

By: Representative Owen

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1683

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, WHICH ARE PROVISIONS ESTABLISH THE MISSISSIPPI CHARTER  
8 SCHOOL ACT OF 2013, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO  
9 BRING FORWARD SECTION 31-7-1, MISSISSIPPI CODE OF 1972, WHICH IS  
10 THE TERMS AND DEFINITIONS SECTION OF THE PUBLIC PURCHASING ACT,  
11 FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO BRING FORWARD SECTION  
12 37-3-51, MISSISSIPPI CODE OF 1972, WHICH REQUIRES NOTICE BY THE  
13 DISTRICT ATTORNEY OF LICENSED SCHOOL EMPLOYEES WHO ARE CONVICTED  
14 OF CERTAIN SEX OFFENSES, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;  
15 TO BRING FORWARD SECTION 37-17-1, MISSISSIPPI CODE OF 1972, WHICH  
16 RELATES TO THE REQUIRED ACCREDITATION OF PUBLIC SCHOOLS, FOR THE  
17 PURPOSE OF POSSIBLE AMENDMENTS; TO BRING FORWARD SECTION 37-21-3,  
18 MISSISSIPPI CODE OF 1972, WHICH PROVIDE AND EXEMPTIONS FROM  
19 CERTAIN QUALIFICATION REQUIREMENTS FOR EDUCATORS AT THE  
20 PREKINDERGARTEN OR EARLY CHILDHOOD EDUCATION, FOR THE PURPOSE OF  
21 POSSIBLE AMENDMENTS; TO BRING FORWARD SECTION 37-41-1, MISSISSIPPI  
22 CODE OF 1972, WHICH RELATES TO THE TRANSPORTATION OF STUDENTS, FOR  
23 THE PURPOSE OF POSSIBLE AMENDMENTS; TO BRING FORWARD SECTION  
24 37-151-5, MISSISSIPPI CODE OF 1972, WHICH IS THE TERMS AND  
25 DEFINITIONS SECTION OF THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM,  
26 FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

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



30 37-28-1. This chapter shall be known and may be cited as the  
31 "Mississippi Charter Schools Act of 2013."

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

34 37-28-3. (1) The Legislature finds and declares that the  
35 general purposes of the state's charter schools are as follows:

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

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

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

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

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

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

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



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

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

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

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

64 37-28-5. As used in this chapter, the following words and  
65 phrases have the meanings ascribed in this section unless the  
66 context clearly indicates otherwise:

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

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

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

78 (d) "Charter contract" means a fixed-term, renewable  
79 contract between a charter school and the authorizer which



80 outlines the roles, powers, responsibilities and performance  
81 expectations for each party to the contract.

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

87 (f) "Conversion charter school" means a charter school  
88 that existed as a noncharter public school before becoming a  
89 charter school.

90 (g) "Education service provider" means a charter  
91 management organization, school design provider or any other  
92 partner entity with which a charter school intends to contract for  
93 educational design, implementation or comprehensive management.

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

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

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

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



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

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

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

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

115 (o) "Underserved students" means students participating  
116 in the federal free lunch program who qualify for at-risk student  
117 funding under the Mississippi Adequate Education Program and  
118 students who are identified as having special educational needs.

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

121 37-28-7. (1) There is created the Mississippi Charter  
122 School Authorizer Board as a state agency with exclusive  
123 chartering jurisdiction in the State of Mississippi. Unless  
124 otherwise authorized by law, no other governmental agency or  
125 entity may assume any charter authorizing function or duty in any  
126 form.

127 (2) (a) The mission of the Mississippi Charter School  
128 Authorizer Board is to authorize high-quality charter schools,  
129 particularly schools designed to expand opportunities for



130 underserved students, consistent with the purposes of this  
131 chapter. Subject to the restrictions and conditions prescribed in  
132 this subsection, the Mississippi Charter School Authorizer Board  
133 may authorize charter schools within the geographical boundaries  
134 of any school district.

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

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

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

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

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

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



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

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

167 (5) To establish staggered terms of office, the initial term  
168 of office for the three (3) Mississippi Charter School Authorizer  
169 Board members appointed by the Governor shall be four (4) years  
170 and thereafter shall be three (3) years; the initial term of  
171 office for the three (3) members appointed by the Lieutenant  
172 Governor shall be three (3) years and thereafter shall be three  
173 (3) years; and the initial term of office for the member appointed  
174 by the State Superintendent of Public Education shall be two (2)  
175 years and thereafter shall be three (3) years. No member may  
176 serve more than two (2) consecutive terms. The initial  
177 appointments must be made before September 1, 2013.

178 (6) The Mississippi Charter School Authorizer Board shall  
179 meet as soon as practical after September 1, 2013, upon the call



180 of the Governor, and shall organize for business by selecting a  
181 chairman and adopting bylaws. Subsequent meetings shall be called  
182 by the chairman.

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

192 (8) No member of the Mississippi Charter School Authorizer  
193 Board or employee, agent or representative of the board may serve  
194 simultaneously as an employee, trustee, agent, representative,  
195 vendor or contractor of a charter school authorized by the board.

196 (9) The Mississippi Charter School Authorizer Board shall  
197 appoint an individual to serve as the Executive Director of the  
198 Mississippi Charter School Authorizer Board. The executive  
199 director shall possess the qualifications established by the board  
200 which are based on national best practices, and shall possess an  
201 understanding of state and federal education law. The executive  
202 director, who shall serve at the will and pleasure of the board,  
203 shall devote his full time to the proper administration of the  
204 board and the duties assigned to him by the board and shall be





205 paid a salary established by the board, subject to the approval of  
206 the State Personnel Board. Subject to the availability of  
207 funding, the executive director may employ such administrative  
208 staff as may be necessary to assist the director and board in  
209 carrying out the duties and directives of the Mississippi Charter  
210 School Authorizer Board.

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

217 **SECTION 5.** Section 37-28-9, Mississippi Code of 1972, is  
218 brought forward as follows:

219 37-28-9. (1) The authorizer is responsible for exercising,  
220 in accordance with this chapter, the following powers and duties:

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

225 (i) Organizational capacity and infrastructure;

226 (ii) Solicitation and evaluation of charter  
227 applications;

228 (iii) Performance contracting;



229 (iv) Ongoing charter school oversight and  
230 evaluation; and

231 (v) Charter renewal decision-making;

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

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

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

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

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

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

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

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

251 (4) Regulation by the authorizer shall be limited to those  
252 powers and duties prescribed in this section and all others



253 prescribed by law, consistent with the spirit and intent of this  
254 chapter.

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

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

263 37-28-11. (1) To cover the costs of overseeing charter  
264 schools in accordance with this chapter, the authorizer shall  
265 receive three percent (3%) of annual per-pupil allocations  
266 received by a charter school from state and local funds for each  
267 charter school it authorizes.

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

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

275 **SECTION 7.** Section 37-28-13, Mississippi Code of 1972, is  
276 brought forward as follows:



277           37-28-13. (1) Upon request, the State Department of  
278 Education shall assist the Mississippi Charter School Authorizer  
279 Board with implementing the authorizer's decisions by providing  
280 such technical assistance and information as may be necessary for  
281 the implementation of this chapter.

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

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

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

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

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

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

300           37-28-15. (1) To solicit, encourage and guide the  
301 development of quality charter school applications, the authorizer



302 shall issue and publicize a request for proposals before September  
303 1 of each year; however, during 2013, the authorizer shall issue  
304 and publicize a request for proposals before December 1. The  
305 content and dissemination of the request for proposals must be  
306 consistent with the purposes and requirements of this chapter.

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

309 (3) The authorizer's request for proposals must include the  
310 following:

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

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

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

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

323 (4) In addition to all other requirements, the request for  
324 proposals must require charter applications to provide or describe  
325 thoroughly all of the following mandatory elements of the proposed  
326 school plan:



327 (a) An executive summary;

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

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

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

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

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

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

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



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

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

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

361 (l) The school's plan for identifying and successfully  
362 serving students with disabilities (including all of the school's  
363 proposed policies pursuant to the Individuals with Disabilities  
364 Education Improvement Act of 2004, 20 USCS Section 1400 et seq.,  
365 Section 504 of the Rehabilitation Act of 1973, 29 USCS Section  
366 794, and Title 11 of the Americans with Disabilities Act, 42 USCS  
367 Section 12101 et seq., and the school's procedures for securing  
368 and providing evaluations and related services pursuant to federal  
369 law), students who are English language learners, students who are  
370 academically behind, and gifted students, including, but not  
371 limited to, compliance with any applicable laws and regulations;

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

374 (n) Plans and timelines for student recruitment and  
375 enrollment, including lottery policies and procedures that ensure



376 that every student has an equal opportunity to be considered in  
377 the lottery and that the lottery is equitable, randomized,  
378 transparent and impartial so that students are accepted in a  
379 charter school without regard to disability, income level, race,  
380 religion or national origin;

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

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

389 (q) A clear description of the roles and  
390 responsibilities of the governing board, education service  
391 provider, school leadership team, management team and all other  
392 entities shown in the organizational chart;

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

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

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

400 (u) Proposed governing bylaws;





401           (v) Explanations of any partnerships or contractual  
402 relationships central to the school's operations or mission;  
403           (w) The school's plans for providing transportation,  
404 food service and all other significant operational or ancillary  
405 services;  
406           (x) Opportunities and expectations for parent  
407 involvement;  
408           (y) A detailed school start-up plan, identifying tasks,  
409 timelines and responsible individuals;  
410           (z) A description of the school's financial plans and  
411 policies, including financial controls and audit requirements;  
412           (aa) A description of the insurance coverage the school  
413 will obtain;  
414           (bb) Start-up and five-year budgets with clearly stated  
415 assumptions;  
416           (cc) Start-up and first-year cash flow projections with  
417 clearly stated assumptions;  
418           (dd) A disclosure of all sources of private funding and  
419 all funds from foreign sources, including gifts from foreign  
420 governments, foreign legal entities and domestic entities  
421 affiliated with either foreign governments or foreign legal  
422 entities. For the purposes of this paragraph, the term "foreign"  
423 means a country or jurisdiction outside of any state or territory  
424 of the United States;



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

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

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

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

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

448 (b) Provide a term sheet setting forth: the proposed  
449 duration of the service contract; roles and responsibilities of



450 the governing board, the school staff and the education service  
451 provider; the scope of services and resources to be provided by  
452 the education service provider; performance evaluation measures  
453 and timelines; the compensation structure, including clear  
454 identification of all fees to be paid to the education service  
455 provider; methods of contract oversight and enforcement;  
456 investment disclosure; and conditions for renewal and termination  
457 of the contract;

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

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

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

472 **SECTION 9.** Section 37-28-17, Mississippi Code of 1972, is  
473 brought forward as follows:



474 37-28-17. (1) The following are the purposes of a charter  
475 application:

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

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

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

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

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

486 37-28-19. (1) In reviewing and evaluating charter  
487 applications, the authorizer shall employ procedures, practices  
488 and criteria consistent with nationally recognized principles and  
489 standards for quality charter authorizing. The application review  
490 process must include thorough evaluation of each written charter  
491 application and in-person interview with the applicant group.

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

494 (a) Grant charters only to applicants that have  
495 provided evidence of competence in each element of the  
496 authorizer's published approval criteria, and in the case of an  
497 applicant that currently operates one or more schools in any state  
498 or nation, clear evidence that the management or leadership team



499 of the charter school or schools currently operated by the  
500 applicant has produced statistically significant gains in student  
501 achievement or consistently produced proficiency levels as  
502 measured on state achievement test;

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

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

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

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

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



524 (6) Before the expiration of ten (10) days after taking  
525 action to approve or deny a charter application, the authorizer  
526 shall provide a report to the applicant. The report must include  
527 a copy of the authorizer's resolution setting forth the action  
528 taken and reasons for the decision and assurances as to compliance  
529 with all of the procedural requirements and application elements  
530 set forth in this chapter.

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

533 37-28-21. (1) The authorizer shall grant an initial charter  
534 to each qualified applicant for a term of five (5) operating  
535 years. The term of the charter shall commence on the charter  
536 school's first day of operation. An approved charter school may  
537 delay its opening for one (1) school year in order to plan and  
538 prepare for the school's opening. If the school requires an  
539 opening delay of more than one (1) school year, the school must  
540 request an extension from the authorizer. The authorizer may  
541 grant or deny the extension depending on the particular school's  
542 circumstances.

543 (2) (a) The authorizer and the governing board of the  
544 approved charter school shall execute a charter contract that  
545 clearly sets forth the academic and operational performance  
546 expectations and measures by which the charter school will be  
547 judged and the administrative relationship between the authorizer  
548 and charter school, including each party's rights and duties. The



549 performance expectations and measures set forth in the charter  
550 contract must include, but need not be limited to, applicable  
551 federal and state accountability requirements. The performance  
552 provisions may be refined or amended by mutual agreement after the  
553 charter school is operating and has collected baseline achievement  
554 data for its enrolled students.

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

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

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

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

569 37-28-23. (1) A charter school must be open to:

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

572 (b) Any student who resides in the geographical  
573 boundaries of a school district that was rated "C," "D" or "F" at



574 the time the charter school was approved by the authorizer board,  
575 or who resides in the geographical boundaries of a school district  
576 rated "C," or "D" or "F" at the time the student enrolls.

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

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

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

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





599 applicant pool in determining whether the applicant or charter  
600 school is operating in a nondiscriminatory manner. A finding by  
601 the authorizer that a charter school is operating in a  
602 discriminatory manner justifies the revocation of a charter.

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

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

609 (8) (a) Any noncharter public school or part of a  
610 noncharter public school converting to a charter school shall  
611 adopt and maintain a policy giving an enrollment preference to  
612 students who reside within the former attendance area of that  
613 public school. If the charter school has excess capacity after  
614 enrolling students residing within the former attendance area of  
615 the school, students outside of the former attendance area of the  
616 school, but within the geographical boundaries of the school  
617 district in which the charter school is located, are eligible for  
618 enrollment. If the number of students applying for admission  
619 exceeds the capacity of a program, class, grade level or building  
620 of the charter school, the charter school must admit students on  
621 the basis of a lottery.

622 (b) A charter school must give an enrollment preference  
623 to students enrolled in the charter school during the preceding



624 school year and to siblings of students already enrolled in the  
625 charter school. An enrollment preference for returning students  
626 excludes those students from entering into a lottery.

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

632 (d) A charter school shall give an enrollment  
633 preference to underserved children as defined in Section 37-28-5  
634 to ensure the charter school meets its required underserved  
635 student composition.

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

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

646 37-28-25. If a student previously enrolled in a charter  
647 school enrolls in another public school in this state, the  
648 student's new school must accept credits earned by the student in



649 courses or instructional programs at the charter school in a  
650 uniform and consistent manner and according to the same criteria  
651 that are used to accept academic credits from other public  
652 schools.

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

655             37-28-27. A school district must provide or publicize to  
656 parents and the general public information about charter schools  
657 as an enrollment option within the district to the same extent and  
658 through the same means that the district provides and publicizes  
659 information about noncharter public schools in the district.

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

662             37-28-29. (1) The performance provisions within a charter  
663 contract must be based on a performance framework that clearly  
664 sets forth the academic and operational performance indicators,  
665 measures and metrics that will guide the authorizer's evaluations  
666 of the charter school. The performance framework must include  
667 indicators, measures and metrics, at a minimum, for the following:

- 668                     (a) Student academic proficiency;
- 669                     (b) Student academic growth;
- 670                     (c) Achievement gaps in both proficiency and growth  
671 between major student subgroups;
- 672                     (d) Attendance;
- 673                     (e) Recurrent enrollment from year to year;



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

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

680 (h) Financial performance and sustainability; and

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

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

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

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



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

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

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

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

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

715 37-28-31. (1) The authorizer shall monitor annually the  
716 performance and legal compliance of each charter school it  
717 oversees, including collecting and analyzing data to support the  
718 school's evaluation according to the charter contract. The  
719 authorizer may conduct or require oversight activities that enable  
720 the authorizer to fulfill its responsibilities under this chapter,  
721 including conducting appropriate inquiries and investigations, so  
722 long as those activities are consistent with the intent of this



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

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

734 (3) If a charter school's performance or legal compliance is  
735 unsatisfactory, the authorizer shall notify promptly the charter  
736 school of the problem and provide reasonable opportunity for the  
737 school to remedy the problem unless the problem warrants  
738 revocation, in which case the revocation timeframes will apply.

739 (4) The authorizer may take appropriate corrective actions  
740 or exercise sanctions in response to apparent deficiencies in a  
741 charter school's performance or legal compliance. If warranted,  
742 the actions or sanctions may include requiring a charter school to  
743 develop and execute a corrective action plan within a specified  
744 timeframe.

745 **SECTION 17.** Section 37-28-33, Mississippi Code of 1972, is  
746 brought forward as follows:



747           37-28-33. (1) A charter may be renewed for successive  
748 five-year terms of duration. The authorizer may grant renewal  
749 with specific conditions for necessary improvements to a charter  
750 school and may lessen the renewal term based on the performance,  
751 demonstrated capacities and particular circumstances of each  
752 charter school.

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

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

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

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



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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

840 37-28-35. (1) Before implementing a charter school closure  
841 decision, the authorizer must develop a charter school closure  
842 protocol to ensure timely notification to parents, orderly  
843 transition of students and student records to new schools, and  
844 proper disposition of school funds, property and assets in



845 accordance with the requirements of this chapter. The protocol  
846 must specify tasks, timelines and responsible parties, including  
847 delineating the respective duties of the school and the  
848 authorizer. If a charter school is to be closed for any reason,  
849 the authorizer shall oversee and work with the closing school to  
850 ensure a smooth and orderly closure and transition for students  
851 and parents, as guided by the closure protocol.

852 (2) If a charter school closes, all unspent government  
853 funds, unspent earnings from those funds and assets purchased with  
854 government funds must revert to the local school district in which  
855 the charter school is located. Unless otherwise provided for in  
856 the charter or a debt instrument, unspent funds from  
857 nongovernmental sources, unspent earnings from those funds, assets  
858 purchased with those funds and debts of the school must revert to  
859 the nonprofit entity created to operate the school and may be  
860 disposed of according to applicable laws for nonprofit  
861 corporations.

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

864 37-28-37. (1) Before October 1 of each year, beginning in  
865 the year that the state has had at least one (1) charter school  
866 operating for a full school year, the Mississippi Charter School  
867 Authorizer Board shall issue to the Governor, Legislature, State  
868 Board of Education and the public an annual report on the state's  
869 charter schools for the preceding school year. The report must



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

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

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

891 37-28-39. (1) Notwithstanding any provision of law to the  
892 contrary, to the extent that any provision of this chapter is  
893 inconsistent with any other state or local law, rule or  
894 regulation, the provisions of this act govern and are controlling.



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

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

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

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

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

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



919           37-28-41. A charter school may exercise those powers  
920 necessary for carrying out the terms of its charter contract,  
921 including the following powers:

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

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

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

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

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

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

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

938           37-28-43. (1) A charter school may not discriminate against  
939 any person on the basis of race, creed, color, sex, disability,  
940 national origin or any other category that would be unlawful if  
941 done by a noncharter public school.



942 (2) A charter school may not engage in any sectarian  
943 practices in its educational program, admissions or employment  
944 policies or operations.

945 (3) A charter school may not discriminate against any  
946 student on the basis of national origin, minority status or  
947 limited proficiency in English. Consistent with federal civil  
948 rights laws, charter schools must provide limited English  
949 proficient students with appropriate services designed to teach  
950 them English and the general curriculum.

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

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

954 (6) Subject to the approval of the authorizer, a charter  
955 school may contract with an accredited online course provider for  
956 the delivery of virtual courses to students enrolled in the  
957 charter school.

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

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

964 37-28-45. (1) Charter schools are subject to the same civil  
965 rights, health and safety requirements applicable to noncharter



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

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

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

985 (4) Whenever the provisions of Title 37, Mississippi Code of  
986 1972, relating to the elementary and secondary education of public  
987 school students establish a requirement for or grant authority to  
988 local school districts, their school boards and the schools within  
989 the respective school districts, the language "school districts,"  
990 "school boards," "boards of trustees," "the schools within a





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

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

999 (6) Charter schools are not exempt from the following  
1000 statutes:

1001 (a) Chapter 41, Title 25, Mississippi Code of 1972,  
1002 which relate to open meetings of public bodies.

1003 (b) Chapter 61, Title 25, Mississippi Code of 1972,  
1004 which relate to public access to public records.

1005 (c) Section 37-3-51, which requires notice by the  
1006 district attorney of licensed school employees who are convicted  
1007 of certain sex offenses.

1008 (d) Section 37-3-53, which requires publication of the  
1009 Mississippi Report Card by the State Board of Education.

1010 (e) Section 37-11-18, which requires the automatic  
1011 expulsion of a student possessing a weapon or controlled substance  
1012 on educational property.

1013 (f) Section 37-11-18.1, which requires expulsion of  
1014 certain habitually disruptive students.



1015 (g) Section 37-11-19, which requires suspension or  
1016 expulsion of a student who damages school property.

1017 (h) Section 37-11-20, which prohibits acts of  
1018 intimidation intended to keep a student from attending school.

1019 (i) Section 37-11-21, which prohibits parental abuse of  
1020 school staff.

1021 (j) Section 37-11-23, which prohibits the willful  
1022 disruption of school and school meetings.

1023 (k) Sections 37-11-29 and 37-11-31, which relate to  
1024 reporting requirements regarding unlawful or violent acts on  
1025 school property.

1026 (l) Section 37-11-67, which prohibits bullying or  
1027 harassing behavior in public schools.

1028 (m) Section 37-13-3, which prohibits doctrinal,  
1029 sectarian or denominational teaching in public schools.

1030 (n) Sections 37-13-5 and 37-13-6, which require the  
1031 flags of the United States and the State of Mississippi to be  
1032 displayed near the school building.

1033 (o) Section 37-13-63(1), which prescribes the minimum  
1034 number of days which public schools must be kept in session during  
1035 a scholastic year.

1036 (p) Section 37-13-91, which is the Mississippi  
1037 Compulsory School Attendance Law.



1038           (q) Section 37-13-171(2) and (4), which requires any  
1039 course containing sex-related education to include instruction in  
1040 abstinence-only or abstinence-plus education.

1041           (r) Section 37-13-173, which requires notice to parents  
1042 before instruction on human sexuality is provided in public  
1043 classrooms.

1044           (s) Section 37-13-193, which relates to civil rights  
1045 and human rights education in the public schools.

1046           (t) Sections 37-15-1 and 37-15-3, which relate to the  
1047 maintenance and transfer of permanent student records in public  
1048 schools.

1049           (u) Section 37-15-6, which requires the State  
1050 Department of Education to maintain a record of expulsions from  
1051 the public schools.

1052           (v) Section 37-15-9, which establishes minimum age  
1053 requirements for kindergarten and first grade enrollment in public  
1054 schools.

1055           (w) Section 37-15-11, which requires a parent, legal  
1056 guardian or custodian to accompany a child seeking enrollment in a  
1057 public school.

1058           (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,  
1059 which relate to the statewide assessment testing program.

1060           (y) Section 37-18-1, which establishes the  
1061 Superior-Performing Schools Program and Exemplary Schools Program  
1062 to recognize public schools that improve.



1063           **SECTION 24.** Section 37-28-47, Mississippi Code of 1972, is  
1064 brought forward as follows:

1065           37-28-47. (1) (a) Charter schools must comply with  
1066 applicable federal laws, rules and regulations regarding the  
1067 qualification of teachers and other instructional staff. No more  
1068 than twenty-five percent (25%) of teachers in a charter school may  
1069 be exempt from state teacher licensure requirements.

1070 Administrators of charter schools are exempt from state  
1071 administrator licensure requirements. However, teachers and  
1072 administrators must have a bachelor's degree as a minimum  
1073 requirement, and teachers must have demonstrated subject-matter  
1074 competency. Within three (3) years of a teacher's employment by a  
1075 charter school, the teacher must have, at a minimum, alternative  
1076 licensure approved by the Commission on Teacher and Administrator  
1077 Education, Certification and Licensure and Development.

1078           (b) A charter school may not staff positions for  
1079 teachers, administrators, ancillary support personnel or other  
1080 employees by utilizing or otherwise relying on nonimmigrant  
1081 foreign worker visa programs. However, a charter school may  
1082 submit a request to the authorizer for an exception allowing the  
1083 employment of a nonimmigrant foreign worker before the worker is  
1084 employed. The authorizer may grant permission for the employment  
1085 of the nonimmigrant foreign worker only if the charter school  
1086 makes a satisfactory showing of efforts to recruit lawful



1087 permanent residents of the United States to fill the position and  
1088 a lack of qualified applicants to fill the position.

1089 (2) Employees in charter schools must have the same general  
1090 rights and privileges as other public school employees, except  
1091 such employees are not:

1092 (a) Covered under the Education Employment Procedures  
1093 Law (Section 37-9-103); and

1094 (b) Subject to the state salary requirements prescribed  
1095 in Section 37-19-7.

1096 (3) For the purpose of eligibility for participation in the  
1097 Public Employees' Retirement System, a public charter school is  
1098 considered to be a political subdivision of the state. Employees  
1099 in public charter schools are eligible for participation in other  
1100 benefits programs if the public charter school governing board  
1101 chooses to participate.

1102 **SECTION 25.** Section 37-28-49, Mississippi Code of 1972, is  
1103 brought forward as follows:

1104 37-28-49. (1) Charter school teachers and other school  
1105 personnel, as well as members of the governing board and any  
1106 education service provider with whom a charter school contracts,  
1107 are subject to criminal history record checks and fingerprinting  
1108 requirements applicable to employees of other public schools. The  
1109 authorizer shall require that current criminal records background  
1110 checks and current child abuse registry checks are obtained, and  
1111 that the criminal record information and registry checks are on



1112 file at the charter school for any new hires applying for  
1113 employment. In order to determine an applicant's suitability for  
1114 employment, the applicant must be fingerprinted. If no  
1115 disqualifying record is identified at the state level, the  
1116 fingerprints must be forwarded by the Department of Public Safety  
1117 to the Federal Bureau of Investigation for a national criminal  
1118 history record check. Under no circumstances may a member of the  
1119 Mississippi Charter School Authorizer Board, member of the charter  
1120 school governing board or any individual other than the subject of  
1121 the criminal history record checks disseminate information  
1122 received through the checks except as may be required to fulfill  
1123 the purposes of this section. The determination whether the  
1124 applicant has a disqualifying crime, as set forth in subsection  
1125 (2) of this section, must be made by the appropriate state or  
1126 federal governmental authority, which must notify the charter  
1127 school whether a disqualifying crime exists.

1128 (2) If the fingerprinting or criminal record checks disclose  
1129 a felony conviction, guilty plea or plea of nolo contendere to a  
1130 felony of possession or sale of drugs, murder, manslaughter, armed  
1131 robbery, rape, sexual battery, sex offense listed in Section  
1132 45-33-23(g), child abuse, arson, grand larceny, burglary,  
1133 gratification of lust or aggravated assault which has not been  
1134 reversed on appeal or for which a pardon has not been granted, the  
1135 new hire is not eligible to be employed at the charter school.  
1136 However, the charter school, in its discretion, may allow any



1137 applicant aggrieved by the employment decision under this section  
1138 to show mitigating circumstances that exist and may allow, subject  
1139 to the approval of the Mississippi Charter School Authorizer  
1140 Board, the new hire to be employed at the school. The authorizer  
1141 may approve the employment depending on the mitigating  
1142 circumstances, which may include, but need not be limited to: (a)  
1143 age at which the crime was committed; (b) circumstances  
1144 surrounding the crime; (c) length of time since the conviction and  
1145 criminal history since the conviction; (d) work history; (e)  
1146 current employment and character references; and (f) other  
1147 evidence demonstrating the ability of the person to perform the  
1148 employment responsibilities competently and that the person does  
1149 not pose a threat to the health or safety of children.

1150 (3) No charter school, charter school employee, member of  
1151 the charter school governing board, the Mississippi Charter School  
1152 Authorizer Board or member or employee of the Mississippi Charter  
1153 School Authorizer Board employee may be held liable in any  
1154 employment discrimination suit in which an allegation of  
1155 discrimination is made regarding an employment decision authorized  
1156 under this section.

1157 (4) A charter school shall terminate any teacher or  
1158 administrator for committing one or more of the following acts:

1159 (a) Engaging in unethical conduct relating to an  
1160 educator-student relationship as identified by the Mississippi  
1161 Charter School Authorizer Board;



1162 (b) Fondling a student as described in Section 97-5-23  
1163 or engaging in any type of sexual involvement with a student as  
1164 described in Section 97-3-95; or

1165 (c) Failure to report sexual involvement of a charter  
1166 school employee with a student as required by Section 97-5-24.

1167 **SECTION 26.** Section 37-28-51, Mississippi Code of 1972, is  
1168 brought forward as follows:

1169 37-28-51. A charter school is eligible to participate in  
1170 state-sponsored or district-sponsored athletic and academic  
1171 interscholastic leagues, competitions, awards, scholarships and  
1172 recognition programs for students, educators, administrators and  
1173 schools to the same extent as noncharter public schools.

1174 **SECTION 27.** Section 37-28-53, Mississippi Code of 1972, is  
1175 brought forward as follows:

1176 37-28-53. (1) Each charter school shall certify annually to  
1177 the State Department of Education its student enrollment, average  
1178 daily attendance and student participation in the national school  
1179 lunch program, special education, vocational education, gifted  
1180 education, alternative school program and federal programs in the  
1181 same manner as school districts.

1182 (2) Each charter school shall certify annually to the school  
1183 board of the school district in which the charter school is  
1184 located the number of enrolled charter school students residing in  
1185 the school district.





1186           **SECTION 28.** Section 37-28-55, Mississippi Code of 1972, is  
1187 brought forward as follows:

1188           37-28-55. (1) (a) The State Department of Education shall  
1189 make payments to charter schools for each student in average daily  
1190 attendance at the charter school equal to the state share of the  
1191 adequate education program payments for each student in average  
1192 daily attendance at the school district in which the charter  
1193 school is located. In calculating the local contribution for  
1194 purposes of determining the state share of the adequate education  
1195 program payments, the department shall deduct the pro rata local  
1196 contribution of the school district in which the student resides,  
1197 to be determined as provided in Section 37-151-7(2) (a).

1198           (b) Payments made pursuant to this subsection by the  
1199 State Department of Education must be made at the same time and in  
1200 the same manner as adequate education program payments are made to  
1201 school districts under Sections 37-151-101 and 37-151-103.  
1202 Amounts payable to a charter school must be determined by the  
1203 State Department of Education. Amounts payable to a charter  
1204 school over its charter term must be based on the enrollment  
1205 projections set forth over the term of the charter contract. Such  
1206 projections must be reconciled with the average daily attendance  
1207 using months two (2) and three (3) ADA for the current year for  
1208 which adequate education program funds are being appropriated and  
1209 any necessary adjustments must be made to payments during the  
1210 school's following year of operation.



1211 (2) For students attending a charter school located in the  
1212 school district in which the student resides, the school district  
1213 in which a charter school is located shall pay directly to the  
1214 charter school an amount for each student enrolled in the charter  
1215 school equal to the ad valorem tax receipts and in-lieu payments  
1216 received per pupil for the support of the local school district in  
1217 which the student resides. The pro rata ad valorem receipts and  
1218 in-lieu receipts to be transferred to the charter school shall  
1219 include all levies for the support of the local school district  
1220 under Sections 37-57-1 (local contribution to the adequate  
1221 education program) and 37-57-105 (school district operational  
1222 levy) and may not include any taxes levied for the retirement of  
1223 the local school district's bonded indebtedness or short-term  
1224 notes or any taxes levied for the support of vocational-technical  
1225 education programs. The amount of funds payable to the charter  
1226 school by the school district must be based on the previous year's  
1227 enrollment data and ad valorem receipts and in-lieu receipts of  
1228 the local school district in which the student resides. The pro  
1229 rata amount must be calculated by dividing the local school  
1230 district's months one (1) through nine (9) average daily  
1231 membership into the total amount of ad valorem receipts and  
1232 in-lieu receipts, as reported to the State Department of Education  
1233 by the local school district. The local school district shall pay  
1234 an amount equal to this pro rata amount multiplied by the number  
1235 of students enrolled in the charter school, based on the charter



1236 school's end of first month enrollment for the current school  
1237 year. The amount must be paid by the school district to the  
1238 charter school before January 16 of the current fiscal year. If  
1239 the local school district does not pay the required amount to the  
1240 charter school before January 16, the State Department of  
1241 Education shall reduce the local school district's January  
1242 transfer of Mississippi Adequate Education Program funds by the  
1243 amount owed to the charter school and shall redirect that amount  
1244 to the charter school. Any such payments made under this  
1245 subsection (2) by the State Department of Education to a charter  
1246 school must be made at the same time and in the same manner as  
1247 adequate education program payments are made to school districts  
1248 under Sections 37-151-101 and 37-151-103.

1249 (3) For students attending a charter school located in a  
1250 school district in which the student does not reside, the State  
1251 Department of Education shall pay to the charter school in which  
1252 the student is enrolled an amount as follows: the pro rata ad  
1253 valorem receipts and in-lieu payments per pupil for the support of  
1254 the local school district in which the student resides under  
1255 Sections 37-57-1 (local contribution to the adequate education  
1256 program) and 37-57-105 (school district operational levy),  
1257 however, not including any taxes levied for the retirement of the  
1258 local school district's bonded indebtedness or short-term notes or  
1259 any taxes levied for the support of vocational-technical education  
1260 programs. The amount of funds payable to the charter school by



1261 the school district must be based on the previous year's  
1262 enrollment data and ad valorem receipts and in-lieu receipts of  
1263 the local school district in which the student resides. The pro  
1264 rata amount must be calculated by dividing the local school  
1265 district's months one (1) through nine (9) average daily  
1266 membership into the total amount of ad valorem receipts and  
1267 in-lieu receipts, as reported to the State Department of Education  
1268 by the transferor local school district. The payable amount shall  
1269 be equal to this pro rata amount multiplied by the number of  
1270 students enrolled in the charter school, based on the charter  
1271 school's end of first month enrollment for the current school  
1272 year. The State Department of Education shall reduce the school  
1273 district's January transfer of Mississippi Adequate Education  
1274 Program funds by the amount owed to the charter school and shall  
1275 redirect that amount to the charter school. Any such payments  
1276 made under this subsection (3) by the State Department of  
1277 Education to a charter school must be made at the same time and in  
1278 the same manner as adequate education program payments are made to  
1279 school districts under Sections 37-151-101 and 37-151-103.

1280 (4) (a) The State Department of Education shall direct the  
1281 proportionate share of monies generated under federal and state  
1282 categorical aid programs, including special education, vocational,  
1283 gifted and alternative school programs, to charter schools serving  
1284 students eligible for such aid. The department shall ensure that  
1285 charter schools with rapidly expanding enrollments are treated



1286 equitably in the calculation and disbursement of all federal and  
1287 state categorical aid program dollars. Each charter school that  
1288 serves students who may be eligible to receive services provided  
1289 through such programs shall comply with all reporting requirements  
1290 to receive the aid.

1291 (b) A charter school shall pay to a local school  
1292 district any federal or state aid attributable to a student with a  
1293 disability attending the charter school in proportion to the level  
1294 of services for that student which the local school district  
1295 provides directly or indirectly.

1296 (c) Subject to the approval of the authorizer, a  
1297 charter school and a local school district may negotiate and enter  
1298 into a contract for the provision of and payment for special  
1299 education services, including, but not necessarily limited to, a  
1300 reasonable reserve not to exceed five percent (5%) of the local  
1301 school district's total budget for providing special education  
1302 services. The reserve may be used by the local school district  
1303 only to offset excess costs of providing services to students with  
1304 disabilities enrolled in the charter school.

1305 (5) (a) The State Department of Education shall disburse  
1306 state transportation funding to a charter school on the same basis  
1307 and in the same manner as it is paid to school districts under the  
1308 adequate education program.



1309 (b) A charter school may enter into a contract with a  
1310 school district or private provider to provide transportation to  
1311 the school's students.

1312 (6) The State Department of Education shall disburse  
1313 Education Enhancement Funds for classroom supplies, instructional  
1314 materials and equipment, including computers and computer software  
1315 to all eligible charter school teachers on the same basis and in  
1316 the same manner as it is paid to school districts under Section  
1317 37-61-33(3)(a)(iii) for the purpose of issuing procurement cards  
1318 or credentials for a digital solution to eligible teachers.

1319 **SECTION 29.** Section 37-28-57, Mississippi Code of 1972, is  
1320 brought forward as follows:

1321 37-28-57. (1) A charter school must adhere to generally  
1322 accepted accounting principles.

1323 (2) A charter school shall have its financial records  
1324 audited annually, at the end of each fiscal year, either by the  
1325 State Auditor or by a certified public accountant approved by the  
1326 State Auditor. However, a certified public accountant may not be  
1327 selected to perform the annual audit of a charter school if that  
1328 accountant previously has audited the charter school for more than  
1329 three (3) consecutive years. Certified public accountants must be  
1330 selected in a manner determined by the State Auditor. The charter  
1331 school shall file a copy of each audit report and accompanying  
1332 management letter with the authorizer before October 1.



1333           **SECTION 30.** Section 37-28-59, Mississippi Code of 1972, is  
1334 brought forward as follows:

1335           37-28-59. (1) Any monies received by a charter school from  
1336 any source remaining in the charter school's accounts at the end  
1337 of a budget year must remain in the charter school's accounts for  
1338 use by the charter school during subsequent budget years.

1339           (2) Nothing in this chapter may be construed to prohibit any  
1340 person or organization from providing funding or other assistance  
1341 to the establishment or operation of a charter school. The  
1342 governing board of a charter school may accept gifts, donations  
1343 and grants of any kind made to the charter school and may expend  
1344 or use such gifts, donations and grants in accordance with the  
1345 conditions prescribed by the donor; however, a gift, donation or  
1346 grant may not be accepted if it is subject to a condition that is  
1347 contrary to any provision of law or term of the charter contract.

1348           (3) A charter school must disclose publicly all sources of  
1349 private funding and all funds received from foreign sources,  
1350 including gifts from foreign governments, foreign legal entities  
1351 and domestic entities affiliated with either foreign governments  
1352 or foreign legal entities. For the purposes of this subsection,  
1353 the term "foreign" means a country or jurisdiction outside of any  
1354 state or territory of the United States.

1355           **SECTION 31.** Section 37-28-61, Mississippi Code of 1972, is  
1356 brought forward as follows:



1357           37-28-61. (1) A charter school has a right of first refusal  
1358 to purchase or lease at or below fair market value a closed public  
1359 school facility or property or unused portions of a public school  
1360 facility or property in the school district in which the charter  
1361 school is located if the school district decides to sell or lease  
1362 the public school facility or property. If a conversion charter  
1363 school application is successful, the local school district owning  
1364 the conversion charter school's facility must offer to lease or  
1365 sell the building to the conversion charter school at or below  
1366 fair market value.

1367           (2) A charter school may negotiate and contract at or below  
1368 fair market value with a school district, state institution of  
1369 higher learning, public community or junior college, or any other  
1370 public or for-profit or nonprofit private entity for the use of a  
1371 facility for a school building.

1372           (3) Public entities, including, but not limited to,  
1373 libraries, community service organizations, museums, performing  
1374 arts venues, theatres, cinemas, churches, community and junior  
1375 colleges, colleges and universities, may provide space to charter  
1376 schools within their facilities under their preexisting zoning and  
1377 land use designations.

1378           **SECTION 32.** Section 31-7-1, Mississippi Code of 1972, is  
1379 brought forward as follows:

1380           31-7-1. The following terms are defined for the purposes of  
1381 this chapter to have the following meanings:





1382 (a) "Agency" means any state board, commission,  
1383 committee, council, university, department or unit thereof created  
1384 by the Constitution or statutes if such board, commission,  
1385 committee, council, university, department, unit or the head  
1386 thereof is authorized to appoint subordinate staff by the  
1387 Constitution or statute, except a legislative or judicial board,  
1388 commission, committee, council, department or unit thereof; except  
1389 a charter school authorized by the Mississippi Charter School  
1390 Authorizer Board; and except the Mississippi State Port Authority;  
1391 except the Mississippi School of the Arts (MSA) established in  
1392 Section 37-140-1 et seq. for the sole purpose of the application  
1393 of the term "agency" as it pertains to the Public Procurement  
1394 Review Board's powers and responsibilities as defined in Section  
1395 27-104-7(2) (a), but without application to the use of the term  
1396 within this chapter, effective July 1, 2020; and except the  
1397 Mississippi School for the Blind and the Mississippi School for  
1398 the Deaf (MSBD) for the sole purpose of the application of the  
1399 term "agency" as it pertains to the Public Procurement Review  
1400 Board's powers and responsibilities as defined in Section  
1401 27-104-7(2) (a), but without application to the use of the term  
1402 within this chapter, effective July 1, 2021. An academic medical  
1403 center or health sciences school as defined in Section 37-115-50  
1404 is not an "agency" for those purchases of commodities as defined  
1405 in this section that are used for clinical purposes and (i)  
1406 intended for use in the diagnosis of disease or other conditions



1407 or in the cure, mitigation, treatment or prevention of disease,  
1408 and (ii) medical devices, biological, drugs and radiation emitting  
1409 devices as defined by the United States Food and Drug  
1410 Administration.

1411 (b) "Governing authority" means boards of supervisors,  
1412 governing boards of all school districts, all boards of directors  
1413 of public water supply districts, boards of directors of master  
1414 public water supply districts, municipal public utility  
1415 commissions, governing authorities of all municipalities, port  
1416 authorities, Mississippi State Port Authority, commissioners and  
1417 boards of trustees of any public hospitals, boards of trustees of  
1418 public library systems, district attorneys, school attendance  
1419 officers and any political subdivision of the state supported  
1420 wholly or in part by public funds of the state or political  
1421 subdivisions thereof, including commissions, boards and agencies  
1422 created or operated under the authority of any county or  
1423 municipality of this state. The term "governing authority" shall  
1424 not include economic development authorities supported in part by  
1425 private funds, or commissions appointed to hold title to and  
1426 oversee the development and management of lands and buildings  
1427 which are donated by private individuals to the public for the use  
1428 and benefit of the community and which are supported in part by  
1429 private funds. The term "governing authority" also shall not  
1430 include the governing board of a charter school. The term  
1431 "governing authority" also shall not include the Mississippi



1432 School of the Arts established in Section 37-140-1 et seq., for  
1433 the sole purpose of the application of the term "agency" as it  
1434 pertains to the Public Procurement Review Board's powers and  
1435 responsibilities as defined in Section 27-104-7(2) (a), but without  
1436 application to the use of the term within this chapter, effective  
1437 July 1, 2020. The term "governing authority" also shall not  
1438 include the Mississippi School for the Blind and the Mississippi  
1439 School for the Deaf (MSBD) for the sole purpose of the application  
1440 of the term "governing authority" as it pertains to the Public  
1441 Procurement Review Board's powers and responsibilities as defined  
1442 in Section 27-104-7(2) (a), but without application to the use of  
1443 the term within this chapter, effective July 1, 2021.

1444 (c) "Purchasing agent" means any administrator,  
1445 superintendent, purchase clerk or other chief officer so  
1446 designated having general or special authority to negotiate for  
1447 and make private contract for or purchase for any governing  
1448 authority or agency, including issue purchase orders, invitations  
1449 for bid, requests for proposals, and receive and accept bids.

1450 (d) "Public funds" means and includes any appropriated  
1451 funds, special funds, fees or any other emoluments received by an  
1452 agency or governing authority.

1453 (e) "Commodities" means and includes the various  
1454 commodities, goods, merchandise, furniture, equipment, automotive  
1455 equipment of every kind, and other personal property purchased by  
1456 the agencies of the state and governing authorities, but not



1457 commodities purchased for resale or raw materials converted into  
1458 products for resale.

1459 (i) "Equipment" shall be construed to include:  
1460 automobiles, trucks, tractors, office appliances and all other  
1461 equipment of every kind and description.

1462 (ii) "Furniture" shall be construed to include:  
1463 desks, chairs, tables, seats, filing cabinets, bookcases and all  
1464 other items of a similar nature as well as dormitory furniture,  
1465 appliances, carpets and all other items of personal property  
1466 generally referred to as home, office or school furniture.

1467 (f) "Emergency" means any circumstances caused by fire,  
1468 flood, explosion, storm, earthquake, epidemic, riot, insurrection  
1469 or caused by any inherent defect due to defective construction, or  
1470 when the immediate preservation of order or of public health is  
1471 necessary by reason of unforeseen emergency, or when the immediate  
1472 restoration of a condition of usefulness of any public building,  
1473 equipment, road or bridge appears advisable, or in the case of a  
1474 public utility when there is a failure of any machine or other  
1475 thing used and useful in the generation, production or  
1476 distribution of electricity, water or natural gas, or in the  
1477 transportation or treatment of sewage; or when the delay incident  
1478 to obtaining competitive bids could cause adverse impact upon the  
1479 governing authorities or agency, its employees or its citizens; or  
1480 in the case of a public airport, when the delay incident to  
1481 publishing an advertisement for competitive bids would endanger



1482 public safety in a specific (not general) manner, result in or  
1483 perpetuate a specific breach of airport security, or prevent the  
1484 airport from providing specific air transportation services.

1485 (g) "Construction" means the process of building,  
1486 altering, improving, renovating or demolishing a public structure,  
1487 public building, or other public real property. It does not  
1488 include routine operation, routine repair or regularly scheduled  
1489 maintenance of existing public structures, public buildings or  
1490 other public real property.

1491 (h) "Purchase" means buying, renting, leasing or  
1492 otherwise acquiring.

1493 (i) "Certified purchasing office" means any purchasing  
1494 office in which fifty percent (50%) or more of the purchasing  
1495 agents hold a certification from the Universal Public Purchasing  
1496 Certification Council or other nationally recognized purchasing  
1497 certification, and in which, in the case of a state agency  
1498 purchasing office, in addition to the national certification, one  
1499 hundred percent (100%) of the purchasing officials hold a  
1500 certification from the State of Mississippi's Basic or Advanced  
1501 Purchasing Certification Program.

1502 (j) "Certified Mississippi Purchasing Agent" means a  
1503 state agency purchasing official who holds a certification from  
1504 the Mississippi Basic Purchasing Certification Program as  
1505 established by the Office of Purchasing, Travel and Fleet  
1506 Management.



1507 (k) "Certified Mississippi Procurement Manager" means a  
1508 state agency purchasing official who holds a certification from  
1509 the Mississippi Advanced Purchasing Certification Program as  
1510 established by the Office of Purchasing, Travel and Fleet  
1511 Management.

1512 **SECTION 33.** Section 37-3-51, Mississippi Code of 1972, is  
1513 brought forward as follows:

1514 37-3-51. (1) Upon the conviction of any licensed personnel,  
1515 as defined in Section 37-9-1, employed by a public school district  
1516 or any person employed by a charter or private elementary or  
1517 secondary school in a position that requires licensure in the  
1518 public school districts, of any felony, or of a sex offense as  
1519 defined in subsection (2) of this section, the district attorney  
1520 or other prosecuting attorney shall identify those defendants for  
1521 the circuit clerk. Each circuit clerk shall provide the State  
1522 Department of Education with notice of the conviction of any such  
1523 personnel of a felony or a sex offense. In addition, if the  
1524 convicted person is an employee of a charter school, the circuit  
1525 clerk must provide the same notice to the Mississippi Charter  
1526 School Authorizer Board.

1527 (2) "Sex offense" shall mean any of the following offenses:

1528 (a) Section 97-3-65, Mississippi Code of 1972, relating  
1529 to the carnal knowledge of a child under fourteen (14) years of  
1530 age;



1531 (b) Section 97-3-95, Mississippi Code of 1972, relating  
1532 to sexual battery;

1533 (c) Section 97-5-21, Mississippi Code of 1972, relating  
1534 to seduction of a child under age eighteen (18);

1535 (d) Section 97-5-23, Mississippi Code of 1972, relating  
1536 to the touching of a child for lustful purposes;

1537 (e) Section 97-5-27, Mississippi Code of 1972, relating  
1538 to the dissemination of sexually oriented material to children;

1539 (f) Section 97-5-33, Mississippi Code of 1972, relating  
1540 to the exploitation of children;

1541 (g) Section 97-5-41, Mississippi Code of 1972, relating  
1542 to the carnal knowledge of a stepchild, adopted child, or child of  
1543 a cohabitating partner;

1544 (h) Section 97-29-59, Mississippi Code of 1972,  
1545 relating to unnatural intercourse; or

1546 (i) Any other offense committed in another jurisdiction  
1547 which, if committed in this state, would be deemed to be such a  
1548 crime without regard to its designation elsewhere.

1549 (3) In addition, the State Department of Education is  
1550 considered to be the employer of such personnel for purposes of  
1551 requesting criminal record background checks.

1552 **SECTION 34.** Section 37-17-1, Mississippi Code of 1972, is  
1553 brought forward as follows:

1554 37-17-1. (1) The power and authority to prescribe standards  
1555 for the accreditation of noncharter public schools, to insure



1556 compliance with such standards and to establish procedures for the  
1557 accreditation of noncharter public schools is hereby vested in the  
1558 State Board of Education. The board shall, by orders placed upon  
1559 its minutes, adopt all necessary rules and regulations to  
1560 effectuate the purposes of this chapter and shall provide, through  
1561 the State Department of Education, for the necessary personnel for  
1562 the enforcement of standards so established.

1563 (2) A charter school authorized by the Mississippi Charter  
1564 School Authorizer Board must be granted accreditation by the State  
1565 Board of Education based solely on the approval of the school by  
1566 the authorizer. If the authorizer, at any time, revokes a  
1567 school's charter, the State Board of Education shall withdraw the  
1568 accreditation of the charter school immediately.

1569 **SECTION 35.** Section 37-21-3, Mississippi Code of 1972, is  
1570 brought forward as follows:

1571 37-21-3. (1) No person shall act in the capacity of master  
1572 teacher, teacher or assistant teacher in any federal or  
1573 state-funded program of early childhood education or "Head Start,"  
1574 or perform any of the functions, duties or powers of the same,  
1575 unless that person shall be qualified in the following manner:

1576 (a) A master teacher or any other employee or  
1577 consultant receiving a salary or fee equivalent to that of a  
1578 master teacher shall meet the qualifications of a teacher in this  
1579 section, including the requirement that a teacher may be required  
1580 to hold a state teaching license by the State Department of





1581 Education, and have demonstrated effectiveness as an early  
1582 childhood educator. Effectiveness as an early childhood educator  
1583 may be demonstrated by a rating of highly effective on a state  
1584 evaluation of teaching, if available, or with evidence that the  
1585 teacher has a record of raising the achievement outcomes of  
1586 prekindergarten students.

1587 (b) A teacher shall possess a bachelor's degree in  
1588 early childhood education, child development, or an equivalent  
1589 field. A teacher may also possess a bachelor's degree in any  
1590 field as well as have at least twelve (12) credit hours of  
1591 coursework in early childhood education, child development, or an  
1592 equivalent field approved by an institution granting a bachelor's  
1593 degree in the early childhood education, child development, or an  
1594 equivalent field; or have a bachelor's degree in any field as well  
1595 as have completed a specialized early childhood training program  
1596 deemed equivalent by the State Department of Education to twelve  
1597 (12) hours of approved coursework.

1598 (c) An assistant teacher shall possess an associate's  
1599 degree in early childhood education, child development, or an  
1600 equivalent field; or an associate's degree in any field and a  
1601 Child Development Associate credential, a Montessori  
1602 certification, or an equivalent certification. Public school  
1603 assistant teachers in the voluntary prekindergarten program  
1604 established by the Early Learning Collaborative Act of 2013 may be  
1605 required by the State Department of Education to meet the



1606 definition of a highly qualified paraprofessional in addition to  
1607 these requirements.

1608 The State Department of Education shall adopt any necessary  
1609 rules, policies or procedures to implement this section.

1610 (2) Persons employed as a teacher, assistant teacher or in  
1611 any other capacity in a prekindergarten or early childhood  
1612 education program in a charter school authorized by the  
1613 Mississippi Charter School Authorizer Board are exempt from the  
1614 requirements of this section.

1615 **SECTION 36.** Section 37-41-1, Mississippi Code of 1972, is  
1616 brought forward as follows:

1617 37-41-1. The State Board of Education is authorized,  
1618 empowered and directed to promulgate rules and regulations  
1619 relating to the transportation of students enrolled in the public  
1620 school districts, including rules and regulations for:

1621 (a) Setting standards for public school district bus  
1622 routes;

1623 (b) Setting standards for public school district buses;

1624 (c) Setting standards for public school district bus  
1625 drivers;

1626 (d) Formulating procedure for selecting public school  
1627 district bus drivers;

1628 (e) Formulating courses of training for public school  
1629 district bus drivers and mechanics, and assist in administering  
1630 and financing such courses;



1631 (f) Providing operation procedure for public school  
1632 district buses to insure safety of pupils;

1633 (g) Formulating specifications for use in purchasing  
1634 public school district buses; getting bids on public school  
1635 district buses; equipment and supplies; and fixing prices based  
1636 upon said bids which school districts may not exceed in purchasing  
1637 said equipment;

1638 (h) Formulating specifications for use by school  
1639 districts in purchasing used school buses; and

1640 (i) Providing a system of records and reports for the  
1641 purpose of carrying out the provisions of Sections 37-41-1 through  
1642 37-41-51, and providing the superintendent of schools with a  
1643 sufficient supply of report forms.

1644 All rules and regulations adopted and promulgated by the  
1645 State Board of Education relating to school district bus drivers  
1646 shall also be applicable to drivers of privately owned buses  
1647 transporting public school district children.

1648 All rules and regulations adopted and promulgated by the  
1649 State Board of Education pursuant to the authority conferred by  
1650 this section shall be spread at large upon the minutes of the  
1651 State Board of Education and copies thereof shall be furnished to  
1652 all school boards not less than thirty (30) days prior to the  
1653 effective date of such rules and regulations.

1654 The provisions of this chapter are applicable to school  
1655 districts and the transportation of students enrolled in public



1656 school districts. Charter schools authorized by the Mississippi  
1657 Charter School Authorizer Board are exempt from the provisions of  
1658 this chapter.

1659 **SECTION 37.** Section 37-151-5, Mississippi Code of 1972, is  
1660 brought forward as follows:

1661 37-151-5. As used in Sections 37-151-5 and 37-151-7:

1662 (a) "Adequate program" or "adequate education program"  
1663 or "Mississippi Adequate Education Program (MAEP)" shall mean the  
1664 program to establish adequate current operation funding levels  
1665 necessary for the programs of such school district to meet at  
1666 least a successful Level III rating of the accreditation system as  
1667 established by the State Board of Education using current  
1668 statistically relevant state assessment data.

1669 (b) "Educational programs or elements of programs not  
1670 included in the adequate education program calculations, but which  
1671 may be included in appropriations and transfers to school  
1672 districts" shall mean:

1673 (i) "Capital outlay" shall mean those funds used  
1674 for the constructing, improving, equipping, renovating or major  
1675 repairing of school buildings or other school facilities, or the  
1676 cost of acquisition of land whereon to construct or establish such  
1677 school facilities.

1678 (ii) "Pilot programs" shall mean programs of a  
1679 pilot or experimental nature usually designed for special purposes



1680 and for a specified period of time other than those included in  
1681 the adequate education program.

1682 (iii) "Adult education" shall mean public  
1683 education dealing primarily with students above eighteen (18)  
1684 years of age not enrolled as full-time public school students and  
1685 not classified as students of technical schools, colleges or  
1686 universities of the state.

1687 (iv) "Food service programs" shall mean those  
1688 programs dealing directly with the nutritional welfare of the  
1689 student, such as the school lunch and school breakfast programs.

1690 (c) "Base student" shall mean that student  
1691 classification that represents the most economically educated  
1692 pupil in a school system meeting the definition of successful, as  
1693 determined by the State Board of Education.

1694 (d) "Base student cost" shall mean the funding level  
1695 necessary for providing an adequate education program for one (1)  
1696 base student, subject to any minimum amounts prescribed in Section  
1697 37-151-7(1).

1698 (e) "Add-on program costs" shall mean those items which  
1699 are included in the adequate education program appropriations and  
1700 are outside of the program calculations:

1701 (i) "Transportation" shall mean transportation to  
1702 and from public schools for the students of Mississippi's public  
1703 schools provided for under law and funded from state funds.



1704 (ii) "Vocational or technical education program"  
1705 shall mean a secondary vocational or technical program approved by  
1706 the State Department of Education and provided for from state  
1707 funds.

1708 (iii) "Special education program" shall mean a  
1709 program for exceptional children as defined and authorized by  
1710 Sections 37-23-1 through 37-23-9, and approved by the State  
1711 Department of Education and provided from state funds.

1712 (iv) "Gifted education program" shall mean those  
1713 programs for the instruction of intellectually or academically  
1714 gifted children as defined and provided for in Section 37-23-175  
1715 et seq.

1716 (v) "Alternative school program" shall mean those  
1717 programs for certain compulsory-school-age students as defined and  
1718 provided for in Sections 37-13-92 and 37-19-22.

1719 (vi) "Extended school year programs" shall mean  
1720 those programs authorized by law which extend beyond the normal  
1721 school year.

1722 (vii) "University-based programs" shall mean those  
1723 university-based programs for handicapped children as defined and  
1724 provided for in Section 37-23-131 et seq.

1725 (viii) "Bus driver training" programs shall mean  
1726 those driver training programs as provided for in Section 37-41-1.

1727 (f) "Teacher" shall include any employee of a local  
1728 school who is required by law to obtain a teacher's license from



1729 the State Board of Education and who is assigned to an  
1730 instructional area of work as defined by the State Department of  
1731 Education.

1732 (g) "Principal" shall mean the head of an attendance  
1733 center or division thereof.

1734 (h) "Superintendent" shall mean the head of a school  
1735 district.

1736 (i) "School district" shall mean any type of school  
1737 district in the State of Mississippi, and shall include  
1738 agricultural high schools.

1739 (j) "Minimum school term" shall mean a term of at least  
1740 one hundred eighty (180) days of school in which both teachers and  
1741 pupils are in regular attendance for scheduled classroom  
1742 instruction for not less than sixty-three percent (63%) of the  
1743 instructional day, as fixed by the local school board for each  
1744 school in the school district. It is the intent of the  
1745 Legislature that any tax levies generated to produce additional  
1746 local funds required by any school district to operate school  
1747 terms in excess of one hundred seventy-five (175) days shall not  
1748 be construed to constitute a new program for the purposes of  
1749 exemption from the limitation on tax revenues as allowed under  
1750 Sections 27-39-321 and 37-57-107 for new programs mandated by the  
1751 Legislature.

1752 (k) The term "transportation density" shall mean the  
1753 number of transported children in average daily attendance per



1754 square mile of area served in a school district, as determined by  
1755 the State Department of Education.

1756 (l) The term "transported children" shall mean children  
1757 being transported to school who live within legal limits for  
1758 transportation and who are otherwise qualified for being  
1759 transported to school at public expense as fixed by Mississippi  
1760 state law.

1761 (m) The term "year of teaching experience" shall mean  
1762 nine (9) months of actual teaching in the public or private  
1763 elementary and secondary schools and shall also include nine (9)  
1764 months of actual teaching at postsecondary institutions accredited  
1765 by the Southern Association of Colleges and Schools (SACS) or  
1766 equivalent regional accrediting body for degree-granting  
1767 postsecondary institutions. In no case shall more than one (1)  
1768 year of teaching experience be given for all services in one (1)  
1769 calendar or school year. In determining a teacher's experience,  
1770 no deduction shall be made because of the temporary absence of the  
1771 teacher because of illness or other good cause, and the teacher  
1772 shall be given credit therefor. Beginning with the 2003-2004  
1773 school year, the State Board of Education shall fix a number of  
1774 days, not to exceed forty-five (45) consecutive school days,  
1775 during which a teacher may not be under contract of employment  
1776 during any school year and still be considered to have been in  
1777 full-time employment for a regular scholastic term. If a teacher  
1778 exceeds the number of days established by the State Board of





1779 Education that a teacher may not be under contract but may still  
1780 be employed, that teacher shall not be credited with a year of  
1781 teaching experience. In determining the experience of school  
1782 librarians, each complete year of continuous, full-time employment  
1783 as a professional librarian in a public library in this or some  
1784 other state shall be considered a year of teaching experience. If  
1785 a full-time school administrator returns to actual teaching in the  
1786 public schools, the term "year of teaching experience" shall  
1787 include the period of time he or she served as a school  
1788 administrator. In determining the salaries of teachers who have  
1789 experience in any branch of the military, the term "year of  
1790 teaching experience" shall include each complete year of actual  
1791 classroom instruction while serving in the military. In  
1792 determining the experience of speech-language pathologists and  
1793 audiologists, each complete year of continuous full-time post  
1794 master's degree employment in an educational setting in this or  
1795 some other state shall be considered a year of teaching  
1796 experience. Provided, however, that school districts are  
1797 authorized, in their discretion, to negotiate the salary levels  
1798 applicable to certificated employees employed after July 1, 2009,  
1799 who are receiving retirement benefits from the retirement system  
1800 of another state, and the annual experience increment provided in  
1801 Section 37-19-7 shall not be applicable to any such retired  
1802 certificated employee.



1803           (n)   (i)   The term "average daily attendance" shall be  
1804 the figure which results when the total aggregate full-day  
1805 attendance during the period or months counted is divided by the  
1806 number of days during the period or months counted upon which both  
1807 teachers and pupils are in regular attendance for scheduled  
1808 classroom instruction, \* \* \* less the average daily attendance for  
1809 self-contained special education classes. For purposes of  
1810 determining and reporting attendance, a pupil must be present for  
1811 at least sixty-three percent (63%) of the instructional day, as  
1812 fixed by the local school board for each school in the school  
1813 district, in order to be considered in full-day attendance. Prior  
1814 to full implementation of the adequate education program the  
1815 department shall deduct the average daily attendance for the  
1816 alternative school program provided for in Section 37-19-22.

1817                           (ii)   [Repealed]

1818           (o)   The term "local supplement" shall mean the amount  
1819 paid to an individual teacher over and above the adequate  
1820 education program salary schedule for regular teaching duties.

1821           (p)   The term "aggregate amount of support from ad  
1822 valorem taxation" shall mean the amounts produced by the  
1823 district's total tax levies for operations.

1824           (q)   The term "adequate education program funds" shall  
1825 mean all funds, both state and local, constituting the  
1826 requirements for meeting the cost of the adequate program as  
1827 provided for in Section 37-151-7.



1828 (r) "Department" shall mean the State Department of  
1829 Education.

1830 (s) "Commission" shall mean the Mississippi Commission  
1831 on School Accreditation created under Section 37-17-3.

1832 (t) The term "successful school district" shall mean a  
1833 Level III school district as designated by the State Board of  
1834 Education using current statistically relevant state assessment  
1835 data.

1836 (u) "Dual enrollment-dual credit programs" shall mean  
1837 programs for potential or recent high school student dropouts to  
1838 dually enroll in their home high school and a local community  
1839 college in a dual credit program consisting of high school  
1840 completion coursework and a credential, certificate or degree  
1841 program at the community college, as provided in Section  
1842 37-15-38(19).

1843 (v) "Charter school" means a public school that is  
1844 established and operating under the terms of a charter contract  
1845 between the school's governing board and the Mississippi Charter  
1846 School Authorizer Board.

1847 **SECTION 38.** This act shall take effect and be in force from  
1848 and after July 1, 2024.

