

By: Representative Roberson

To: Education

HOUSE BILL NO. 1525

1 AN ACT TO AMEND SECTION 37-28-21, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT CHARTER SCHOOLS SHALL BE GRANTED A TWO-YEAR DELAY
3 START DATE FOR COMMENCEMENT OF INSTRUCTION OF STUDENTS; TO FURTHER
4 PROVIDE THAT IF THE CHARTER SCHOOL FAILS TO START AFTER TWO YEARS
5 OF BEING APPROVED, IT MUST REAPPLY FOR AUTHORIZATION TO OPEN A
6 CHARTER SCHOOL TO THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD;
7 TO AMEND SECTION 37-28-47, MISSISSIPPI CODE OF 1972, TO PROVIDE
8 THAT CHARTER SCHOOL EMPLOYEES HAVING SATISFIED ALL THE
9 REQUIREMENTS FOR NATIONAL BOARD CERTIFICATION IN THEIR RESPECTIVE
10 PROFESSIONAL DISCIPLINES, SHALL BE ENTITLED TO A \$6,000.00 ANNUAL
11 SALARY SUPPLEMENT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 37-28-21, Mississippi Code of 1972, is
14 amended as follows:

15 37-28-21. (1) The authorizer shall grant an initial charter
16 to each qualified applicant for a term of five (5) operating
17 years. The term of the charter shall commence on the charter
18 school's first day of operation. An approved charter school may
19 delay its opening for * * * two (2) school years in order to plan
20 and prepare for the school's opening. If the school requires an
21 opening delay of more than * * * two (2) school years, the school
22 must * * * reapply for authorization to the authorizer and satisfy



each mandatory element of the charter application required under
Section 37-28-15 and such other requirements as the authorizer may
impose under the authority granted in Chapter 28, Title 37,
Mississippi Code of 1972. * * *

(2) (a) The authorizer and the governing board of the approved charter school shall execute a charter contract that clearly sets forth the academic and operational performance expectations and measures by which the charter school will be judged and the administrative relationship between the authorizer and charter school, including each party's rights and duties. The performance expectations and measures set forth in the charter contract must include, but need not be limited to, applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the charter school is operating and has collected baseline achievement data for its enrolled students.

(b) The charter contract must be signed by the chairman of the authorizer board and the president of the charter school's governing board.

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

(3) The authorizer may establish reasonable preopening requirements or conditions to monitor the start-up progress of a newly approved charter school and to ensure that the school is



48 prepared to open smoothly on the date agreed and that the school
49 meets all building, health, safety, insurance and other legal
50 requirements before the school's opening.

51 **SECTION 2.** Section 37-28-47, Mississippi Code of 1972, is
52 amended as follows:

53 37-28-47. (1) (a) Charter schools must comply with
54 applicable federal laws, rules and regulations regarding the
55 qualification of teachers and other instructional staff. No more
56 than twenty-five percent (25%) of teachers in a charter school may
57 be exempt from state teacher licensure requirements.
58 Administrators of charter schools are exempt from state
59 administrator licensure requirements. However, teachers and
60 administrators must have a bachelor's degree as a minimum
61 requirement, and teachers must have demonstrated subject-matter
62 competency. Within three (3) years of a teacher's employment by a
63 charter school, the teacher must have, at a minimum, alternative
64 licensure approved by the Commission on Teacher and Administrator
65 Education, Certification and Licensure and Development.

66 (b) A charter school may not staff positions for
67 teachers, administrators, ancillary support personnel or other
68 employees by utilizing or otherwise relying on nonimmigrant
69 foreign worker visa programs. However, a charter school may
70 submit a request to the authorizer for an exception allowing the
71 employment of a nonimmigrant foreign worker before the worker is
72 employed. The authorizer may grant permission for the employment



of the nonimmigrant foreign worker only if the charter school makes a satisfactory showing of efforts to recruit lawful permanent residents of the United States to fill the position and a lack of qualified applicants to fill the position.

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

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

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

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

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

(i) Any licensed teacher who has met the requirements and acquired a Master Teacher certificate from the National Board for Professional Teaching Standards and who is employed by a charter school as a teacher and not as an



98 administrator. Such teacher shall submit documentation to the
99 State Department of Education that the certificate was received
100 prior to October 15 in order to be eligible for the full salary
101 supplement in the current school year, or the teacher shall submit
102 such documentation to the State Department of Education prior to
103 February 15 in order to be eligible for a prorated salary
104 supplement beginning with the second term of the school year.

105 (ii) A licensed nurse who has met the requirements
106 and acquired a certificate from the National Board for
107 Certification of School Nurses, Inc., and who is employed by a
108 charter school as a school nurse and not as an administrator. The
109 licensed school nurse shall submit documentation to the State
110 Department of Education that the certificate was received before
111 October 15 in order to be eligible for the full salary supplement
112 in the current school year, or the licensed school nurse shall
113 submit the documentation to the State Department of Education
114 before February 15 in order to be eligible for a prorated salary
115 supplement beginning with the second term of the school year.

116 (iii) Any licensed school counselor who has met
117 the requirements and acquired a National Certified School
118 Counselor (NCSC) endorsement from the National Board of Certified
119 Counselors and who is employed by a charter school as a counselor
120 and not as an administrator. Such licensed school counselor shall
121 submit documentation to the State Department of Education that the
122 endorsement was received prior to October 15 in order to be



eligible for the full salary supplement in the current school
year, or the licensed school counselor shall submit such
documentation to the State Department of Education prior to
February 15 in order to be eligible for a prorated salary
supplement beginning with the second term of the school year.

(iv) Any licensed speech language pathologist and
audiologist who has met the requirements and acquired a
Certificate of Clinical Competence from the American Speech
Language Hearing Association and any certified academic language
therapist (CALT) who has met the certification requirements of the
Academic Language Therapy Association and who is employed by a
local school board. The licensed speech language pathologist and
audiologist and certified academic language therapist shall submit
documentation to the State Department of Education that the
certificate or endorsement was received before October 15 in order
to be eligible for the full salary supplement in the current
school year, or the licensed speech language pathologist and
audiologist and certified academic language therapist 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.

(v) Any licensed athletic trainer who has met the
requirements and acquired Board Certification for the Athletic
Trainer from the Board of Certification, Inc., and who is employed
by a charter school as an athletic trainer and not as an



148 administrator. The licensed athletic trainer shall submit
149 documentation to the State Department of Education that the
150 certificate was received before October 15 in order to be eligible
151 for the full salary supplement in the current school year, or the
152 licensed athletic trainer shall submit the documentation to the
153 State Department of Education before February 15 in order to be
154 eligible for a prorated salary supplement beginning with the
155 second term of the school year.

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

169 (vii) Any licensed school psychologist who has met
170 the requirements and acquired certification as a Nationally
171 Certified School Psychologist (NCSP) from the National Association
172 of School Psychologists (NASP), and who is employed by a charter



173 school as a school psychologist. The licensed school psychologist
174 shall submit documentation to the State Department of Education
175 that the certificate was received before October 15 in order to be
176 eligible for the full salary supplement in the current school
177 year, or the licensed school psychologist shall submit the
178 documentation to the State Department of Education before February
179 15 in order to be eligible for a prorated salary supplement
180 beginning with the second term of the school year.

181 (b) A charter school employee shall be reimbursed for
182 the actual cost of completing each component of acquiring the
183 certificate or endorsement, excluding any costs incurred for
184 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
185 for each component, not to exceed four (4) components, for a
186 teacher, school counselor or speech language pathologist and
187 audiologist, regardless of whether or not the process resulted in
188 the award of the certificate or endorsement. The charter school
189 governing board or any private individual or entity may pay the
190 cost of completing the process of acquiring the certificate or
191 endorsement for any employee of the school district described
192 under paragraph (a), and the State Department of Education shall
193 reimburse the charter school for such cost, regardless of whether
194 or not the process resulted in the award of the certificate or
195 endorsement. If a private individual or entity has paid the cost
196 of completing the process of acquiring the certificate or
197 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 and shall be
in addition to its adequate education program 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 3. This act shall take effect and be in force from
and after July 1, 2025.

