBD) for the sole purpose of the application
2112 of the term "governing authority" as it pertains to the Public
2113 Procurement Review Board's powers and responsibilities as defined
2114 in Section 27-104-7(2)(a), but without application to the use of
2115 the term within this chapter, effective July 1, 2021.

2116 (c) "Purchasing agent" means any administrator,
2117 superintendent, purchase clerk or other chief officer so



2118 designated having general or special authority to negotiate for
2119 and make private contract for or purchase for any governing
2120 authority or agency, including issue purchase orders, invitations
2121 for bid, requests for proposals, and receive and accept bids.

2122 (d) "Public funds" means and includes any appropriated
2123 funds, special funds, fees or any other emoluments received by an
2124 agency or governing authority.

2125 (e) "Commodities" means and includes the various
2126 commodities, goods, merchandise, furniture, equipment, automotive
2127 equipment of every kind, and other personal property purchased by
2128 the agencies of the state and governing authorities, but not
2129 commodities purchased for resale or raw materials converted into
2130 products for resale.

2131 (i) "Equipment" shall be construed to include:
2132 automobiles, trucks, tractors, office appliances and all other
2133 equipment of every kind and description.

2134 (ii) "Furniture" shall be construed to include:
2135 desks, chairs, tables, seats, filing cabinets, bookcases and all
2136 other items of a similar nature as well as dormitory furniture,
2137 appliances, carpets and all other items of personal property
2138 generally referred to as home, office or school furniture.

2139 (f) "Emergency" means any circumstances caused by fire,
2140 flood, explosion, storm, earthquake, epidemic, riot, insurrection
2141 or caused by any inherent defect due to defective construction, or
2142 when the immediate preservation of order or of public health is



2143 necessary by reason of unforeseen emergency, or when the immediate
2144 restoration of a condition of usefulness of any public building,
2145 equipment, road or bridge appears advisable, or in the case of a
2146 public utility when there is a failure of any machine or other
2147 thing used and useful in the generation, production or
2148 distribution of electricity, water or natural gas, or in the
2149 transportation or treatment of sewage; or when the delay incident
2150 to obtaining competitive bids could cause adverse impact upon the
2151 governing authorities or agency, its employees or its citizens; or
2152 in the case of a public airport, when the delay incident to
2153 publishing an advertisement for competitive bids would endanger
2154 public safety in a specific (not general) manner, result in or
2155 perpetuate a specific breach of airport security, or prevent the
2156 airport from providing specific air transportation services.

2157 (g) "Construction" means the process of building,
2158 altering, improving, renovating or demolishing a public structure,
2159 public building, or other public real property. It does not
2160 include routine operation, routine repair or regularly scheduled
2161 maintenance of existing public structures, public buildings or
2162 other public real property.

2163 (h) "Purchase" means buying, renting, leasing or
2164 otherwise acquiring.

2165 (i) "Certified purchasing office" means any purchasing
2166 office in which fifty percent (50%) or more of the purchasing
2167 agents hold a certification from the Universal Public Purchasing



2168 Certification Council or other nationally recognized purchasing
2169 certification, and in which, in the case of a state agency
2170 purchasing office, in addition to the national certification, one
2171 hundred percent (100%) of the purchasing officials hold a
2172 certification from the State of Mississippi's Basic or Advanced
2173 Purchasing Certification Program.

2174 (j) "Certified Mississippi Purchasing Agent" means a
2175 state agency purchasing official who holds a certification from
2176 the Mississippi Basic Purchasing Certification Program as
2177 established by the Office of Purchasing, Travel and Fleet
2178 Management.

2179 (k) "Certified Mississippi Procurement Manager" means a
2180 state agency purchasing official who holds a certification from
2181 the Mississippi Advanced Purchasing Certification Program as
2182 established by the Office of Purchasing, Travel and Fleet
2183 Management.

2184 **SECTION 32.** Section 37-3-51, Mississippi Code of 1972, is
2185 amended as follows:

2186 37-3-51. (1) Upon the conviction of any licensed personnel,
2187 as defined in Section 37-9-1, employed by a public school district
2188 or any person employed by a charter or private elementary or
2189 secondary school in a position that requires licensure in the
2190 public school districts, of any felony, or of a sex offense as
2191 defined in subsection (2) of this section, the district attorney
2192 or other prosecuting attorney shall identify those defendants for



2193 the circuit clerk. Each circuit clerk shall provide the State
2194 Department of Education with notice of the conviction of any such
2195 personnel of a felony or a sex offense. In addition, if the
2196 convicted person is an employee of a charter school, the circuit
2197 clerk must provide the same notice to the Mississippi Charter
2198 School Authorizer Board or the appropriate entity empowered under
2199 the provisions of Section 37-28-7 to authorize charter schools.

2200 (2) "Sex offense" shall mean any of the following offenses:

2201 (a) Section 97-3-65, Mississippi Code of 1972, relating
2202 to the carnal knowledge of a child under fourteen (14) years of
2203 age;

2204 (b) Section 97-3-95, Mississippi Code of 1972, relating
2205 to sexual battery;

2206 (c) Section 97-5-21, Mississippi Code of 1972, relating
2207 to seduction of a child under age eighteen (18);

2208 (d) Section 97-5-23, Mississippi Code of 1972, relating
2209 to the touching of a child for lustful purposes;

2210 (e) Section 97-5-27, Mississippi Code of 1972, relating
2211 to the dissemination of sexually oriented material to children;

2212 (f) Section 97-5-33, Mississippi Code of 1972, relating
2213 to the exploitation of children;

2214 (g) Section 97-5-41, Mississippi Code of 1972, relating
2215 to the carnal knowledge of a stepchild, adopted child, or child of
2216 a cohabitating partner;



2217 (h) Section 97-29-59, Mississippi Code of 1972,
2218 relating to unnatural intercourse; or

2219 (i) Any other offense committed in another jurisdiction
2220 which, if committed in this state, would be deemed to be such a
2221 crime without regard to its designation elsewhere.

2222 (3) In addition, the State Department of Education is
2223 considered to be the employer of such personnel for purposes of
2224 requesting criminal record background checks.

2225 **SECTION 33.** Section 37-17-1, Mississippi Code of 1972, is
2226 amended as follows:

2227 37-17-1. (1) The power and authority to prescribe standards
2228 for the accreditation of noncharter public schools, to insure
2229 compliance with such standards and to establish procedures for the
2230 accreditation of noncharter public schools is hereby vested in the
2231 State Board of Education. The board shall, by orders placed upon
2232 its minutes, adopt all necessary rules and regulations to
2233 effectuate the purposes of this chapter and shall provide, through
2234 the State Department of Education, for the necessary personnel for
2235 the enforcement of standards so established.

2236 (2) A charter school authorized by * * * a charter school
2237 authorizing entity under the provisions of Section 37-28-7 must be
2238 granted accreditation by the State Board of Education based solely
2239 on the approval of the school by the authorizer. If * * * an
2240 authorizer, at any time, revokes a school's charter, the State



2241 Board of Education shall withdraw the accreditation of the charter
2242 school immediately.

2243 **SECTION 34.** Section 37-21-3, Mississippi Code of 1972, is
2244 amended as follows:

2245 37-21-3. (1) No person shall act in the capacity of master
2246 teacher, teacher or assistant teacher in any federal or
2247 state-funded program of early childhood education or "Head Start,"
2248 or perform any of the functions, duties or powers of the same,
2249 unless that person shall be qualified in the following manner:

2250 (a) A master teacher or any other employee or
2251 consultant receiving a salary or fee equivalent to that of a
2252 master teacher shall meet the qualifications of a teacher in this
2253 section, including the requirement that a teacher may be required
2254 to hold a state teaching license by the State Department of
2255 Education, and have demonstrated effectiveness as an early
2256 childhood educator. Effectiveness as an early childhood educator
2257 may be demonstrated by a rating of highly effective on a state
2258 evaluation of teaching, if available, or with evidence that the
2259 teacher has a record of raising the achievement outcomes of
2260 prekindergarten students.

2261 (b) A teacher shall possess a bachelor's degree in
2262 early childhood education, child development or an equivalent
2263 field. A teacher may also possess a bachelor's degree in any
2264 field as well as have at least twelve (12) credit hours of
2265 coursework in early childhood education, child development, or an



2266 equivalent field approved by an institution granting a bachelor's
2267 degree in the early childhood education, child development or an
2268 equivalent field; or have a bachelor's degree in any field as well
2269 as have completed a specialized early childhood training program
2270 deemed equivalent by the State Department of Education to twelve
2271 (12) hours of approved coursework.

2272 (c) An assistant teacher shall possess an associate's
2273 degree in early childhood education, child development or an
2274 equivalent field; or an associate's degree in any field and a
2275 Child Development Associate credential, a Montessori certification
2276 or an equivalent certification; or a high school diploma/GED and a
2277 Child Development Associate credential, a Montessori certification
2278 or an equivalent certification. Public school assistant teachers
2279 in the voluntary prekindergarten program established by the Early
2280 Learning Collaborative Act of 2013 may be required by the State
2281 Department of Education to meet the definition of a highly
2282 qualified paraprofessional in addition to these requirements.

2283 The State Department of Education shall adopt any necessary
2284 rules, policies or procedures to implement this section.

2285 (2) Persons employed as a teacher, assistant teacher or in
2286 any other capacity in a prekindergarten or early childhood
2287 education program in a charter school authorized by * * * a
2288 charter school authorizing entity under the provisions of Section
2289 37-28-7 are exempt from the requirements of this section.



2290 **SECTION 35.** Section 37-41-1, Mississippi Code of 1972, is
2291 amended as follows:

2292 37-41-1. The State Board of Education is authorized,
2293 empowered and directed to promulgate rules and regulations
2294 relating to the transportation of students enrolled in the public
2295 school districts, including rules and regulations for:

2296 (a) Setting standards for public school district bus
2297 routes;

2298 (b) Setting standards for public school district buses;

2299 (c) Setting standards for public school district bus
2300 drivers;

2301 (d) Formulating procedure for selecting public school
2302 district bus drivers;

2303 (e) Formulating courses of training for public school
2304 district bus drivers and mechanics, and assist in administering
2305 and financing such courses;

2306 (f) Providing operation procedure for public school
2307 district buses to insure safety of pupils;

2308 (g) Formulating specifications for use in purchasing
2309 public school district buses; getting bids on public school
2310 district buses; equipment and supplies; and fixing prices based
2311 upon said bids which school districts may not exceed in purchasing
2312 said equipment;

2313 (h) Formulating specifications for use by school
2314 districts in purchasing used school buses; and



2315 (i) Providing a system of records and reports for the
2316 purpose of carrying out the provisions of Sections 37-41-1 through
2317 37-41-51, and providing the superintendent of schools with a
2318 sufficient supply of report forms.

2319 All rules and regulations adopted and promulgated by the
2320 State Board of Education relating to school district bus drivers
2321 shall also be applicable to drivers of privately owned buses
2322 transporting public school district children.

2323 All rules and regulations adopted and promulgated by the
2324 State Board of Education pursuant to the authority conferred by
2325 this section shall be spread at large upon the minutes of the
2326 State Board of Education and copies thereof shall be furnished to
2327 all school boards not less than thirty (30) days prior to the
2328 effective date of such rules and regulations.

2329 The provisions of this chapter are applicable to school
2330 districts and the transportation of students enrolled in public
2331 school districts. Charter schools authorized by * * * a charter
2332 school authorizing entity under the provisions of Section 37-28-7
2333 are exempt from the provisions of this chapter.

2334 **SECTION 36.** This act shall take effect and be in force from
2335 and after July 1, 2025.

