

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2593

1 AN ACT TO BRING FORWARD SECTIONS 37-28-1, 37-28-3, 37-28-5,
2 37-28-7, 37-28-9, 37-28-11, 37-28-13, 37-28-15, 37-28-17,
3 37-28-19, 37-28-21, 37-28-23, 37-28-25, 37-28-27, 37-28-29,
4 37-28-31, 37-28-33, 37-28-35, 37-28-37, 37-28-39, 37-28-41,
5 37-28-43, 37-28-45, 37-28-47, 37-28-49, 37-28-51, 37-28-53,
6 37-28-55, 37-28-57, 37-28-59 AND 37-28-61, MISSISSIPPI CODE OF
7 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
8 PURPOSES.

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

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

12 37-28-1. This chapter shall be known and may be cited as the
13 "Mississippi Charter Schools Act of 2013."

14 **SECTION 2.** Section 37-28-3, Mississippi Code of 1972, is
15 brought forward as follows:

16 37-28-3. (1) The Legislature finds and declares that the
17 general purposes of the state's charter schools are as follows:

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

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



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

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

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

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

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

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

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

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

44 **SECTION 3.** Section 37-28-5, Mississippi Code of 1972, is
45 brought forward as follows:



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

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

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

(c) "Authorizer" means the Mississippi Charter School Authorizer Board established under Section 37-28-7 to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee charter schools, and decide whether to renew, not renew, or revoke charter contracts.

(d) "Charter contract" means a fixed-term, renewable contract between a charter school and the authorizer which outlines the roles, powers, responsibilities and performance expectations for each party to the contract.

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



69 (f) "Conversion charter school" means a charter school
70 that existed as a noncharter public school before becoming a
71 charter school.

72 (g) "Education service provider" means a charter
73 management organization, school design provider or any other
74 partner entity with which a charter school intends to contract for
75 educational design, implementation or comprehensive management.

76 (h) "Governing board" means the independent board of a
77 charter school which is party to the charter contract with the
78 authorizer and whose members have been elected or selected
79 pursuant to the school's application.

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

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

85 (k) "School board" means a school board exercising
86 management and control over a local school district and the
87 schools of that district pursuant to the State Constitution and
88 state statutes.

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



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

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

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

SECTION 4. Section 37-28-7, Mississippi Code of 1972, is brought forward as follows:

37-28-7. (1) There is created the Mississippi Charter School Authorizer Board as a state agency with exclusive 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.

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



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

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

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

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

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

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

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



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

148 (5) To establish staggered terms of office, the initial term
149 of office for the three (3) Mississippi Charter School Authorizer
150 Board members appointed by the Governor shall be four (4) years
151 and thereafter shall be three (3) years; the initial term of
152 office for the three (3) members appointed by the Lieutenant
153 Governor shall be three (3) years and thereafter shall be three
154 (3) years; and the initial term of office for the member appointed
155 by the State Superintendent of Public Education shall be two (2)
156 years and thereafter shall be three (3) years. No member may
157 serve more than two (2) consecutive terms. The initial
158 appointments must be made before September 1, 2013.

159 (6) The Mississippi Charter School Authorizer Board shall
160 meet as soon as practical after September 1, 2013, upon the call
161 of the Governor, and shall organize for business by selecting a
162 chairman and adopting bylaws. Subsequent meetings shall be called
163 by the chairman.



(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 are based on national best practices, and shall possess an understanding of state and federal education law. The executive director, who shall serve at the will and pleasure of the board, shall devote his full time to the proper administration of the board and the duties assigned to him by the board and shall be paid a salary established by the board, subject to the approval of the State Personnel Board. Subject to the availability of funding, the executive director may employ such administrative



staff as may be necessary to assist the director and board in carrying out the duties and directives of the Mississippi Charter School Authorizer Board.

(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 5. Section 37-28-9, Mississippi Code of 1972, is brought forward as follows:

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

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

- (i) Organizational capacity and infrastructure;
- (ii) Solicitation and evaluation of charter applications;
- (iii) Performance contracting;
- (iv) Ongoing charter school oversight and evaluation; and
- (v) Charter renewal decision-making;



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

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

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

220 (e) Monitoring, in accordance with charter contract
221 terms, the performance and legal compliance of charter schools;

222 (f) Determining whether each charter contract merits
223 renewal, nonrenewal or revocation; and

224 (g) Applying for any federal funds that may be
225 available for the implementation of charter school programs.

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

230 (3) The authorizer may delegate its duties to the executive
231 director and general counsel.

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

236 (5) Except in the case of gross negligence or reckless
237 disregard of the safety and well-being of another person, the



authorizer, members of the authorizer board in their official capacity, and employees of the authorizer in their official capacity are immune from civil liability with respect to all activities related to a charter school approved by the authorizer.

SECTION 6. Section 37-28-11, Mississippi Code of 1972, is brought forward as follows:

37-28-11. (1) To cover the costs of overseeing charter schools in accordance with this chapter, the authorizer shall receive three percent (3%) of annual per-pupil allocations received by a charter school from state and local funds for each charter school it authorizes.

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

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

SECTION 7. Section 37-28-13, Mississippi Code of 1972, is brought forward 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 July 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 the charter schools;

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

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

The Mississippi Charter School Authorizer Board shall make the pamphlet available to the public on the board's website and shall notify all prospective applicants of the pamphlet.

SECTION 8. Section 37-28-15, Mississippi Code of 1972, is brought forward as follows:

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



288 (2) The authorizer annually shall establish and disseminate
289 a statewide timeline for charter approval or denial decisions.

290 (3) The authorizer's request for proposals must include the
291 following:

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

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

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

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

304 (4) In addition to all other requirements, the request for
305 proposals must require charter applications to provide or describe
306 thoroughly all of the following mandatory elements of the proposed
307 school plan:

308 (a) An executive summary;

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



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

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

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

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

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

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

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

334 (j) A description of the school's instructional design,
335 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;

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

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

(n) Plans and timelines for student recruitment and
enrollment, including lottery policies and procedures that ensure
that every student has an equal opportunity to be considered in
the lottery and that the lottery is equitable, randomized,
transparent and impartial so that students are accepted in a



360 charter school without regard to disability, income level, race,
361 religion or national origin;

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

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

370 (q) A clear description of the roles and
371 responsibilities of the governing board, education service
372 provider, school leadership team, management team and all other
373 entities shown in the organizational chart;

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

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

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

381 (u) Proposed governing bylaws;

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



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

387 (x) Opportunities and expectations for parent
388 involvement;

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

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

393 (aa) A description of the insurance coverage the school
394 will obtain;

395 (bb) Start-up and five-year budgets with clearly stated
396 assumptions;

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

399 (dd) A disclosure of all sources of private funding and
400 all funds from foreign sources, including gifts from foreign
401 governments, foreign legal entities and domestic entities
402 affiliated with either foreign governments or foreign legal
403 entities. For the purposes of this paragraph, the term "foreign"
404 means a country or jurisdiction outside of any state or territory
405 of the United States;

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



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

(5) 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.

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

(a) Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;

(b) Provide a term sheet setting forth: the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff and the education service provider; the scope of services and resources to be provided by



the education service provider; performance evaluation measures and timelines; the compensation structure, including clear identification of all fees to be paid to the education service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

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

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

(7) In the case of a charter school proposal from an applicant that currently operates one or more schools in any state or nation, the request for proposals additionally shall require the applicant to provide evidence of past performance and current capacity for growth. The applicant shall be required to submit clear evidence that it has produced statistically significant gains in student achievement or consistently produced proficiency levels as measured on state achievement tests.

SECTION 9. 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 10. Section 37-28-19, Mississippi Code of 1972, is brought forward as follows:

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

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

(a) Grant charters only to applicants that have provided evidence of competence in each element of the authorizer's published approval criteria, and in the case of an applicant that currently operates one or more schools in any state or nation, clear evidence that the management or leadership team of the charter school or schools currently operated by the applicant has produced statistically significant gains in student



achievement or consistently produced proficiency levels as measured on state achievement test;

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

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

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

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

(5) For a charter denial, the authorizer shall state clearly, for public record, its reasons for denial. A denied applicant may reapply subsequently with the authorizer.

(6) Before the expiration of ten (10) days after taking action to approve or deny a charter application, the authorizer



shall provide a report to the applicant. The report must include a copy of the authorizer's resolution setting forth the action taken and reasons for the decision and assurances as to compliance with all of the procedural requirements and application elements set forth in this chapter.

SECTION 11. Section 37-28-21, Mississippi Code of 1972, is brought forward as follows:

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

(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



532 federal and state accountability requirements. The performance
533 provisions may be refined or amended by mutual agreement after the
534 charter school is operating and has collected baseline achievement
535 data for its enrolled students.

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

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

542 (3) The authorizer may establish reasonable preopening
543 requirements or conditions to monitor the start-up progress of a
544 newly approved charter school and to ensure that the school is
545 prepared to open smoothly on the date agreed and that the school
546 meets all building, health, safety, insurance and other legal
547 requirements before the school's opening.

548 **SECTION 12.** Section 37-28-23, Mississippi Code of 1972, is
549 brought forward as follows:

550 37-28-23. (1) A charter school must be open to:

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

553 (b) Any student who resides in the geographical
554 boundaries of a school district that was rated "C," "D" or "F" at
555 the time the charter school was approved by the authorizer board,



or who resides in the geographical boundaries of a school district rated "C," or "D" or "F" at the time the student enrolls.

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

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

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

(5) The underserved student composition of a charter school's enrollment collectively must reflect that of students of all ages attending the school district in which the charter school is located, to be defined for the purposes of this chapter as being at least eighty percent (80%) of that population. If the underserved student composition of an applicant's or charter school's enrollment is less than eighty percent (80%) of the enrollment of students of all ages in the school district in which the charter school is located, despite the school's best efforts, the authorizer must consider the applicant's or charter school's recruitment efforts and the underserved student composition of the applicant pool in determining whether the applicant or charter



581 school is operating in a nondiscriminatory manner. A finding by
582 the authorizer that a charter school is operating in a
583 discriminatory manner justifies the revocation of a charter.

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

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

590 (8) (a) Any noncharter public school or part of a
591 noncharter public school converting to a charter school shall
592 adopt and maintain a policy giving an enrollment preference to
593 students who reside within the former attendance area of that
594 public school. If the charter school has excess capacity after
595 enrolling students residing within the former attendance area of
596 the school, students outside of the former attendance area of the
597 school, but within the geographical boundaries of the school
598 district in which the charter school is located, are eligible for
599 enrollment. If the number of students applying for admission
600 exceeds the capacity of a program, class, grade level or building
601 of the charter school, the charter school must admit students on
602 the basis of a lottery.

603 (b) A charter school must give an enrollment preference
604 to students enrolled in the charter school during the preceding
605 school year and to siblings of students already enrolled in the



606 charter school. An enrollment preference for returning students
607 excludes those students from entering into a lottery.

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

613 (d) A charter school shall give an enrollment
614 preference to underserved children as defined in Section 37-28-5
615 to ensure the charter school meets its required underserved
616 student composition.

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

625 **SECTION 13.** Section 37-28-25, Mississippi Code of 1972, is
626 brought forward as follows:

627 37-28-25. If a student previously enrolled in a charter
628 school enrolls in another public school in this state, the
629 student's new school must accept credits earned by the student in
630 courses or instructional programs at the charter school in a



631 uniform and consistent manner and according to the same criteria
632 that are used to accept academic credits from other public
633 schools.

634 **SECTION 14.** Section 37-28-27, Mississippi Code of 1972, is
635 brought forward as follows:

636 37-28-27. A school district must provide or publicize to
637 parents and the general public information about charter schools
638 as an enrollment option within the district to the same extent and
639 through the same means that the district provides and publicizes
640 information about noncharter public schools in the district.

641 **SECTION 15.** Section 37-28-29, Mississippi Code of 1972, is
642 brought forward as follows:

643 37-28-29. (1) The performance provisions within a charter
644 contract must be based on a performance framework that clearly
645 sets forth the academic and operational performance indicators,
646 measures and metrics that will guide the authorizer's evaluations
647 of the charter school. The performance framework must include
648 indicators, measures and metrics, at a minimum, for the following:

- 649 (a) Student academic proficiency;
- 650 (b) Student academic growth;
- 651 (c) Achievement gaps in both proficiency and growth
652 between major student subgroups;
- 653 (d) Attendance;
- 654 (e) Recurrent enrollment from year to year;



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

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

661 (h) Financial performance and sustainability; and

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

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

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

675 (4) The performance framework must allow the inclusion of
676 additional rigorous, valid and reliable indicators proposed by a
677 charter school to augment external evaluations of its performance;
678 however, the authorizer must approve the quality and rigor of any



indicators proposed by a charter school, which indicators must be consistent with the purposes of this chapter.

(5) The performance framework must require the disaggregation of all student performance data by major student subgroups (gender, race, poverty status, special education status, English learner status and gifted status).

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

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

SECTION 16. Section 37-28-31, Mississippi Code of 1972, is brought forward as follows:

37-28-31. (1) The authorizer shall monitor annually the performance and legal compliance of each charter school it oversees, including collecting and analyzing data to support the school's evaluation according to the charter contract. The authorizer may conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under this chapter, including conducting appropriate inquiries and investigations, so long as those activities are consistent with the intent of this



act, adhere to the terms of the charter contract and do not unduly inhibit the autonomy granted to charter schools.

(2) As part of its annual report to the Legislature, the authorizer shall publish and provide a performance report for each charter school it oversees in accordance with the performance framework set forth in the charter contract. The report must be made available to the public at the same time as it is submitted to the Legislature. The authorizer may require each charter school it oversees to submit an annual report to assist the authorizer in gathering complete information about each school, consistent with the performance framework.

(3) If a charter school's performance or legal compliance is unsatisfactory, the authorizer shall notify promptly the 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) The authorizer may take appropriate corrective actions or exercise sanctions in response to apparent 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 17. Section 37-28-33, Mississippi Code of 1972, is brought forward as follows:



37-28-33. (1) A charter may be renewed for successive five-year terms of duration. The authorizer may grant renewal with specific conditions for necessary improvements to a charter school and may lessen the renewal term based on the performance, demonstrated capacities and particular circumstances of each charter school.

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

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

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

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



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

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

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

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

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

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

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

(7) A charter contract must be revoked at any time or not renewed if the authorizer determines that the charter school has



done any of the following or otherwise failed to comply with the provisions of this chapter:

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

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

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

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

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

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

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

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

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

(e) Permit the recording of such proceedings; and



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

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

(10) If the authorizer revokes or does not renew a charter, the authorizer must state clearly, in a resolution of adopted by the authorizer board, the reasons for the revocation or nonrenewal.

(11) Within ten (10) days after taking action to renew, not renew or revoke a charter, the authorizer shall provide a report to the charter school. The report must include a copy of the authorizer board's resolution setting forth the action taken, reasons for the board's decision and assurances as to compliance with all of the requirements set forth in this chapter.

SECTION 18. Section 37-28-35, Mississippi Code of 1972, is brought forward as follows:

37-28-35. (1) Before implementing a charter school closure decision, the 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



826 accordance with the requirements of this chapter. The protocol
827 must specify tasks, timelines and responsible parties, including
828 delineating the respective duties of the school and the
829 authorizer. If a charter school is to be closed for any reason,
830 the authorizer shall oversee and work with the closing school to
831 ensure a smooth and orderly closure and transition for students
832 and parents, as guided by the closure protocol.

833 (2) If a charter school closes, all unspent government
834 funds, unspent earnings from those funds and assets purchased with
835 government funds must revert to the local school district in which
836 the charter school is located. Unless otherwise provided for in
837 the charter or a debt instrument, unspent funds from
838 nongovernmental sources, unspent earnings from those funds, assets
839 purchased with those funds and debts of the school must revert to
840 the nonprofit entity created to operate the school and may be
841 disposed of according to applicable laws for nonprofit
842 corporations.

843 **SECTION 19.** Section 37-28-37, Mississippi Code of 1972, is
844 brought forward as follows:

845 37-28-37. (1) Before October 1 of each year, beginning in
846 the year that the state has had at least one (1) charter school
847 operating for a full school year, the Mississippi Charter School
848 Authorizer Board shall issue to the Governor, Legislature, State
849 Board of Education and the public an annual report on the state's
850 charter schools for the preceding school year. The report must



include a comparison of the performance of charter school students with the performance of academically, ethnically and economically comparable groups of students in the school district in which a charter school is located. In addition, the report must include the authorizer's assessment of the successes, challenges and areas for improvement in meeting the purposes of this chapter. The report also must include an assessment on whether the number and size of operating charter schools are sufficient to meet demand, as calculated according to admissions data and the number of students denied enrollment based on lottery results. The report due from the authorizer under this section must be coordinated with reports due from charter school governing boards, as near as possible, to decrease or eliminate duplication.

(2) The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall prepare an annual report assessing the sufficiency of funding for charter schools, the efficacy of the state formula for authorizer funding, and any suggested changes in state law or policy necessary to strengthen the state's charter schools.

SECTION 20. Section 37-28-39, Mississippi Code of 1972, is brought forward as follows:

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



(2) A charter school and any education service provider which provides comprehensive management for a charter school must be a nonprofit education organization.

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

(4) To the extent approved by the authorizer, a charter contract may consist of one or more schools. Each charter school that is part of a charter contract must be separate and distinct from any other charter school.

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

(6) A charter school must function as a local educational agency, and as such, a charter school is responsible for meeting the requirements of local educational agencies under applicable federal laws, including those relating to special education, receipt of funds and compliance with funding requirements. Status as a local educational agency, however, does not preclude a charter school from developing, by mutual agreement or formal contract, links with the local school district for services, resources and programs.

SECTION 21. Section 37-28-41, Mississippi Code of 1972, is brought forward as follows:



37-28-41. A charter school may exercise those powers necessary for carrying out the terms of its charter contract, including the following powers:

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

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

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

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

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

(f) To sue and be sued in its own name.

SECTION 22. Section 37-28-43, Mississippi Code of 1972, is brought forward as follows:

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



923 (2) A charter school may not engage in any sectarian
924 practices in its educational program, admissions or employment
925 policies or operations.

926 (3) A charter school may not discriminate against any
927 student on the basis of national origin, minority status or
928 limited proficiency in English. Consistent with federal civil
929 rights laws, charter schools must provide limited English
930 proficient students with appropriate services designed to teach
931 them English and the general curriculum.

932 (4) A charter school may not charge tuition.

933 (5) The terms of each charter school must include a
934 transportation plan for students attending the charter school.

935 (6) Subject to the approval of the authorizer, a charter
936 school may contract with an accredited online course provider for
937 the delivery of virtual courses to students enrolled in the
938 charter school.

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

943 **SECTION 23.** Section 37-28-45, Mississippi Code of 1972, is
944 brought forward as follows:

945 37-28-45. (1) Charter schools are subject to the same civil
946 rights, health and safety requirements applicable to noncharter



public schools in the state, except as otherwise specifically provided in this chapter.

(2) Charter schools are subject to the student assessment and accountability requirements applicable to noncharter public schools in the state; however, this requirement does not preclude a charter school from establishing additional student assessment measures that go beyond state requirements if the authorizer approves those measures.

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

(4) Whenever the provisions of Title 37, Mississippi Code of 1972, relating to the elementary and secondary education of public school students establish a requirement for or grant authority to local school districts, their school boards and the schools within the respective school districts, the language "school districts," "school boards," "boards of trustees," "the schools within a



972 school district," or any other similar phraseology does not
973 include a charter school and the governing board of a charter
974 school unless the statute specifically is made applicable to
975 charter schools as well as noncharter public schools.

976 (5) A charter school is not subject to any rule, regulation,
977 policy or procedure adopted by the State Board of Education or the
978 State Department of Education unless otherwise required by the
979 authorizer or in the charter contract.

980 (6) Charter schools are not exempt from the following
981 statutes:

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

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

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

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

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

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



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

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

1000 (i) Section 37-11-21, which prohibits parental abuse of
1001 school staff.

1002 (j) Section 37-11-23, which prohibits the willful
1003 disruption of school and school meetings.

1004 (k) Sections 37-11-29 and 37-11-31, which relate to
1005 reporting requirements regarding unlawful or violent acts on
1006 school property.

1007 (l) Section 37-11-67, which prohibits bullying or
1008 harassing behavior in public schools.

1009 (m) Section 37-13-3, which prohibits doctrinal,
1010 sectarian or denominational teaching in public schools.

1011 (n) Sections 37-13-5 and 37-13-6, which require the
1012 flags of the United States and the State of Mississippi to be
1013 displayed near the school building.

1014 (o) Section 37-13-63(1), which prescribes the minimum
1015 number of days which public schools must be kept in session during
1016 a scholastic year.

1017 (p) Section 37-13-91, which is the Mississippi
1018 Compulsory School Attendance Law.



1019 (q) Section 37-13-171(2) and (4), which requires any
1020 course containing sex-related education to include instruction in
1021 abstinence-only or abstinence-plus education.

1022 (r) Section 37-13-173, which requires notice to parents
1023 before instruction on human sexuality is provided in public
1024 classrooms.

1025 (s) Section 37-13-193, which relates to civil rights
1026 and human rights education in the public schools.

1027 (t) Sections 37-15-1 and 37-15-3, which relate to the
1028 maintenance and transfer of permanent student records in public
1029 schools.

1030 (u) Section 37-15-6, which requires the State
1031 Department of Education to maintain a record of expulsions from
1032 the public schools.

1033 (v) Section 37-15-9, which establishes minimum age
1034 requirements for kindergarten and first grade enrollment in public
1035 schools.

1036 (w) Section 37-15-11, which requires a parent, legal
1037 guardian or custodian to accompany a child seeking enrollment in a
1038 public school.

1039 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,
1040 which relate to the statewide assessment testing program.

1041 (y) Section 37-18-1, which establishes the
1042 Superior-Performing Schools Program and Exemplary Schools Program
1043 to recognize public schools that improve.



1044 **SECTION 24.** Section 37-28-47, Mississippi Code of 1972, is
1045 brought forward as follows:

1046 37-28-47. (1) (a) Charter schools must comply with
1047 applicable federal laws, rules and regulations regarding the
1048 qualification of teachers and other instructional staff. No more
1049 than twenty-five percent (25%) of teachers in a charter school may
1050 be exempt from state teacher licensure requirements.

1051 Administrators of charter schools are exempt from state
1052 administrator licensure requirements. However, teachers and
1053 administrators must have a bachelor's degree as a minimum
1054 requirement, and teachers must have demonstrated subject-matter
1055 competency. Within three (3) years of a teacher's employment by a
1056 charter school, the teacher must have, at a minimum, alternative
1057 licensure approved by the Commission on Teacher and Administrator
1058 Education, Certification and Licensure and Development.

1059 (b) A charter school may not staff positions for
1060 teachers, administrators, ancillary support personnel or other
1061 employees by utilizing or otherwise relying on nonimmigrant
1062 foreign worker visa programs. However, a charter school may
1063 submit a request to the authorizer for an exception allowing the
1064 employment of a nonimmigrant foreign worker before the worker is
1065 employed. The authorizer may grant permission for the employment
1066 of the nonimmigrant foreign worker only if the charter school
1067 makes a satisfactory showing of efforts to recruit lawful



1068 permanent residents of the United States to fill the position and
1069 a lack of qualified applicants to fill the position.

1070 (2) Employees in charter schools must have the same general
1071 rights and privileges as other public school employees, except
1072 such employees are not:

1073 (a) Covered under the Education Employment Procedures
1074 Law (Section 37-9-103); and

1075 (b) Subject to the state salary requirements prescribed
1076 in Section 37-19-7.

1077 (3) For the purpose of eligibility for participation in the
1078 Public Employees' Retirement System, a public charter school is
1079 considered to be a political subdivision of the state. Employees
1080 in public charter schools are eligible for participation in other
1081 benefits programs if the public charter school governing board
1082 chooses to participate.

1083 **SECTION 25.** Section 37-28-49, Mississippi Code of 1972, is
1084 brought forward as follows:

1085 37-28-49. (1) Charter school teachers and other school
1086 personnel, as well as members of the governing board and any
1087 education service provider with whom a charter school contracts,
1088 are subject to criminal history record checks and fingerprinting
1089 requirements applicable to employees of other public schools. The
1090 authorizer shall require that current criminal records background
1091 checks and current child abuse registry checks are obtained, and
1092 that the criminal record information and registry checks are on



1093 file at the charter school for any new hires applying for
1094 employment. In order to determine an applicant's suitability for
1095 employment, the applicant must be fingerprinted. If no
1096 disqualifying record is identified at the state level, the
1097 fingerprints must be forwarded by the Department of Public Safety
1098 to the Federal Bureau of Investigation for a national criminal
1099 history record check. Under no circumstances may a member of the
1100 Mississippi Charter School Authorizer Board, member of the charter
1101 school governing board or any individual other than the subject of
1102 the criminal history record checks disseminate information
1103 received through the checks except as may be required to fulfill
1104 the purposes of this section. The determination whether the
1105 applicant has a disqualifying crime, as set forth in subsection
1106 (2) of this section, must be made by the appropriate state or
1107 federal governmental authority, which must notify the charter
1108 school whether a disqualifying crime exists.

1109 (2) If the fingerprinting or criminal record checks disclose
1110 a felony conviction, guilty plea or plea of nolo contendere to a
1111 felony of possession or sale of drugs, murder, manslaughter, armed
1112 robbery, rape, sexual battery, sex offense listed in Section
1113 45-33-23(g), child abuse, arson, grand larceny, burglary,
1114 gratification of lust or aggravated assault which has not been
1115 reversed on appeal or for which a pardon has not been granted, the
1116 new hire is not eligible to be employed at the charter school.
1117 However, the charter school, in its discretion, may allow any



1118 applicant aggrieved by the employment decision under this section
1119 to show mitigating circumstances that exist and may allow, subject
1120 to the approval of the Mississippi Charter School Authorizer
1121 Board, the new hire to be employed at the school. The authorizer
1122 may approve the employment depending on the mitigating
1123 circumstances, which may include, but need not be limited to: (a)
1124 age at which the crime was committed; (b) circumstances
1125 surrounding the crime; (c) length of time since the conviction and
1126 criminal history since the conviction; (d) work history; (e)
1127 current employment and character references; and (f) other
1128 evidence demonstrating the ability of the person to perform the
1129 employment responsibilities competently and that the person does
1130 not pose a threat to the health or safety of children.

1131 (3) No charter school, charter school employee, member of
1132 the charter school governing board, the Mississippi Charter School
1133 Authorizer Board or member or employee of the Mississippi Charter
1134 School Authorizer Board employee may be held liable in any
1135 employment discrimination suit in which an allegation of
1136 discrimination is made regarding an employment decision authorized
1137 under this section.

1138 (4) A charter school shall terminate any teacher or
1139 administrator for committing one or more of the following acts:

1140 (a) Engaging in unethical conduct relating to an
1141 educator-student relationship as identified by the Mississippi
1142 Charter School Authorizer Board;



1143 (b) Fondling a student as described in Section 97-5-23
1144 or engaging in any type of sexual involvement with a student as
1145 described in Section 97-3-95; or

1146 (c) Failure to report sexual involvement of a charter
1147 school employee with a student as required by Section 97-5-24.

1148 **SECTION 26.** Section 37-28-51, Mississippi Code of 1972, is
1149 brought forward as follows:

1150 37-28-51. A charter school is eligible to participate in
1151 state-sponsored or district-sponsored athletic and academic
1152 interscholastic leagues, competitions, awards, scholarships and
1153 recognition programs for students, educators, administrators and
1154 schools to the same extent as noncharter public schools.

1155 **SECTION 27.** Section 37-28-53, Mississippi Code of 1972, is
1156 brought forward as follows:

1157 37-28-53. (1) Each charter school shall certify annually to
1158 the State Department of Education its student enrollment, net
1159 enrollment and student participation in federal programs.

1160 (2) Each charter school shall certify annually to the school
1161 board of the school district in which the charter school is
1162 located the number of enrolled charter school students residing in
1163 the school district.

1164 **SECTION 28.** Section 37-28-55, Mississippi Code of 1972, is
1165 brought forward as follows:

1166 37-28-55. (1) (a) The State Department of Education shall
1167 make payments to charter schools for each student in net



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

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

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

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



1193 district in which the charter school is located shall pay directly
1194 to the charter school an amount as follows: the sum of the local
1195 pro rata amount, as calculated by the State Department of
1196 Education in accordance with Section 37-151-211(2) (b) (local
1197 contribution), and the local pro rata amount, as calculated by the
1198 State Department of Education in accordance with Section 37-57-105
1199 (school district operational levy), multiplied by the number of
1200 resident students enrolled in the charter school, based on the
1201 charter school's months two (2) and three (3) net enrollment of
1202 resident students for the current school year. However, the
1203 amount to the charter school may not include any taxes levied for
1204 the retirement of the local school district's bonded indebtedness
1205 or short-term notes or any taxes levied for the support of
1206 vocational-technical education programs.

1207 (b) The amount must be paid by the school district to
1208 the charter school before January 16 of the current fiscal year.
1209 If the local school district does not pay the required amount to
1210 the charter school before January 16, the State Department of
1211 Education shall reduce the local school district's January
1212 transfer of total funding formula funds by the amount owed to the
1213 charter school and shall redirect that amount to the charter
1214 school. Any such payments made under this paragraph by the State
1215 Department of Education to a charter school must be made at the
1216 same time and in the same manner as total funding formula payments



1217 are made to school districts under Sections 37-151-101 and
1218 37-151-103.

1219 (3) (a) For students attending a charter school located in
1220 a school district in which the student does not reside, the State
1221 Department of Education shall pay to the charter school in which
1222 the students are enrolled an amount as follows: the sum of the
1223 local pro rata amount, as calculated by the State Department of
1224 Education in accordance with Section 37-151-211(2) (b) (local
1225 contribution), and the local pro rata amount, as calculated by the
1226 State Department of Education in accordance with Section 37-57-105
1227 (school district operational levy), multiplied by the number of
1228 students enrolled in the charter school but residing in that
1229 district, based on the charter school's months two (2) and three
1230 (3) net enrollment of these students for the current school year.
1231 However, the amount to the charter school may not include any
1232 taxes levied for the retirement of the local school district's
1233 bonded indebtedness or short-term notes or any taxes levied for
1234 the support of vocational-technical education programs.

1235 (b) The State Department of Education shall reduce the
1236 school district's January transfer of total funding formula funds
1237 by the amount owed to the charter school and shall redirect that
1238 amount to the charter school. Any such payments made under this
1239 subsection (3) by the State Department of Education to a charter
1240 school must be made at the same time and in the same manner as



1241 total funding formula payments are made to school districts under
1242 Sections 37-151-101 and 37-151-103.

1243 (4) (a) The State Department of Education shall direct the
1244 proportionate share of monies generated under federal programs,
1245 including, but not limited to, special education, vocational,
1246 English Language Learner, and other programs, to charter schools
1247 serving students eligible for such funding. The department shall
1248 ensure that charter schools with rapidly expanding enrollments are
1249 treated equitably in the calculation and disbursement of all
1250 federal program dollars. Each charter school that serves students
1251 who may be eligible to receive services provided through such
1252 programs shall comply with all reporting requirements to receive
1253 the aid.

1254 (b) A charter school shall pay to a local school
1255 district any federal or state aid attributable to a student with a
1256 disability attending the charter school in proportion to the level
1257 of services for that student which the local school district
1258 provides directly or indirectly.

1259 (c) Subject to the approval of the authorizer, a
1260 charter school and a local school district may negotiate and enter
1261 into a contract for the provision of and payment for special
1262 education services, including, but not necessarily limited to, a
1263 reasonable reserve not to exceed five percent (5%) of the local
1264 school district's total budget for providing special education
1265 services. The reserve may be used by the local school district



1266 only to offset excess costs of providing services to students with
1267 disabilities enrolled in the charter school.

1268 (5) (a) The State Department of Education shall disburse
1269 state transportation funding to a charter school on the same basis
1270 and in the same manner as it is paid to school districts.

1271 (b) A charter school may enter into a contract with a
1272 school district or private provider to provide transportation to
1273 the school's students.

1274 (6) The State Department of Education shall disburse
1275 Education Enhancement Funds for classroom supplies, instructional
1276 materials and equipment, including computers and computer software
1277 to all eligible charter school teachers on the same basis and in
1278 the same manner as it is paid to school districts under Section
1279 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards
1280 or credentials for a digital solution to eligible teachers.

1281 **SECTION 29.** Section 37-28-57, Mississippi Code of 1972, is
1282 brought forward as follows:

1283 37-28-57. (1) A charter school must adhere to generally
1284 accepted accounting principles.

1285 (2) A charter school shall have its financial records
1286 audited annually, at the end of each fiscal year, either by the
1287 State Auditor or by a certified public accountant approved by the
1288 State Auditor. However, a certified public accountant may not be
1289 selected to perform the annual audit of a charter school if that
1290 accountant previously has audited the charter school for more than



three (3) consecutive years. Certified public accountants must be selected in a manner determined by the State Auditor. The charter school shall file a copy of each audit report and accompanying management letter with the authorizer before October 1.

SECTION 30. Section 37-28-59, Mississippi Code of 1972, is brought forward as follows:

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

(2) Nothing in this chapter may be construed to prohibit any person or organization from providing funding or other assistance to the establishment or operation of a charter school. The governing board of a charter school may accept gifts, donations and grants of any kind made to the charter school and may expend or use such gifts, donations and grants in accordance with the conditions prescribed by the donor; however, a gift, donation or grant may not be accepted if it is subject to a condition that is 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 31. 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.



1340 **SECTION 32.** This act shall take effect and be in force from
1341 and after July 1, 2025.

