

By: Representative Roberson

To: Education

HOUSE BILL NO. 1432

1 AN ACT TO AMEND SECTION 37-28-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE DEFINITIONS RELATED TO THE MISSISSIPPI CHARTER SCHOOL ACT
3 OF 2013; TO AMEND SECTION 37-28-7, MISSISSIPPI CODE OF 1972, TO
4 ALLOW APPLICATIONS TO BE APPROVED FOR CHARTER SCHOOLS IN CERTAIN
5 DISTRICTS RATED "D" OR "F" IN ANY OF THE LAST FIVE YEARS; TO AMEND
6 SECTION 37-28-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
7 CHARTER SCHOOL AUTHORIZER TO AMEND CHARTER SCHOOL CONTRACTS IN
8 ORDER TO APPROVE MERGERS, CONSOLIDATIONS AND RECONFIGURATIONS AND
9 CONTRACT REORGANIZATIONS WITHOUT CLOSING A CHARTER SCHOOL; TO
10 AMEND SECTION 37-28-11, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE
11 AUTHORIZER FROM RETAINING A PORTION OF PER-PUPIL ALLOCATIONS FOR
12 ITS SUPPORT AND PROVIDE THAT THE LEGISLATURE MAY FUND THE
13 AUTHORIZER THROUGH SPECIFIC APPROPRIATION; TO AMEND SECTION
14 37-28-13, MISSISSIPPI CODE OF 1972, TO REQUIRE AN AUTHORIZER TO
15 PUBLISH A PAMPHLET, BY AUGUST 1 OF EACH YEAR, INFORMING CHARTER
16 SCHOOLS AND CHARTER APPLICANTS OF ALL EDUCATIONAL STATUTES
17 APPLICABLE TO THE OPERATION AND ADMINISTRATION OF CHARTER SCHOOLS;
18 TO AMEND SECTION 37-28-15, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
19 THE CHARTER SCHOOL AUTHORIZER TO LIMIT THE INFORMATION INITIALLY
20 SUBMITTED BY A CHARTER SCHOOL APPLICANT TO THAT WHICH AN
21 AUTHORIZER DEEMS ESSENTIAL; TO AMEND SECTION 37-28-19, MISSISSIPPI
22 CODE OF 1972, TO AUTHORIZE CERTAIN APPLICANTS THAT ARE DENIED A
23 CHARTER TO REMEDY THE APPLICATION'S DEFICIENCIES AND REAPPLY
24 BEFORE THE NEXT REGULAR APPLICATION PROCESS; TO AMEND SECTION
25 37-28-21, MISSISSIPPI CODE OF 1972, TO REQUIRE AN AUTHORIZER TO
26 ALLOW A CHARTER MANAGEMENT ORGANIZATION TO HOLD A SINGLE CONTRACT
27 AND TO REORGANIZE UNDER A SINGLE CONTRACT WITHOUT RE-APPLYING FOR
28 EACH SCHOOL; TO AMEND SECTION 37-28-23, MISSISSIPPI CODE OF 1972,
29 TO REVISE THE MANNER IN WHICH A CHARTER SCHOOL'S UNDERSERVED
30 POPULATION IS COMPARED TO THAT OF THE LOCAL SCHOOL DISTRICT AND TO
31 AUTHORIZE AN ENROLLMENT PREFERENCE FOR CHILDREN TRANSFERRING TO A
32 CHARTER SCHOOL FROM ANOTHER SCHOOL WHOSE CONTRACT IS HELD BY THE
33 SAME GOVERNING BOARD; TO AMEND SECTION 37-28-29, MISSISSIPPI CODE
34 OF 1972, TO REQUIRE ACHIEVEMENT GAPS COMPARISONS FOR PROFICIENCY



BETWEEN APPLICABLE SUBGROUPS; TO REQUIRE A VERSION OF THE PERFORMANCE FRAMEWORK FOR MULTI-CHARTER ORGANIZATIONS; TO AMEND SECTION 37-28-31, MISSISSIPPI CODE OF 1972, TO REQUIRE THE AUTHORIZER TO ANNUALLY MONITOR THE PERFORMANCE AND LEGAL COMPLIANCE OF CHARTER SCHOOLS IT HAS AUTHORIZED; TO ALLOW CHARTER SCHOOLS UNDER THE SAME CHARTER CONTRACT TO SUBMIT A SINGLE ANNUAL PERFORMANCE REPORT; TO AMEND SECTION 37-28-33, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHARTER SCHOOLS THAT RECEIVE A RENEWAL CONTRACT OF LESS THAN FIVE YEARS TO APPEAL THE DECISION IN THE SAME MANNER THAT NONRENEWALS AND REVOCATIONS ARE APPEALED; TO AMEND SECTION 37-28-35, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE TIMELINE AND PROCEDURES TO BE FOLLOWED BY AN AUTHORIZER IN ITS DECISION TO CLOSE A CHARTER SCHOOL; TO AMEND SECTION 37-28-37, MISSISSIPPI CODE OF 1972, TO STREAMLINE REPORTS FROM A CHARTER SCHOOL AUTHORIZER; TO AMEND SECTION 37-28-39, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A NONPROFIT ENTITY THAT IS PARTY TO A CHARTER CONTRACT, INCLUDING A CHARTER MANAGEMENT ORGANIZATION, IS A NONGOVERNMENTAL ENTITY; TO REQUIRE THE GOVERNING BOARD OF A NONPROFIT ENTITY HOLDING A CHARTER CONTRACT FOR MULTIPLE SCHOOLS TO DETERMINE WHETHER EACH SCHOOL LISTED IN THE CHARTER CONTRACT WILL FUNCTION AS A LOCAL EDUCATION AGENCY OR IF THE NONPROFIT WILL FUNCTION AS SUCH FOR ALL SCHOOLS INCLUDED IN ITS CHARTER CONTRACT; TO AMEND SECTION 37-28-41, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE NONPROFIT ENTITY HOLDING A CHARTER CONTRACT TO CONTRACT FOR TRANSPORTATION SERVICES, SPECIAL EDUCATION SERVICES AND VIRTUAL COURSES FOR STUDENTS ENROLLED IN THE CHARTER SCHOOL UNDER ITS CONTRACT; TO AMEND SECTION 37-28-43, MISSISSIPPI CODE OF 1972, TO REQUIRE CHARTER SCHOOLS TO PROVIDE APPROPRIATE SERVICES TO STUDENTS DESIGNATED AS ENGLISH LANGUAGE LEARNERS WHO ARE ENROLLED IN ITS SCHOOLS; TO AMEND SECTION 37-28-45, MISSISSIPPI CODE OF 1972, TO REQUIRE CHARTER SCHOOLS TO RECEIVE PERFORMANCE CLASSIFICATIONS FROM THE STATE DEPARTMENT OF EDUCATION; TO PROVIDE THAT CHARTER SCHOOLS ARE NOT SUBJECT TO ANY RULE, POLICY, REGULATION OR PROCEDURE ADOPTED BY THE STATE BOARD OF EDUCATION UNLESS SUCH WAS ADOPTED PURSUANT TO LAW APPLICABLE TO CHARTER SCHOOLS; TO AMEND SECTION 37-28-47, MISSISSIPPI CODE OF 1972, TO INCREASE THE TOTAL NUMBER OF NONLICENSED TEACHERS EMPLOYED IN AN INSTRUCTIONAL CAPACITY TO 50% AND TO EXCLUDE PROVISIONALLY LICENSED TEACHERS AND LICENSED TEACHERS TEACHING OUT OF FIELD FROM THE 50% LIMITATION ON CHARTER SCHOOL TEACHERS EXEMPT FROM LICENSURE REQUIREMENTS; TO AMEND SECTION 37-28-49, MISSISSIPPI CODE OF 1972, TO INSERT REFERENCE TO THE MISSISSIPPI CODE OF EDUCATOR ETHICS; TO AMEND SECTION 37-28-53, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH CHARTER SCHOOL OR CHARTER MANAGEMENT ORGANIZATION TO ANNUALLY CERTIFY INFORMATION NECESSARY TO CALCULATE THE CHARTER SCHOOL'S STATE SHARE OF AND LOCAL CONTRIBUTION TO THE STATE PUBLIC SCHOOL FUNDING FORMULA TO THE STATE DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-28-55, MISSISSIPPI CODE OF 1972, TO REVISE THE MANNER IN WHICH THE PRO RATA SHARE OF LOCAL FUNDS FOR CHARTER SCHOOLS IS CALCULATED; TO AMEND SECTION 37-28-57, MISSISSIPPI CODE OF 1972, TO REQUIRE



86 CHARTER SCHOOLS TO ADHERE TO GENERALLY ACCEPTED ACCOUNTING
87 PRINCIPLES AS DETERMINED BY THE FINANCIAL ACCOUNTING STANDARDS
88 BOARD; TO REQUIRE THE STATE AUDITOR TO DEVELOP FINANCIAL RULES AND
89 REGULATIONS, INCLUDING A FINANCIAL ACCOUNTING MANUAL SPECIFIC FOR
90 CHARTER SCHOOLS; TO PROVIDE FOR THE ANNUAL AUDIT OF RECORDS OF
91 NONPROFIT ENTITIES HOLDING A CHARTER CONTRACT FOR CHARTER SCHOOLS;
92 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION AND EACH AUTHORIZER
93 TO DEVELOP A PROCESS OF SHARING RELEVANT INFORMATION TO AVOID
94 DUPLICATION OF EFFORT; TO BRING FORWARD SECTIONS 37-28-1, 37-28-3,
95 37-28-17, 37-28-25, 37-28-27, 37-28-59 AND 37-28-61, MISSISSIPPI
96 CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENTS; TO AMEND
97 SECTIONS 31-7-1, 37-3-51, 37-17-1, 37-21-3 AND 37-41-1,
98 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
99 PROVISIONS; AND FOR RELATED PURPOSES.

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

101 **SECTION 1.** Section 37-28-5, Mississippi Code of 1972, is
102 amended as follows:

103 37-28-5. As used in this chapter, the following words and
104 phrases have the meanings ascribed in this section unless the
105 context clearly indicates otherwise:

106 (a) "Applicant" means any person * * *, group or
107 nonprofit entity that develops and submits an application for a
108 charter school to * * * an authorizer.

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

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



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

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

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

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

140 (* * * h) "Education service provider" means a * * *
141 partner entity with which * * * the governing board intends to



subcontract * * * full or substantial educational services,
including, but not limited to, comprehensive management. An
education service provider does not itself hold a charter contract
as defined in this section. A charter management organization
operating its own schools is not an education service provider.

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

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

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

(* * *l) "School board" or "local school board" means
a * * * governmental board exercising management and control over



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

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

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

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

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

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

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

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



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

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

(c) In any school district designated as an "A," "B" or "C" school district by the State Board of Education under the * * * performance classification system of the Mississippi Public School Accountability Standards at the time of application, the Mississippi Charter School Authorizer Board may authorize charter schools only if a majority of the members of the local school board votes at a public meeting to endorse the application * * *. However, the Mississippi Charter School Authorizer Board may approve a charter application without the need for a school board vote in a school district that has been rated "D" or "F" in any of the five (5) years preceding a charter application for that district, until such time as the State Board of Education readjusts the cut scores under the school accountability model, regardless of whether the performance classification of the district is currently an "A," "B" or "C." A charter school approved under such circumstances may operate thereafter in the same manner as any other charter school



216 regardless of the performance classification of the school
217 district in which the charter school is located.

218 (d) The Mississippi Charter School Authorizer Board may
219 approve a charter application for a school designed to serve
220 students with autism, emotional disability, intellectual
221 disability, in any school district, regardless of the district's
222 performance classification.

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

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

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

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

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

238 (4) Members appointed to the Mississippi Charter School
239 Authorizer Board collectively must possess strong experience and
240 expertise in public and nonprofit governance, management and



241 finance, public school leadership, assessment, curriculum and
242 instruction, and public education law. Each member of the
243 Mississippi Charter School Authorizer Board must have demonstrated
244 an understanding of and commitment to charter schooling as a
245 strategy for strengthening public education.

246 (5) To establish staggered terms of office, the initial term
247 of office for the three (3) Mississippi Charter School Authorizer
248 Board members appointed by the Governor shall be four (4) years
249 and thereafter shall be three (3) years; the initial term of
250 office for the three (3) members appointed by the Lieutenant
251 Governor shall be three (3) years and thereafter shall be three
252 (3) years; and the initial term of office for the member appointed
253 by the State Superintendent of Public Education shall be two (2)
254 years and thereafter shall be three (3) years. No member may
255 serve more than two (2) consecutive terms. The initial
256 appointments must be made before September 1, 2013.

257 (6) The Mississippi Charter School Authorizer Board shall
258 meet as soon as practical after September 1, 2013, upon the call
259 of the Governor, and shall organize for business by selecting
260 a * * * chairperson and adopting bylaws. Subsequent meetings
261 shall be called by the * * * chairperson who shall be selected
262 from among the members appointed by the Governor or Lieutenant
263 Governor.

264 (7) An individual member of the Mississippi Charter School
265 Authorizer Board may be removed by the board if the member's



266 personal incapacity renders the member incapable or unfit to
267 discharge the duties of the office or if the member is absent from
268 a number of meetings of the board, as determined and specified by
269 the board in its bylaws. Whenever a vacancy on the Mississippi
270 Charter School Authorizer Board exists, the original appointing
271 authority shall appoint a member for the remaining portion of the
272 term.

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

277 (9) The Mississippi Charter School Authorizer Board shall
278 appoint an individual to serve as the Executive Director of the
279 Mississippi Charter School Authorizer Board. The executive
280 director shall possess the qualifications established by the board
281 which * * * shall be based on national best practices, and shall
282 possess an understanding of state and federal education law. The
283 executive director, who shall serve at the will and pleasure of
284 the board, shall devote his or her full time to the proper
285 administration of the board and the duties assigned to him or her
286 by the board and shall be paid a salary established by the board,
287 subject to the approval of the State Personnel Board. Subject to
288 the availability of funding, the executive director may employ
289 such administrative staff as may be necessary to assist the



290 director and board in carrying out the duties and directives of
291 the Mississippi Charter School Authorizer Board.

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

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

300 37-28-9. (1) * * * An authorizer is responsible for
301 exercising, in accordance with this chapter, the following powers
302 and duties:

303 (a) Developing, approving, maintaining, publishing via
304 its website and the Administrative Procedures Bulletin, and
305 operating in accordance with written chartering policies and * * *
306 practices consistent with nationally recognized principles and
307 standards for quality charter authorizing in all major areas of
308 authorizing responsibility, including:

- 309 (i) Authorizer organizational capacity and
310 infrastructure;
311 (ii) Solicitation and evaluation of charter
312 applications;
313 (iii) Performance contracting;



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



entity, including a charter management organization, into a single charter contract;

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

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

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

(i) Complying with provisions of the Open Meetings Act, established under Section 25-41-1, et seq., the Mississippi Public Records Act of 1983, and any other provision of Mississippi law pertaining to the conduct of public bodies, including abiding by the Mississippi Administrative Procedures Law for the adoption of any rule, policy, guideline or other regulation, including any performance framework, renewal framework or any other relevant document with which charter schools are mandated to comply.

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

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



(4) Regulation by * * * an authorizer shall be limited to those powers and duties prescribed in this section and all others prescribed by law, consistent with the spirit and intent of this chapter. An authorizer may not issue directives or mandates to charter schools except as pursuant to an applicable law or a policy properly adopted by its board and published on its website and in the Administrative Procedures Bulletin. An authorizer shall not launch investigations without reasonable suspicion that a school has violated a specific provision of law, its contract or a properly adopted policy.

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

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

37-28-11. * * *

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



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

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

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

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

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

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

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

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



413 * * * Each authorizer shall make the pamphlet available to
414 the public on * * * its website and shall notify all prospective
415 applicants and authorized charter schools of the pamphlet.

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

418 37-28-15. (1) To solicit, encourage and guide the
419 development of quality charter school applications, * * * each
420 authorizer shall issue and publicize a request for proposals
421 before September 1 of each year * * *. The content and
422 dissemination of the request for proposals must be consistent with
423 the purposes and requirements of this chapter.

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

427 (3) * * * Each authorizer's request for proposals must
428 include the following:

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

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

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



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

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

(a) An executive summary;

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

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

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

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

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

(g) Background information, including proof of United States citizenship, on the applicants, the proposed founding governing board members and, if identified, members of the proposed school leadership and management team. The background



information must include annual student achievement data,
disaggregated by subgroup, for every school under the current or
prior management of each * * * leadership team member;

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

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

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

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

(l) The school's plan for identifying and successfully
serving students with disabilities (including all of the school's
proposed policies pursuant to the Individuals with Disabilities
Education Improvement Act of 2004, 20 USCS Section 1400 et seq.,
Section 504 of the Rehabilitation Act of 1973, 29 USCS Section
794, and Title 11 of the Americans with Disabilities Act, 42 USCS
Section 12101 et seq., and the school's procedures for securing



and providing evaluations and related services pursuant to federal law), students who are English language learners, students who are academically behind, and gifted students, including, but not limited to, compliance with any applicable laws and regulations;

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

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

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

(p) An organizational chart that clearly presents the school's organizational structure, including lines of authority and reporting * * * among the governing board, charter management organization staff or the education service provider (if any), school leadership team and staff, related bodies (such as advisory bodies or parent and teacher councils), and all other external organizations that will play a role in managing the school;

(q) A clear description of the roles and responsibilities of the governing board, charter management organization staff or education service provider (if any), school



512 leadership team, management team and all other entities shown in
513 the organizational chart;

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

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

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

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

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

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

530 (x) Opportunities and expectations for * * * family
531 engagement;

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

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



536 (aa) A description of the insurance coverage the school
537 will obtain;

538 (bb) Start-up and five-year budgets with clearly stated
539 assumptions;

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

542 (dd) A disclosure of all sources of private funding and
543 all funds from foreign sources, including gifts from foreign
544 governments, foreign legal entities and domestic entities
545 affiliated with either foreign governments or foreign legal
546 entities. For the purposes of this paragraph, the term "foreign"
547 means a country or jurisdiction outside of any state or territory
548 of the United States;

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

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

553 (5) An authorizer may limit its initial request for
554 proposals to those elements in subsection (4) which it deems
555 essential for an initial review, and applications may be rejected
556 based upon the information provided for those elements. However,
557 an applicant must submit, and an authorizer must evaluate, all
558 elements enumerated in subsection (4) before an application may be
559 approved.



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

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

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

579 (b) Provide a term sheet setting forth: the proposed
580 duration of the service contract; roles and responsibilities of
581 the governing board, the school staff and the education service
582 provider; the scope of services and resources to be provided by
583 the education service provider; performance evaluation measures
584 and timelines; the compensation structure, including clear



identification of all fees to be paid to the education service provider; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract;

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

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

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

(9) In the case of a governing board of an operating charter school, including a school within a charter management organization, seeking to expand the school's grades, whether upwards or downwards, beyond those originally authorized, an authorizer shall evaluate a plan for expansion as a material contract amendment and not require a new application as described in subsection (4) of this section. Expanded grades shall be listed as a separate school under the amended charter contract if requested by the governing board, and, if so, shall be evaluated separately for accountability and closure purposes as prescribed



610 by law. The requirements for approving contract amendments for
611 expansion shall be transparent, based on merit and not unduly
612 burdensome and in accordance with law and board-adopted, published
613 policies. An authorizer shall approve expansion requests by the
614 governing board of any charter school meeting overall expectations
615 in the areas of academic, financial and organizational performance
616 per the school's most recent performance framework, regardless of
617 the performance classification of either the charter school or the
618 school district in which a charter school is located. An
619 authorizer shall approve or deny expansions within ninety (90)
620 calendar days of submission of a completed request by the
621 governing board.

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

624 37-28-19. (1) In reviewing and evaluating charter
625 applications, * * * an authorizer shall employ written, adopted
626 and published procedures, practices and criteria consistent with
627 nationally recognized principles and standards for quality charter
628 authorizing. These procedures must provide clear standards for
629 meeting authorizer expectations on each required element of the
630 proposed school plan as described in Section 37-28-15, including
631 any points overall or per section of the application necessary for
632 approval. The application review process must include thorough
633 evaluation of each written charter application and an in-person
634 interview with the applicant group. Evaluations shall be



635 conducted by the staff or board members of an authorizer or
636 consultants demonstrating support for and expertise in charter
637 schools.

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

640 (a) Grant charters only to applicants that have
641 provided evidence of competence in each element of * * * an
642 authorizer's published approval criteria, and in the case of an
643 applicant that currently operates one or more schools in any state
644 or nation, clear evidence that the management or leadership team
645 of the charter school or schools currently operated by the
646 applicant has produced * * * sustained improvement in student
647 achievement or consistently produced proficiency levels as
648 measured on state achievement tests, although unusual
649 circumstances such as a global pandemic or other disaster may be
650 taken into account;

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

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

656 (3) Before the expiration of one hundred eighty (180) days
657 after the filing of a charter application, * * * an authorizer
658 must approve or deny the charter application; however, an
659 application submitted by a public historically black college or



660 university (HBCU), in partnership with a national nonprofit public
661 HBCU support organization, for a charter school to be operated on
662 or near the campus of the HBCU must be considered for expedited
663 approval by * * * an authorizer. * * * Each authorizer shall
664 adopt by resolution all charter approval or denial decisions in an
665 open meeting of the authorizer's board.

666 (4) An approval decision may include, if appropriate,
667 reasonable conditions that the charter applicant must meet before
668 a charter contract may be executed pursuant to Section 37-28-21.
669 A charter applicant must have achieved nonprofit entity status
670 prior to the execution of a contract if the applicant was not a
671 nonprofit entity prior to submission of the application.

672 (5) For a charter denial, * * * an authorizer shall state
673 clearly, for public record, its reasons for denial. A denied
674 applicant may reapply subsequently with the denying authorizer.
675 An applicant who is denied after having progressed past any
676 initial stage in the evaluation process shall not be required to
677 wait until the next regular application process to reapply but
678 must be allowed one (1) opportunity before the next regular
679 application process to demonstrate to the relevant authorizer that
680 the applicant has remedied the conditions upon which the denial
681 was based. The initial stage described in this subsection shall
682 be defined by each authorizer in its request for proposals.

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



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

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

37-28-21. (1) * * * An authorizer shall grant an initial charter contract to the nonprofit entity proposed by each qualified applicant for a term of five (5) operating school years. In the case of a charter contract including more than one (1) school, the contract shall contain a separate addendum for each school listing the school's approved term of operation; the initial term for each school shall be five (5) operating school years. The overall term of the contract with an entity that operates more than one (1) charter school shall extend until the latest date of any approved charter school in a contract addendum. The term of the charter contract shall commence on the charter school's first day of operation, or the first charter school's first day of operation for a contract that includes more than one (1) school, as specified in the contract. An approved charter school may delay its opening for one (1) school year in order to plan and prepare for the school's opening. If the school requires an opening delay of more than one (1) school year, the school must request an extension from * * * its authorizer. * * * An



authorizer may grant or deny the extension depending on the particular school's circumstances.

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

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

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

(3) * * * An authorizer * * * shall establish and publish reasonable preopening requirements or conditions to monitor the start-up progress of * * * each of its newly approved charter schools and to ensure that * * * each school is prepared to open smoothly on the date agreed and that * * * each school meets all building, health, safety, insurance and other legal requirements before * * * each school's opening. These preopening requirements shall include enrollment benchmarks that ensure the school can



open at, or within a reasonable variance of, its contracted enrollment. An authorizer may establish school-specific preopening requirements or conditions for any of its newly approved schools. Each authorizer must keep documentation that any and all such preopening requirements have been met prior to the school's opening.

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

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

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

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

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

(e) The charter contract shall include, by reference, all preopening requirements pursuant to subsection (3) of this



section and list any school-specific preopening requirements of the authorizer;

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

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

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

(a) Each school listed within the contract shall have its own addendum to include its operating term, as well as any unique elements such as essential educational terms, mission and vision, grades and enrollment projections, location or facilities,



school-selected indicators or goals, any enrollment policies and procedures or any preopening requirements that differ from other schools listed in the contract;

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

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

(d) An authorizer may close a charter school within the contract without closing the remainder of the charter schools within that contract. In the event of closure of one or more schools, but when other schools listed in the contract remain operational, the nonprofit entity shall retain ownership of the assets and property of the closed school or schools to be used at its remaining Mississippi schools, except for unspent governmental funds or unspent earnings of governmental funds which shall be redirected on a per-pupil basis to the school districts or charter schools to which students of the closed school transfer, as allowable. If an authorizer concludes the appropriate recipient



of unspent governmental funds and unspent earnings is difficult to
determine as a practical matter, the unspent governmental funds
and unspent earnings will revert to the school district in which
the charter school was located as provided by law. A nonprofit
entity whose entire portfolio of Mississippi schools is closed by
an authorizer must follow authorizer policies for school closure
and disposition of assets, funds and property as provided by law.
The authorizer may not close an entire portfolio of Mississippi
schools within a contract without due cause for closing each
school as required by Section 37-28-35. However, if such a burden
is met, the entire contract is considered terminated;

(e) In the case of a nonprofit entity reorganizing
separate existing charter contracts into the same contract, the
nonprofit entity shall retain all assets, funds and property from
the charter schools for use in the schools reorganized under the
same contract; and

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

(6) In the case of the proposed merger, consolidation, or
grade reconfiguration of two (2) or more schools operated by the
same nonprofit entity, whether originally within a single contract
or separate contracts held by the governing board of the same
nonprofit entity, the nonprofit entity shall retain all assets,



funds and property for use in the newly merged, consolidated or reconfigured school or schools as specified in the amended contract effectuating the merger, consolidation or reconfiguration.

(7) The governing board of a nonprofit entity that is party to a charter contract or, in the case of the required or voluntary closure of such a nonprofit entity, the charter school leader or leadership team of the operating charter school established by the contract may request its authorizer to transfer the charter contract to another eligible Mississippi nonprofit entity. The authorizer may approve transfers through a material contract amendment, and the transfer shall become effective upon the consent of the authorizer and the parties to the transfer agreement. By assuming a charter contract, a nonprofit entity also assumes all assets, liabilities, revenues and expenses ascribable to a transferred charter school as specified in the transfer agreement. An authorizer may not require the transfer of a charter contract unless a nonprofit entity plans to close a school meeting authorizer expectations, and the authorizer seeks to enable the school to continue to operate.

(8) Mergers, consolidations, grade reconfigurations and transfers of charter schools as well as reorganization of charter schools from separate contracts into the same contract as specified in subsections (5) through (7) of this section, or any analogous situation, shall not require or constitute closure and



restart of the affected charter schools and shall not require
reversion of their assets. Furthermore, an authorizer shall not
require the governing board of such schools to file a new school
application as described in Section 37-28-15, but shall approve
all such mergers, consolidations, grade reconfigurations,
transfers and reorganizations as material contract amendments.

(9) In the case of merged or consolidating nonprofit
entities where one (1) nonprofit entity is party to a charter
contract, the successor entity shall become the party to the
charter contract upon the effective date of the merger or
consolidation and shall assume all assets, liabilities, revenues
and expenses ascribable to the charter school. Charter schools
affected by this provision shall not be considered closed and
restarted nor shall the schools have to revert their assets.
Furthermore, the governing board of the successor entity shall not
have to file a new school application as described in Section
37-28-15, unless an authorizer does not consent to the assumption
of the contract by the successor entity. In such cases, the
successor entity must reapply for the right to hold the charter
contract, or the contract is considered terminated.

(10) (a) The governing board of an approved charter school
may change to a different authorizer by executing a charter
contract with another authorizer as follows:

(i) Any time before June 30, 2026, regardless of
how much of the current contract term has elapsed;



884 (ii) After June 30, 2026:
885 1. At the end of a school year; or
886 2. At the end of a charter contract term; or
887 (iii) At the time of closure of an authorizer by
888 the authorizer's board or the Legislature.
889 (b) Changing the different authorizer does not
890 constitute a closure and restart of a charter school, nor does
891 such change require a school to revert its assets.
892 (c) The governing board of an approved charter school
893 seeking to change to a different authorizer at the end of a
894 charter term need not apply for renewal of the charter school with
895 the original authorizer but may instead apply for a new charter
896 contract with a different authorizer.
897 (d) An authorizer may accept or reject a request from
898 the governing board of an approved charter school seeking to
899 change to a different authorizer based on the authorizer's adopted
900 policy for accepting charter schools initially authorized by
901 another entity established by Section 37-28-7. The application
902 for an already authorized school to change to a different
903 authorizer need not be as extensive as described in Section
904 37-28-15, but the approval process should comply with Section
905 37-28-19. However, if the governing board of a charter school has
906 had its charter contract revoked or nonrenewed by any authorizer,
907 the governing board of the school must complete the process
908 described in Section 37-28-15 for any authorizer to execute a new



909 charter contract. A nonprofit seeking to change to a different
910 authorizer may apply to multiple authorizers but only contract
911 with one (1) for the same school.

912 (e) An authorizer may not prevent the governing board
913 of a charter school from switching to another authorizer. The
914 governing board of a charter school seeking to change to a
915 different authorizer must give their current authorizer thirty
916 (30) calendar days' notice prior to the execution of a new charter
917 contract. The governing board of a charter school is not required
918 to notify an authorizer of a pending application to change to a
919 different authorizer. An authorizer may not continue to receive
920 an authorizer allocation, as allowed in Section 37-28-11, from a
921 school under an executed charter contract with another authorizer,
922 nor may an authorizer retaliate against a governing board or its
923 charter schools, such as by threatening revocation prior to a new
924 charter contract being executed, after it becomes informed of the
925 school's intent to change authorizers.

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

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

932 37-28-23. (1) A charter school must be open to:



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

936 (b) Any student who resides in the geographical
937 boundaries of a school district that was rated "C," "D" or "F" at
938 the time the charter school was approved by * * * an
939 authorizer * * *, or who resides in the geographical boundaries of
940 a school district rated * * * or "D" or "F" within the prior five
941 (5) years at the time the student enrolls * * * until such time as
942 the State Board of Education readjusts the cut scores under the
943 school accountability model;

944 (c) The siblings or foster siblings of any enrolled
945 charter school student residing in the same household of any
946 charter school student, regardless of the performance
947 classification of the resident school district at the time the
948 sibling or foster sibling enrolls;

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

952 (e) Any student who qualifies to transfer under Section
953 37-15-29(3), 37-15-29(5) or 37-15-31.

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

956 (3) Except as otherwise provided under subsection (8)(d) of
957 this section, a charter school may not limit admission based on



race, ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability.

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

(5) (a) The percentage size of the schoolwide underserved student composition of a charter * * * school must be at least eighty percent (80%) of that of the comparison population. If the schoolwide underserved student composition of * * * a charter * * * school is less than eighty percent (80%) of the * * * underserved student composition of the comparison population, despite the school's best efforts, the school's authorizer must consider the * * * charter school's recruitment efforts and the underserved student composition of the applicant pool in determining whether the * * * charter school is operating in a * * * discriminatory manner. A finding by the school's authorizer that * * * the charter school is operating in a discriminatory manner justifies the revocation of a charter.

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



983 (c) If a school district within the comparison
984 population is under a state or federally required remediation plan
985 due to disproportionate identification of students with
986 disabilities, the authorizer must consider the impact of this
987 disproportionate identification in the comparison school district
988 when determining the appropriate level of students with
989 disabilities a charter school must enroll in the schoolwide
990 underserved student population.

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

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

997 (8) (a) Any noncharter public school or part of a
998 noncharter public school converting to a charter school shall
999 adopt and maintain a policy giving an enrollment preference to
1000 students who reside within the former attendance area of that
1001 public school. If the charter school has excess capacity after
1002 enrolling students residing within the former attendance area of
1003 the school, students outside of the former attendance area of the
1004 school, but within the geographical boundaries of the school
1005 district in which the charter school is located, are eligible for
1006 enrollment. If the number of students applying for admission
1007 exceeds the capacity of a program, class, grade level or building



1008 of the charter school, the charter school must admit students on
1009 the basis of a lottery.

1010 (b) A charter school must give an enrollment preference
1011 to students enrolled in the charter school during the preceding
1012 school year and to siblings of students already enrolled in the
1013 charter school. An enrollment preference for returning students
1014 excludes those students from entering into a lottery.

1015 (c) A charter school may give an enrollment preference
1016 to children of the charter school's applicant, governing board
1017 members and full-time employees, so long as those children
1018 constitute no more than ten percent (10%) of the charter school's
1019 total student population.

1020 (d) A charter school shall give an enrollment
1021 preference to underserved children as defined in Section
1022 37-28-5 * * * until the charter school meets its required
1023 underserved student composition. The charter school may continue
1024 to give an enrollment preference to underserved children after the
1025 charter school meets its required underserved student composition.

1026 (e) A charter school may give an enrollment preference
1027 to children transferring from a charter school under the same
1028 contract or whose contract is held by the same governing board,
1029 such as schools under the operation of the same charter management
1030 organization. This enrollment preference includes children who
1031 have completed the final grade of their current school and are
1032 transferring to a higher grade in a different school. An



enrollment preference for such students excludes those students
from entering into a lottery.

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

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

37-28-29. (1) The performance provisions within a charter
contract for each charter school must be based on a performance
framework that clearly sets forth the academic, financial and
operational performance indicators, measures and metrics that will
guide the authorizer's evaluations of the charter school. The
performance framework, as well as any domain or subsection of the
framework, shall not use as indicators any of the process
standards or the performance classifications of the Mississippi
Public School Accountability Standards as established by the State
Board of Education, nor shall the performance framework or any
domain duplicate the methodology of the performance
classifications. Rather, the performance framework and its
domains shall be constructed to honor the unique legal status,



1058 purpose and student composition of charter schools. The
1059 performance framework must include indicators, measures and
1060 metrics, at a minimum, for the following:

- 1061 (a) Student academic proficiency;
- 1062 (b) Student academic growth;
- 1063 (c) Achievement gaps in * * * proficiency and * * *
1064 between major student subgroups, as applicable;
- 1065 (d) Attendance;
- 1066 (e) Recurrent enrollment from year to year;
- 1067 (f) In-school and out-of-school suspension rates and
1068 expulsion rates;
- 1069 (g) For each charter high * * * school, postsecondary
1070 readiness, including the percentage of graduates submitting
1071 applications to postsecondary institutions * * * and graduation
1072 and high school completion * * * rates;
- 1073 (h) Financial performance and sustainability as
1074 follows:

- 1075 (i) For a nonprofit entity authorized to operate a
1076 single school and which has no or minimal other financial activity
1077 than that pertaining to the charter school, financial performance
1078 and sustainability of the nonprofit entity;
- 1079 (ii) For a nonprofit entity authorized to operate
1080 one or more schools and which has at least some financial activity
1081 other than that pertaining to the charter schools, financial
1082 performance of each Mississippi charter school as a program of the



nonprofit entity as well as relevant financial performance and sustainability of the nonprofit entity, provided that school and organizational indicators, measures and metrics are logical and not unduly duplicative;

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

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

(2) * * * (a) The performance framework may include a version for charter schools whose governing boards are authorized to operate a single charter school as well as charter schools whose governing boards are authorized to operate more than one (1) charter school, such as charter management organizations.

(b) The version for schools under the governance of a nonprofit entity authorized to operate more than one (1) school shall evaluate the indicators, measures and metrics described in subsections (1) (a) through (g) of this section at both the school and organizational levels, as relevant. The requirement of this



1108 paragraph shall not be construed as mandating unduly burdensome or
1109 duplicative requirements for these entities and their schools.
1110 Any such version should differentiate performance among the
1111 schools within a single contract or as part of several contracts
1112 held by the same nonprofit entity to allow differentiated
1113 intervention, if necessary, while also assessing the overall
1114 performance of the nonprofit entity in operating charter schools.

1115 (3) Any comparisons between a charter school or nonprofit
1116 entity operating more than one (1) charter school and the
1117 districts in which the charter schools are located must be based
1118 on statistically valid and reliable methods for establishing a
1119 comparable population of students in a school district, including
1120 comparability based on race, economic status, any prior
1121 achievement, grade and disability status.

1122 (* * *4) Annual academic performance targets must be set by
1123 the governing board of each charter school in conjunction
1124 with * * * its authorizer at the school and organizational levels,
1125 as applicable, and must be designed to help each school meet
1126 applicable federal, state and authorizer expectations. The
1127 academic performance targets for each school may be refined or
1128 amended by mutual agreement after each charter school is operating
1129 and has collected baseline achievement data for its enrolled
1130 students. Annual academic performance targets for each charter
1131 school may vary depending on the baseline data of the student
1132 population served by the school, but should aim for a common goal



1133 of academic success over time. Financial and organizational
1134 performance targets may be standardized for all Mississippi
1135 charter schools, their governing boards and nonprofit entities,
1136 provided that such targets are created by benchmarking with
1137 national best practices, or state or local averages, as relevant
1138 and reasonable.

1139 (* * * 5) The performance framework must allow the inclusion
1140 of additional rigorous, valid and reliable indicators proposed by
1141 the governing board of a charter school to augment external
1142 evaluations of * * * school and organizational performance;
1143 however, * * * its authorizer must approve the quality and rigor
1144 of any indicators proposed by the governing board of a charter
1145 school, which indicators must be consistent with the purposes of
1146 this chapter.

1147 (* * * 6) The performance framework must require the
1148 disaggregation of all student performance data by major student
1149 subgroups (gender, race, poverty status, special education
1150 status * * * and English learner status * * *). However,
1151 achievement gap measures must be deemed sufficient for evaluating
1152 subgroup performance without additional duplicative measures.

1153 (* * * 7) * * * An authorizer shall collect, analyze and
1154 report all data from state assessments and other necessary sources
1155 in accordance with * * * its performance framework * * *.

1156 * * *



1157 **SECTION 11.** Section 37-28-31, Mississippi Code of 1972, is
1158 amended as follows:

1159 37-28-31. (1) * * * Each authorizer shall monitor annually
1160 the performance and legal compliance of each charter school it
1161 oversees, including collecting and analyzing data to support the
1162 school's evaluation according to the charter contract. * * * An
1163 authorizer may conduct or require oversight activities that enable
1164 the authorizer to fulfill its responsibilities under this chapter,
1165 including conducting appropriate inquiries and investigations
1166 based on reasonable suspicion of misconduct or a violation of law,
1167 properly adopted authorizer policy or the charter contract, so
1168 long as those activities are consistent with the intent of
1169 this * * * chapter, adhere to written policies and procedures of
1170 the authorizer and the terms of the charter contract and do not
1171 unduly inhibit the autonomy granted to charter schools. An
1172 authorizer shall not discuss its oversight activities, inquiries
1173 or investigations in executive session unless clear and convincing
1174 evidence exists that an investigation would be irreparably harmed
1175 by discussing it in an open session.

1176 (2) As part of its annual report to the Legislature, the
1177 authorizer shall publish and provide a performance report for each
1178 charter school it oversees in accordance with the performance
1179 framework set forth in the charter contract. The report must be
1180 made available to the public at the same time as it is submitted
1181 to the Legislature. The authorizer may require each charter



1182 school it oversees to submit an annual report to assist the
1183 authorizer in gathering complete information about each school,
1184 consistent with the performance framework. An authorizer shall
1185 not require charter schools under the same contract or whose
1186 contracts are held by the same nonprofit entity to submit separate
1187 reports but shall instead require one (1) annual report from the
1188 nonprofit entity on behalf of all of its authorized schools.

1189 (3) If a charter school's performance or legal compliance is
1190 unsatisfactory, * * * its authorizer shall notify promptly the
1191 charter school of the problem and provide reasonable opportunity
1192 for the school to remedy the problem unless the problem warrants
1193 revocation, in which case the revocation timeframes will apply.

1194 (4) * * * An authorizer may take appropriate corrective
1195 actions or exercise sanctions in response to * * * clear and
1196 convincing evidence of deficiencies in a charter school's
1197 performance or legal compliance. If warranted, the actions or
1198 sanctions may include requiring a charter school to develop and
1199 execute a corrective action plan within a specified timeframe.

1200 **SECTION 12.** Section 37-28-33, Mississippi Code of 1972, is
1201 amended as follows:

1202 37-28-33. (1) The contract for * * * a charter school or
1203 the term for a charter school within a contract that includes more
1204 than one (1) school may be renewed for successive five-year terms
1205 of duration. Any charter school meeting its authorizer's
1206 expectations as evidenced by the school's most recent overall



1207 performance framework results shall be renewed for a full term of
1208 five (5) years. * * * An authorizer may grant renewal with
1209 specific conditions for necessary improvements to a charter school
1210 not meeting overall expectation on its most recent performance
1211 framework, and may lessen the renewal term based on the school's
1212 performance, demonstrated capacities and particular circumstances
1213 of each charter school if these do not meet published renewal
1214 criteria. A charter school renewed for fewer than five (5) years
1215 has the same right to appeal as a charter school for which a
1216 charter is revoked or not renewed. The authorizer must describe
1217 its rationale in writing for a renewal of fewer than five (5)
1218 years in the same manner as required under subsections (10) and
1219 (11) of this section.

1220 (2) Before September 30 of each year, * * * each authorizer
1221 shall issue a charter school performance report and charter
1222 renewal application guidance to any charter school whose charter
1223 term will expire the following year. The performance report must
1224 summarize the charter school's performance record to date, based
1225 on the data required by this chapter and the charter contract, and
1226 must provide notice of any weaknesses or concerns perceived by the
1227 authorizer which may jeopardize the charter school's position in
1228 seeking renewal if not timely rectified. The charter school must
1229 respond and submit any corrections or clarifications for the
1230 performance report within ninety (90) days after receiving the
1231 report.



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

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

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

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

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

(5) Before * * * December 1 in the final year of charter school's approved term, the governing board of a charter school seeking renewal shall submit a renewal application to * * * its authorizer or another authorizer to which it is seeking transfer pursuant to the charter renewal application guidance issued by * * * that authorizer. The authorizer shall adopt a resolution ruling on the renewal application no later than ninety (90) days after the filing of the renewal application. However, nothing shall preclude a school from seeking, or being granted in accordance with authorizer policies, renewal in the penultimate year of its term, provided the school meets overall expectations



1257 on its performance framework in the two (2) most recent years of
1258 its operation.

1259 (6) In making each charter renewal decision, * * * an
1260 authorizer must:

1261 (a) Ground its decision in evidence of the school's
1262 performance over the term of the charter contract in accordance
1263 with the performance framework set forth in the charter contract
1264 and the renewal criteria published in the authorizer's renewal
1265 application guidance;

1266 (b) Ensure that data used in making the renewal
1267 decision is available to the school and the public; and

1268 (c) Provide a public report summarizing the evidence
1269 that is the basis for the renewal decision.

1270 (7) A charter contract or the term of a charter school
1271 within a contract that includes more than one (1) school must be
1272 revoked at any time or not renewed if * * * its authorizer
1273 determines by clear and convincing evidence that the charter
1274 school has done any of the following or otherwise failed to comply
1275 with the provisions of this chapter:

1276 (a) Committed a material and substantial violation of
1277 any of the terms, conditions, standards or procedures required
1278 under this chapter or the charter contract;

1279 (b) Failed to meet or make sufficient progress toward
1280 the performance expectations set forth in the charter contract by
1281 renewal;



1282 (c) Failed to meet generally accepted standards of
1283 fiscal management; or

1284 (d) Substantially violated any material provision of
1285 law which is applicable to the charter school.

1286 (8) * * * Each authorizer shall develop revocation and
1287 nonrenewal processes that:

1288 (a) Provide the governing board of a charter school
1289 with a timely notification of the prospect of revocation or
1290 nonrenewal and of the reasons for such possible closure, which are
1291 limited to those prescribed in subsection (7) of this section;

1292 (b) Allow the governing board a reasonable amount of
1293 time in which to prepare a response;

1294 (c) Provide the governing board with an opportunity to
1295 submit documents and give testimony challenging the rationale for
1296 closure and in support of the continuation of the school at an
1297 orderly proceeding held for that purpose;

1298 (d) Allow the governing board access to representation
1299 by counsel and to call witnesses on the school's behalf;

1300 (e) Permit the recording of such proceedings; and

1301 (f) After a reasonable period for deliberation, require
1302 a final determination to be made and conveyed in writing to the
1303 governing board.

1304 (9) * * * Notwithstanding any provision to the contrary, the
1305 authorizer may not renew the charter contract of any charter
1306 school, or the term of a charter school within a contract of that



1307 includes more than one (1) school, that * * * is designated an "F"
1308 school under the * * * Mississippi Public School Accountability
1309 Standards for its five (5) most recent consecutive years of
1310 operation.

1311 (10) If * * * an authorizer revokes * * *, does not renew or
1312 renews for less than a five-year term, the contract of a charter
1313 school or the term of a charter school within a contract that
1314 includes more than one (1) school, the authorizer must state
1315 clearly, in a resolution * * * adopted by the authorizer board,
1316 the reasons for the revocation * * *, nonrenewal or shortened
1317 renewal term, which shall be one or more of the reasons prescribed
1318 in subsection (7) of this section.

1319 (11) Within ten (10) days after taking action to renew, not
1320 renew or revoke a charter contract or the term of any charter
1321 school within a contract that includes more than one (1)
1322 school, * * * an authorizer shall provide a report to the charter
1323 school. The report must include a copy of the authorizer's * * *
1324 resolution setting forth the action taken, reasons for the * * *
1325 authorizer's decision and assurances as to compliance with all of
1326 the requirements set forth in this chapter.

1327 **SECTION 13.** Section 37-28-35, Mississippi Code of 1972, is
1328 amended as follows:

1329 37-28-35. (1) Before implementing a charter school closure
1330 decision, * * * an authorizer must develop a charter school
1331 closure protocol to ensure timely notification to parents, orderly



1332 transition of students and student records to new schools, and
1333 proper disposition of school funds, property and assets in
1334 accordance with the requirements of this chapter. The protocol
1335 must specify tasks, timelines and responsible parties, including
1336 delineating the respective duties of the school, its governing
1337 board and nonprofit entity and the authorizer. If a charter
1338 school is to be closed for any reason, the authorizer shall
1339 oversee and work with the closing school and its governing board
1340 and nonprofit entity to ensure a smooth and orderly closure and
1341 transition for students and parents, as guided by the closure
1342 protocol. No charter school shall be closed by its authorizer
1343 before the end of the school year in which the decision for
1344 closure is made, unless the authorizer determines that the health
1345 and safety of the students in the school warrant its immediate
1346 closure.

1347 (2) If a charter school closes, all unspent government
1348 funds, unspent earnings from those funds and assets purchased with
1349 government funds must revert to the local school district in which
1350 the charter school is located unless the school operates under a
1351 nonprofit entity authorized to operate more than one (1)
1352 Mississippi school, in which the requirements of Section 37-28-21
1353 shall apply. Unless otherwise provided for in the charter
1354 contract or a debt instrument or grant instrument, unspent funds
1355 from nongovernmental sources, unspent earnings from those funds,
1356 assets purchased with those funds and debts of the school must



revert to the nonprofit entity * * * which held the charter contract for the school and may be used, retained or disposed of according to applicable laws for nonprofit corporations.

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

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

(2) * * * Every five (5) years, beginning on July 1, 2026, each authorizer must issue a supplementary report alongside its annual report described in subsection (1) of this section. This report must compare the performance of all charter school students in its authorized schools with the performance of academically, racially and economically comparable groups of students, including students with disabilities, in the school district in which each



charter school is located or from which a charter school draws its students. The report must use statistically valid methodology for establishing comparability. The report and its methodology shall not be used as part of an annual evaluation of a specific charter school.

(3) The report due from * * * an authorizer under this section must be coordinated with reports due from charter * * * schools, as near as possible, to decrease or eliminate duplication.

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

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

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

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

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



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

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

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

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

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

(4) To the extent approved by * * * an authorizer, a charter contract may consist of one or more schools. Each charter school



1432 that is part of a charter contract must be separate and distinct
1433 from any other charter school for oversight and renewal,
1434 nonrenewal or revocation purposes.

1435 (5) A single governing board may hold one or more charter
1436 contracts.

1437 (6) The governing board of a nonprofit entity holding a
1438 charter contract for more than one (1) school, including a charter
1439 management organization, shall choose whether each school listed
1440 in its contract shall function as a local educational agency or if
1441 the nonprofit entity will function as a local educational agency.
1442 If a nonprofit entity only operates a single charter school, * * *
1443 the charter school must function as a local educational
1444 agency * * *. Any local education agency composed of one or more
1445 charter schools is responsible for meeting the requirements of
1446 local educational agencies under applicable federal laws,
1447 including those relating to special education, receipt of federal
1448 funds and compliance with federal funding requirements. Status as
1449 a local educational agency, however, does not preclude the
1450 governing board of a charter school from developing, by mutual
1451 agreement or formal contract, links with the local school district
1452 for services, resources and programs. A charter school shall pay
1453 to a local school district any federal or state aid attributable
1454 to a student with a disability attending the charter school in
1455 proportion to the level of services for that student which the
1456 local school district provides directly or indirectly.



(7) A charter school shall be located in a physical school building and offer in-person academic instruction at least six (6) hours per week, unless a disaster or public health and safety emergency, as declared by the State Department of Health or Governor, require virtual instruction for a period of time.

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

37-28-41. * * * The governing board of the nonprofit entity holding a charter contract may exercise those powers necessary for carrying out the terms of its charter contract, including, but not limited to, the following powers:

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

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

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

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

(e) To negotiate and enter into a contract for the provision of and payment for special education services with a local school district, including, but not necessarily limited to, a reasonable reserve not to exceed five percent (5%) of the local



1482 school district's total special education services budget. The
1483 reserve may be used by the local school district only to offset
1484 excess costs of providing services to students with disabilities
1485 enrolled in the charter school;

1486 (f) To contract with an accredited online course
1487 provider for the delivery of virtual courses to students enrolled
1488 in the charter school;

1489 (* * *g) To solicit and accept any gifts or grants for
1490 school purposes subject to applicable laws and the terms of its
1491 charter contract;

1492 (* * *h) To acquire real property for use as its
1493 facility or facilities, from public or private sources; and

1494 (* * *i) To sue and be sued in its own name.

1495 **SECTION 17.** Section 37-28-43, Mississippi Code of 1972, is
1496 amended as follows:

1497 37-28-43. (1) A charter school may not discriminate against
1498 any person on the basis of race, creed, color, sex, disability,
1499 national origin or any other category that would be unlawful if
1500 done by a noncharter public school.

1501 (2) A charter school may not engage in any sectarian
1502 practices in its educational program, admissions or employment
1503 policies or operations.

1504 (3) A charter school may not discriminate against any
1505 student on the basis of national origin, minority status or
1506 limited proficiency in English. Consistent with federal civil



1507 rights laws, charter schools must provide * * * students
1508 designated as English learners with appropriate services designed
1509 to teach them English and the general curriculum.

1510 (4) A charter school may not charge tuition or fees that
1511 would be unlawful if charged by a noncharter public school, except
1512 as permitted pursuant to Section 37-7-335.

1513 * * *

1514 **SECTION 18.** Section 37-28-45, Mississippi Code of 1972, is
1515 amended as follows:

1516 37-28-45. (1) Charter schools are subject to the same civil
1517 rights, health and safety requirements applicable to noncharter
1518 public schools in the state, except as otherwise specifically
1519 provided in this chapter.

1520 (2) Charter schools are subject to the student
1521 assessment * * * requirements applicable to noncharter public
1522 schools in the state and must receive a performance classification
1523 from the State Department of Education; however, this requirement
1524 does not preclude a charter school from establishing additional
1525 student assessment measures that go beyond state
1526 requirements * * *.

1527 (3) Although a charter school is geographically located
1528 within the boundaries of a particular school district and * * *
1529 may enroll students who reside within the school district, the
1530 charter school may not be considered a school within that district
1531 under the purview of the school district's school board. The



1532 rules, regulations, policies and procedures established by the
1533 school board for the noncharter public schools that are in the
1534 school district in which the charter school is geographically
1535 located do not apply to the charter school unless otherwise
1536 required under the charter contract or any contract entered into
1537 between the charter * * * school's governing board and the local
1538 school board.

1539 (4) Whenever the provisions of Title 37, Mississippi Code of
1540 1972, relating to the elementary and secondary education of public
1541 school students establish a requirement for or grant authority to
1542 local school districts, their school boards and the schools within
1543 the respective school districts, the language "school districts,"
1544 "school boards," "boards of trustees," "the schools within a
1545 school district," or any other similar phraseology does not
1546 include a charter school and the governing board of a charter
1547 school unless the statute specifically is made applicable to
1548 charter schools as well as noncharter public schools.

1549 (5) A charter school is not subject to any rule, regulation,
1550 policy or procedure adopted by the State Board of Education or the
1551 State Department of Education unless such rule, regulation, policy
1552 or procedure is or was adopted pursuant to a law applicable to
1553 charter schools, including federal law, or otherwise required by
1554 this chapter. * * * An authorizer * * * may not make any rule,
1555 regulation, policy or procedure adopted by the State Board of
1556 Education or the State Department of Education applicable to



1557 charter schools, which is not otherwise applicable under this
1558 chapter.

1559 (6) Charter schools and their governing boards, when
1560 conducting charter school business, are not exempt from the
1561 following statutes:

1562 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1563 which relate to open meetings of public bodies.

1564 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1565 which relate to public access to public records.

1566 (c) Section 37-3-51, which requires notice by the
1567 district attorney of licensed school employees who are convicted
1568 of certain sex offenses.

1569 (d) Section 37-3-53, which requires publication of the
1570 Mississippi Report Card by the State Board of Education.

1571 (e) Section 37-11-18, which requires the automatic
1572 expulsion of a student possessing a weapon or controlled substance
1573 on educational property.

1574 (f) Section 37-11-18.1, which requires expulsion of
1575 certain habitually disruptive students.

1576 (g) Section 37-11-19, which requires suspension or
1577 expulsion of a student who damages school property.

1578 (h) Section 37-11-20, which prohibits acts of
1579 intimidation intended to keep a student from attending school.

1580 (i) Section 37-11-21, which prohibits parental abuse of
1581 school staff.



1582 (j) Section 37-11-23, which prohibits the willful
1583 disruption of school and school meetings.

1584 (k) Sections 37-11-29 and 37-11-31, which relate to
1585 reporting requirements regarding unlawful or violent acts on
1586 school property.

1587 (l) Section 37-11-67, which prohibits bullying or
1588 harassing behavior in public schools.

1589 (m) Section 37-13-3, which prohibits doctrinal,
1590 sectarian or denominational teaching in public schools.

1591 (n) Sections 37-13-5 and 37-13-6, which require the
1592 flags of the United States and the State of Mississippi to be
1593 displayed near the school building.

1594 (o) Section 37-13-63(1), which prescribes the minimum
1595 number of days which public schools must be kept in session during
1596 a scholastic year.

1597 (p) Section 37-13-91, which is the Mississippi
1598 Compulsory School Attendance Law.

1599 (q) Section 37-13-171(2) and (4), which requires any
1600 course containing sex-related education to include instruction in
1601 abstinence-only or abstinence-plus education.

1602 (r) Section 37-13-173, which requires notice to parents
1603 before instruction on human sexuality is provided in public
1604 classrooms.

1605 (s) Section 37-13-193, which relates to civil rights
1606 and human rights education in the public schools.



1607 (t) Sections 37-15-1 and 37-15-3, which relate to the
1608 maintenance and transfer of permanent student records in public
1609 schools.

1610 (u) Section 37-15-6, which requires the State
1611 Department of Education to maintain a record of expulsions from
1612 the public schools.

1613 (v) Section 37-15-9, which establishes minimum age
1614 requirements for kindergarten and first grade enrollment in public
1615 schools.

1616 (w) Section 37-15-11, which requires a parent, legal
1617 guardian or custodian to accompany a child seeking enrollment in a
1618 public school.

1619 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,
1620 which relate to the statewide assessment testing program.

1621 (y) Section 37-18-1, which establishes the
1622 Superior-Performing Schools Program and Exemplary Schools Program
1623 to recognize public schools that improve.

1624 **SECTION 19.** Section 37-28-47, Mississippi Code of 1972, is
1625 amended as follows:

1626 37-28-47. (1) (a) Charter schools must comply with
1627 applicable federal laws, rules and regulations regarding the
1628 qualification of teachers and other instructional staff. No more
1629 than * * * fifty percent (50%) of teachers in a charter school may
1630 be exempt from state teacher licensure requirements.

1631 Provisionally licensed teachers as well as licensed teachers



1632 teaching out of field may not be counted against a charter
1633 school's fifty percent (50%) exemption. An authorizer may
1634 consider the small staff size of the school in determining what
1635 consequences apply in cases where more than fifty percent (50%) of
1636 a charter school's staff is unlicensed. Administrators of charter
1637 schools are exempt from state administrator licensure
1638 requirements. However, teachers and administrators must have a
1639 bachelor's degree as a minimum requirement, and teachers must have
1640 demonstrated subject-matter competency. Within three (3) years of
1641 a teacher's employment by a charter school, the teacher must have,
1642 at a minimum, alternative licensure approved by the Commission on
1643 Teacher and Administrator Education, Certification and Licensure
1644 and Development.

1645 (b) A charter school may not staff positions for
1646 teachers, administrators, ancillary support personnel or other
1647 employees by utilizing or otherwise relying on nonimmigrant
1648 foreign worker visa programs. However, a charter school may
1649 submit a request to * * * its authorizer for an exception allowing
1650 the employment of a nonimmigrant foreign worker before the worker
1651 is employed. The authorizer may grant permission for the
1652 employment of the nonimmigrant foreign worker only if the charter
1653 school makes a satisfactory showing of efforts to recruit lawful
1654 permanent residents of the United States to fill the position and
1655 a lack of qualified applicants to fill the position.



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

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

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

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

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

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



1681 administrator. Such teacher shall submit documentation to the
1682 State Department of Education that the certificate was received
1683 prior to October 15 in order to be eligible for the full salary
1684 supplement in the current school year, or the teacher shall submit
1685 such documentation to the State Department of Education prior to
1686 February 15 in order to be eligible for a prorated salary
1687 supplement beginning with the second term of the school year.

1688 (ii) A licensed nurse who has met the requirements
1689 and acquired a certificate from the National Board for
1690 Certification of School Nurses, Inc., and who is employed by a
1691 charter school as a school nurse and not as an administrator. The
1692 licensed school nurse shall submit documentation to the State
1693 Department of Education that the certificate was received before
1694 October 15 in order to be eligible for the full salary supplement
1695 in the current school year, or the licensed school nurse shall
1696 submit the documentation to the State Department of Education
1697 before February 15 in order to be eligible for a prorated salary
1698 supplement beginning with the second term of the school year.

1699 (iii) Any licensed school counselor who has met
1700 the requirements and acquired a National Certified School
1701 Counselor (NCSC) endorsement from the National Board of Certified
1702 Counselors and who is employed by a charter school as a counselor
1703 and not as an administrator. Such licensed school counselor shall
1704 submit documentation to the State Department of Education that the
1705 endorsement was received prior to October 15 in order to be



1706 eligible for the full salary supplement in the current school
1707 year, or the licensed school counselor shall submit such
1708 documentation to the State Department of Education prior to
1709 February 15 in order to be eligible for a prorated salary
1710 supplement beginning with the second term of the school year.

1711 (iv) Any licensed speech language pathologist and
1712 audiologist who has met the requirements and acquired a
1713 Certificate of Clinical Competence from the American Speech
1714 Language Hearing Association and any certified academic language
1715 therapist (CALT) who has met the certification requirements of the
1716 Academic Language Therapy Association and who is employed by a
1717 local school board. The licensed speech language pathologist and
1718 audiologist and certified academic language therapist shall submit
1719 documentation to the State Department of Education that the
1720 certificate or endorsement was received before October 15 in order
1721 to be eligible for the full salary supplement in the current
1722 school year, or the licensed speech language pathologist and
1723 audiologist and certified academic language therapist shall submit
1724 the documentation to the State Department of Education before
1725 February 15 in order to be eligible for a prorated salary
1726 supplement beginning with the second term of the school year.

1727 (v) Any licensed athletic trainer who has met the
1728 requirements and acquired Board Certification for the Athletic
1729 Trainer from the Board of Certification, Inc., and who is employed
1730 by a charter school as an athletic trainer and not as an



1731 administrator. The licensed athletic trainer shall submit
1732 documentation to the State Department of Education that the
1733 certificate was received before October 15 in order to be eligible
1734 for the full salary supplement in the current school year, or the
1735 licensed athletic trainer shall submit the documentation to the
1736 State Department of Education before February 15 in order to be
1737 eligible for a prorated salary supplement beginning with the
1738 second term of the school year.

1739 (vi) An occupational therapist who has met the
1740 requirements and acquired initial certification as an Occupational
1741 Therapist Registered from the National Board for Certification in
1742 Occupational Therapy, Inc., and who is employed by a charter
1743 school as an occupational therapist and not an administrator. The
1744 certified occupational therapist shall submit documentation to the
1745 State Department of Education that the certification was received
1746 before October 15 of each year in order to be eligible for the
1747 full salary supplement in the current school year, or the
1748 occupational therapist shall submit the documentation to the State
1749 Department of Education before February 15 of each year in order
1750 to be eligible for a prorated salary supplement beginning with the
1751 second term of the school year.

1752 (vii) Any licensed school psychologist who has met
1753 the requirements and acquired certification as a Nationally
1754 Certified School Psychologist (NCSP) from the National Association
1755 of School Psychologists (NASP), and who is employed by a charter



1756 school as a school psychologist. The licensed school psychologist
1757 shall submit documentation to the State Department of Education
1758 that the certificate was received before October 15 in order to be
1759 eligible for the full salary supplement in the current school
1760 year, or the licensed school psychologist shall submit the
1761 documentation to the State Department of Education before February
1762 15 in order to be eligible for a prorated salary supplement
1763 beginning with the second term of the school year.

1764 (b) A charter school employee shall be reimbursed for
1765 the actual cost of completing each component of acquiring the
1766 certificate or endorsement, excluding any costs incurred for
1767 postgraduate courses, not to exceed Five Hundred Dollars (\$500.00)
1768 for each component, not to exceed four (4) components, for a
1769 teacher, school counselor or speech language pathologist and
1770 audiologist, regardless of whether or not the process resulted in
1771 the award of the certificate or endorsement. The charter school
1772 governing board or any private individual or entity may pay the
1773 cost of completing the process of acquiring the certificate or
1774 endorsement for any employee of the school district described
1775 under paragraph (a), and the State Department of Education shall
1776 reimburse the charter school for such cost, regardless of whether
1777 or not the process resulted in the award of the certificate or
1778 endorsement. If a private individual or entity has paid the cost
1779 of completing the process of acquiring the certificate or
1780 endorsement for an employee, the charter school may agree to



directly reimburse the individual or entity for such cost on
behalf of the employee.

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

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

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



1806 37-28-49. (1) Charter school teachers and other school
1807 personnel, as well as members of the governing board and any
1808 education service provider with whom * * * the governing board
1809 contracts, are subject to criminal history record checks and
1810 fingerprinting requirements applicable to employees of other
1811 public schools. * * * Each authorizer shall require that current
1812 criminal records background checks and current child abuse
1813 registry checks are obtained, and that the criminal record
1814 information and registry checks are on file at the charter school
1815 for any new hires applying for * * * any employee. In order to
1816 determine an applicant's suitability for employment, the applicant
1817 must be fingerprinted. If no disqualifying record is identified
1818 at the state level, the fingerprints must be forwarded by the
1819 Department of Public Safety to the Federal Bureau of Investigation
1820 for a national criminal history record check. Under no
1821 circumstances may * * * anyone associated with an authorizer,
1822 member of * * * a charter school governing board or any individual
1823 other than the subject of the criminal history record checks view
1824 or disseminate information received through the checks except as
1825 may be required to fulfill the purposes of this section. The
1826 determination whether the applicant has a disqualifying crime, as
1827 set forth in subsection (2) of this section, must be made by the
1828 appropriate state or federal governmental authority, which must
1829 notify the charter school whether a disqualifying crime exists.



1830 (2) If the fingerprinting or criminal record checks disclose
1831 a felony conviction, guilty plea or plea of nolo contendere to a
1832 felony of possession or sale of drugs, murder, manslaughter, armed
1833 robbery, rape, sexual battery, sex offense listed in Section
1834 45-33-23(g), child abuse, arson, grand larceny, burglary,
1835 gratification of lust or aggravated assault which has not been
1836 reversed on appeal or for which a pardon has not been granted,
1837 the * * * applicant is not eligible to be employed at the charter
1838 school. However, the charter school, in its discretion, may allow
1839 any applicant aggrieved by the employment decision under this
1840 section to show mitigating circumstances that exist and may allow,
1841 subject to the approval of * * * its authorizer, the * * *
1842 applicant to be employed at the school. * * * An authorizer may
1843 approve the employment depending on the mitigating circumstances,
1844 which may include, but need not be limited to: (a) age at which
1845 the crime was committed; (b) circumstances surrounding the crime;
1846 (c) length of time since the conviction and criminal history since
1847 the conviction; (d) work history; (e) current employment and
1848 character references; and (f) other evidence demonstrating the
1849 ability of the person to perform the employment responsibilities
1850 competently and that the person does not pose a threat to the
1851 health or safety of children.

1852 (3) No charter school, charter school employee, member of
1853 the charter school governing board, * * * or member or employee
1854 of * * * an authorizer may be held liable in any employment



1855 discrimination suit in which an allegation of discrimination is
1856 made regarding an employment decision authorized under this
1857 section.

1858 (4) A charter school shall terminate any teacher or
1859 administrator for committing one or more of the following acts:

1860 (a) Engaging in unethical conduct relating to an
1861 educator-student relationship as identified by the
1862 Mississippi * * * Educator Code of Ethics;

1863 (b) Fondling a student as described in Section 97-5-23
1864 or engaging in any type of sexual involvement with a student as
1865 described in Section 97-3-95; or

1866 (c) Failure to report sexual involvement of a charter
1867 school employee with a student as required by Section 97-5-24.

1868 **SECTION 21.** Section 37-28-53, Mississippi Code of 1972, is
1869 amended as follows:

1870 37-28-53. (1) Each charter school, or charter management
1871 organization, on its behalf, shall certify annually to the State
1872 Department of Education its student enrollment, net enrollment and
1873 student participation in federal programs. Nothing in this
1874 section shall be construed to allow the State Department of
1875 Education to collect information not necessary for these
1876 calculations unless otherwise specifically authorized by law.

1877 (2) Each charter school shall certify annually to the school
1878 board of the school district in which the charter school is



1879 located the number of enrolled charter school students residing in
1880 the school district.

1881 **SECTION 22.** Section 37-28-55, Mississippi Code of 1972, is
1882 amended as follows:

1883 37-28-55. (1) (a) The State Department of Education shall
1884 make payments to charter schools for each student in net
1885 enrollment at the charter school, as determined under Section
1886 37-151-207, equal to the state share of total funding formula
1887 payments for each student, as determined under Section 37-151-211.

1888 (b) Payments made pursuant to this subsection by the
1889 State Department of Education must be made at the same time and in
1890 the same manner as total funding formula payments are made to
1891 school districts under Sections 37-151-101 and 37-151-103.
1892 Amounts payable to a charter school must be determined by the
1893 State Department of Education pursuant to this section and the
1894 total funding formula. Enrollment projections made under Section
1895 37-151-207 to determine the net enrollment of a charter school for
1896 calculating the state share payment must be reconciled with a
1897 charter school's net enrollment using months two (2) and three (3)
1898 for the year for which total funding formula funds are being
1899 appropriated, and any necessary adjustments must be made to
1900 payments during the school's following year of operation. Any
1901 necessary adjustment must be based on the state share of the per
1902 pupil amount in effect for the year for which net membership did
1903 not meet enrollment projections and not any new amount



1904 appropriated for the year in which the adjustment will be made.
1905 If a charter school is closed by the authorizer before the
1906 following year, it must pay to the state any amounts due before
1907 completion of the closure.

1908 (2) (a) For students attending a charter school located in
1909 the school district in which the student resides, the school
1910 district in which the charter school is located shall pay directly
1911 to the charter school an amount as follows: the sum of the local
1912 pro rata amount, as calculated by the State Department of
1913 Education in accordance with Section 37-151-211(2) (b) (local
1914 contribution), and the local pro rata amount, as calculated by the
1915 State Department of Education in accordance with Section 37-57-105
1916 (school district operational levy), multiplied by the number of
1917 resident students enrolled in the charter school, based on the
1918 charter school's months two (2) and three (3) net enrollment of
1919 resident students for the current school year. However, the
1920 amount to the charter school may not include any taxes levied for
1921 the retirement of the local school district's bonded indebtedness
1922 or short-term notes or any taxes levied for the support of
1923 vocational-technical education programs.

1924 (b) The amount must be paid by the school district to
1925 the charter school before January 16 of the current fiscal year.
1926 If the local school district does not pay the required amount to
1927 the charter school before January 16, the State Department of
1928 Education shall reduce the local school district's January



1929 transfer of total funding formula funds by the amount owed to the
1930 charter school and shall redirect that amount to the charter
1931 school. Any such payments made under this paragraph by the State
1932 Department of Education to a charter school must be made at the
1933 same time and in the same manner as total funding formula payments
1934 are made to school districts under Sections 37-151-101 and
1935 37-151-103.

1936 (3) (a) For students attending a charter school located in
1937 a school district in which the student does not reside, the State
1938 Department of Education shall pay to the charter school in which
1939 the students are enrolled an amount as follows: the sum of the
1940 local pro rata amount, as calculated by the State Department of
1941 Education in accordance with Section 37-151-211(2) (b) (local
1942 contribution), and the local pro rata amount, as calculated by the
1943 State Department of Education in accordance with Section 37-57-105
1944 (school district operational levy), multiplied by the number of
1945 students enrolled in the charter school but residing in that
1946 district, based on the charter school's months two (2) and three
1947 (3) net enrollment of these students for the current school year.
1948 However, the amount to the charter school may not include any
1949 taxes levied for the retirement of the local school district's
1950 bonded indebtedness or short-term notes or any taxes levied for
1951 the support of vocational-technical education programs.

1952 (b) The State Department of Education shall reduce the
1953 school district's January transfer of total funding formula funds



1954 by the amount owed to the charter school and shall redirect that
1955 amount to the charter school. Any such payments made under this
1956 subsection (3) by the State Department of Education to a charter
1957 school must be made at the same time and in the same manner as
1958 total funding formula payments are made to school districts under
1959 Sections 37-151-101 and 37-151-103.

1960 (4) The State Department of Education shall direct the
1961 proportionate share of monies generated under federal programs,
1962 including, but not limited to, special education, vocational,
1963 English Language Learner, and other programs, to charter schools
1964 serving students eligible for such funding. The department shall
1965 ensure that charter schools with rapidly expanding enrollments are
1966 treated equitably in the calculation and disbursement of all
1967 federal program dollars. Each charter school that serves students
1968 who may be eligible to receive services provided through such
1969 programs shall comply with all reporting requirements to receive
1970 the aid.

1971 * * *

1972 (5) * * * The State Department of Education shall disburse
1973 state transportation funding to a charter school on the same basis
1974 and in the same manner as it is paid to school districts under the
1975 Section 37-151-201, et. seq.

1976 * * *

1977 (6) The State Department of Education shall disburse
1978 Education Enhancement Funds for classroom supplies, instructional



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

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

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

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

(b) Charter schools shall not be required to adhere to the financial accounting manual in use by the State Department of Education for school districts or any State Department of Education financial policy or procedure whose legal authority derives from a law not applicable to charter schools, unless



otherwise made applicable by this chapter. Charter schools must comply with financial policies required for receipt and use of federal funds.

(2) A nonprofit entity holding a charter contract for one or more charter schools shall have its financial records audited annually, with each school reported as a program under the entity, at the end of each fiscal year, either by the State Auditor or by a certified public accountant approved by the State Auditor.

However, a certified public accountant may not be selected to perform the annual audit of a nonprofit entity holding a charter contract for one or more charter schools * * * for more than three

(3) consecutive years. Certified public accountants must be selected in a manner determined by the State Auditor. The * * * nonprofit entity shall file a copy of * * * its audit report and accompanying management letter with the authorizer before * * * December 1 of the calendar year the audit is conducted.

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



2076 37-28-25. If a student previously enrolled in a charter
2077 school enrolls in another public school in this state, the
2078 student's new school must accept credits earned by the student in
2079 courses or instructional programs at the charter school in a
2080 uniform and consistent manner and according to the same criteria
2081 that are used to accept academic credits from other public
2082 schools.

2083 **SECTION 28.** Section 37-28-27, Mississippi Code of 1972, is
2084 brought forward as follows:

2085 37-28-27. A school district must provide or publicize to
2086 parents and the general public information about charter schools
2087 as an enrollment option within the district to the same extent and
2088 through the same means that the district provides and publicizes
2089 information about noncharter public schools in the district.

2090 **SECTION 29.** Section 37-28-59, Mississippi Code of 1972, is
2091 brought forward as follows:

2092 37-28-59. (1) Any monies received by a charter school from
2093 any source remaining in the charter school's accounts at the end
2094 of a budget year must remain in the charter school's accounts for
2095 use by the charter school during subsequent budget years.

2096 (2) Nothing in this chapter may be construed to prohibit any
2097 person or organization from providing funding or other assistance
2098 to the establishment or operation of a charter school. The
2099 governing board of a charter school may accept gifts, donations
2100 and grants of any kind made to the charter school and may expend



or use such gifts, donations and grants in accordance with the conditions prescribed by the donor; however, a gift, donation or grant may not be accepted if it is subject to a condition that is contrary to any provision of law or term of the charter contract.

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

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

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

(2) A charter school may negotiate and contract at or below fair market value with a school district, state institution of



higher learning, public community or junior college, or any other public or for-profit or nonprofit private entity for the use of a facility for a school building.

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

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

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

(a) "Agency" means any state board, commission, committee, council, university, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, university, department, unit or the head thereof is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof; except a charter school authorized by the Mississippi Charter School Authorizer Board or any other charter school authorizing entity under the provisions of Section 37-28-7; and except the Mississippi State Port Authority; except the Mississippi School of the Arts (MSA) established in Section 37-140-1 et seq. for the



2151 sole purpose of the application of the term "agency" as it
2152 pertains to the Public Procurement Review Board's powers and
2153 responsibilities as defined in Section 27-104-7(2) (a), but without
2154 application to the use of the term within this chapter, effective
2155 July 1, 2020; and except the Mississippi School for the Blind and
2156 the Mississippi School for the Deaf (MSBD) for the sole purpose of
2157 the application of the term "agency" as it pertains to the Public
2158 Procurement Review Board's powers and responsibilities as defined
2159 in Section 27-104-7(2) (a), but without application to the use of
2160 the term within this chapter, effective July 1, 2021. An academic
2161 medical center or health sciences school as defined in Section
2162 37-115-50 is not an "agency" for those purchases of commodities as
2163 defined in this section that are used for clinical purposes and
2164 (i) intended for use in the diagnosis of disease or other
2165 conditions or in the cure, mitigation, treatment or prevention of
2166 disease, and (ii) medical devices, biological, drugs and radiation
2167 emitting devices as defined by the United States Food and Drug
2168 Administration.

2169 (b) "Governing authority" means boards of supervisors,
2170 governing boards of all school districts, all boards of directors
2171 of public water supply districts, boards of directors of master
2172 public water supply districts, municipal public utility
2173 commissions, governing authorities of all municipalities, port
2174 authorities, Mississippi State Port Authority, commissioners and
2175 boards of trustees of any public hospitals, boards of trustees of



2176 public library systems, district attorneys, school attendance
2177 officers and any political subdivision of the state supported
2178 wholly or in part by public funds of the state or political
2179 subdivisions thereof, including commissions, boards and agencies
2180 created or operated under the authority of any county or
2181 municipality of this state. The term "governing authority" shall
2182 not include economic development authorities supported in part by
2183 private funds, or commissions appointed to hold title to and
2184 oversee the development and management of lands and buildings
2185 which are donated by private individuals to the public for the use
2186 and benefit of the community and which are supported in part by
2187 private funds. The term "governing authority" also shall not
2188 include the governing board of a charter school. The term
2189 "governing authority" also shall not include the Mississippi
2190 School of the Arts established in Section 37-140-1 et seq., for
2191 the sole purpose of the application of the term "agency" as it
2192 pertains to the Public Procurement Review Board's powers and
2193 responsibilities as defined in Section 27-104-7(2)(a), but without
2194 application to the use of the term within this chapter, effective
2195 July 1, 2020. The term "governing authority" also shall not
2196 include the Mississippi School for the Blind and the Mississippi
2197 School for the Deaf (MSBD) for the sole purpose of the application
2198 of the term "governing authority" as it pertains to the Public
2199 Procurement Review Board's powers and responsibilities as defined



2200 in Section 27-104-7(2)(a), but without application to the use of
2201 the term within this chapter, effective July 1, 2021.

2202 (c) "Purchasing agent" means any administrator,
2203 superintendent, purchase clerk or other chief officer so
2204 designated having general or special authority to negotiate for
2205 and make private contract for or purchase for any governing
2206 authority or agency, including issue purchase orders, invitations
2207 for bid, requests for proposals, and receive and accept bids.

2208 (d) "Public funds" means and includes any appropriated
2209 funds, special funds, fees or any other emoluments received by an
2210 agency or governing authority.

2211 (e) "Commodities" means and includes the various
2212 commodities, goods, merchandise, furniture, equipment, automotive
2213 equipment of every kind, and other personal property purchased by
2214 the agencies of the state and governing authorities, but not
2215 commodities purchased for resale or raw materials converted into
2216 products for resale.

2217 (i) "Equipment" shall be construed to include:
2218 automobiles, trucks, tractors, office appliances and all other
2219 equipment of every kind and description.

2220 (ii) "Furniture" shall be construed to include:
2221 desks, chairs, tables, seats, filing cabinets, bookcases and all
2222 other items of a similar nature as well as dormitory furniture,
2223 appliances, carpets and all other items of personal property
2224 generally referred to as home, office or school furniture.



2225 (f) "Emergency" means any circumstances caused by fire,
2226 flood, explosion, storm, earthquake, epidemic, riot, insurrection
2227 or caused by any inherent defect due to defective construction, or
2228 when the immediate preservation of order or of public health is
2229 necessary by reason of unforeseen emergency, or when the immediate
2230 restoration of a condition of usefulness of any public building,
2231 equipment, road or bridge appears advisable, or in the case of a
2232 public utility when there is a failure of any machine or other
2233 thing used and useful in the generation, production or
2234 distribution of electricity, water or natural gas, or in the
2235 transportation or treatment of sewage; or when the delay incident
2236 to obtaining competitive bids could cause adverse impact upon the
2237 governing authorities or agency, its employees or its citizens; or
2238 in the case of a public airport, when the delay incident to
2239 publishing an advertisement for competitive bids would endanger
2240 public safety in a specific (not general) manner, result in or
2241 perpetuate a specific breach of airport security, or prevent the
2242 airport from providing specific air transportation services.

2243 (g) "Construction" means the process of building,
2244 altering, improving, renovating or demolishing a public structure,
2245 public building, or other public real property. It does not
2246 include routine operation, routine repair or regularly scheduled
2247 maintenance of existing public structures, public buildings or
2248 other public real property.



2249 (h) "Purchase" means buying, renting, leasing or
2250 otherwise acquiring.

2251 (i) "Certified purchasing office" means any purchasing
2252 office in which fifty percent (50%) or more of the purchasing
2253 agents hold a certification from the Universal Public Purchasing
2254 Certification Council or other nationally recognized purchasing
2255 certification, and in which, in the case of a state agency
2256 purchasing office, in addition to the national certification, one
2257 hundred percent (100%) of the purchasing officials hold a
2258 certification from the State of Mississippi's Basic or Advanced
2259 Purchasing Certification Program.

2260 (j) "Certified Mississippi Purchasing Agent" means a
2261 state agency purchasing official who holds a certification from
2262 the Mississippi Basic Purchasing Certification Program as
2263 established by the Office of Purchasing, Travel and Fleet
2264 Management.

2265 (k) "Certified Mississippi Procurement Manager" means a
2266 state agency purchasing official who holds a certification from
2267 the Mississippi Advanced Purchasing Certification Program as
2268 established by the Office of Purchasing, Travel and Fleet
2269 Management.

2270 **SECTION 32.** Section 37-3-51, Mississippi Code of 1972, is
2271 amended as follows:

2272 37-3-51. (1) Upon the conviction of any licensed personnel,
2273 as defined in Section 37-9-1, employed by a public school district



2274 or any person employed by a charter or private elementary or
2275 secondary school in a position that requires licensure in the
2276 public school districts, of any felony, or of a sex offense as
2277 defined in subsection (2) of this section, the district attorney
2278 or other prosecuting attorney shall identify those defendants for
2279 the circuit clerk. Each circuit clerk shall provide the State
2280 Department of Education with notice of the conviction of any such
2281 personnel of a felony or a sex offense. In addition, if the
2282 convicted person is an employee of a charter school, the circuit
2283 clerk must provide the same notice to the Mississippi Charter
2284 School Authorizer Board or the appropriate entity empowered under
2285 the provisions of Section 27-28-7 to authorize charter schools.

2286 (2) "Sex offense" shall mean any of the following offenses:

2287 (a) Section 97-3-65, Mississippi Code of 1972, relating
2288 to the carnal knowledge of a child under fourteen (14) years of
2289 age;

2290 (b) Section 97-3-95, Mississippi Code of 1972, relating
2291 to sexual battery;

2292 (c) Section 97-5-21, Mississippi Code of 1972, relating
2293 to seduction of a child under age eighteen (18);

2294 (d) Section 97-5-23, Mississippi Code of 1972, relating
2295 to the touching of a child for lustful purposes;

2296 (e) Section 97-5-27, Mississippi Code of 1972, relating
2297 to the dissemination of sexually oriented material to children;



2298 (f) Section 97-5-33, Mississippi Code of 1972, relating
2299 to the exploitation of children;

2300 (g) Section 97-5-41, Mississippi Code of 1972, relating
2301 to the carnal knowledge of a stepchild, adopted child, or child of
2302 a cohabitating partner;

2303 (h) Section 97-29-59, Mississippi Code of 1972,
2304 relating to unnatural intercourse; or

2305 (i) Any other offense committed in another jurisdiction
2306 which, if committed in this state, would be deemed to be such a
2307 crime without regard to its designation elsewhere.

2308 (3) In addition, the State Department of Education is
2309 considered to be the employer of such personnel for purposes of
2310 requesting criminal record background checks.

2311 **SECTION 33.** Section 37-17-1, Mississippi Code of 1972, is
2312 amended as follows:

2313 37-17-1. (1) The power and authority to prescribe standards
2314 for the accreditation of noncharter public schools, to insure
2315 compliance with such standards and to establish procedures for the
2316 accreditation of noncharter public schools is hereby vested in the
2317 State Board of Education. The board shall, by orders placed upon
2318 its minutes, adopt all necessary rules and regulations to
2319 effectuate the purposes of this chapter and shall provide, through
2320 the State Department of Education, for the necessary personnel for
2321 the enforcement of standards so established.



2322 (2) A charter school authorized by * * * a charter school
2323 authorizing entity under the provisions of Section 37-28-7 must be
2324 granted accreditation by the State Board of Education based solely
2325 on the approval of the school by the authorizer. If * * * an
2326 authorizer, at any time, revokes a school's charter, the State
2327 Board of Education shall withdraw the accreditation of the charter
2328 school immediately.

2329 **SECTION 34.** Section 37-21-3, Mississippi Code of 1972, is
2330 amended as follows:

2331 37-21-3. (1) No person shall act in the capacity of master
2332 teacher, teacher or assistant teacher in any federal or
2333 state-funded program of early childhood education or "Head Start,"
2334 or perform any of the functions, duties or powers of the same,
2335 unless that person shall be qualified in the following manner:

2336 (a) A master teacher or any other employee or
2337 consultant receiving a salary or fee equivalent to that of a
2338 master teacher shall meet the qualifications of a teacher in this
2339 section, including the requirement that a teacher may be required
2340 to hold a state teaching license by the State Department of
2341 Education, and have demonstrated effectiveness as an early
2342 childhood educator. Effectiveness as an early childhood educator
2343 may be demonstrated by a rating of highly effective on a state
2344 evaluation of teaching, if available, or with evidence that the
2345 teacher has a record of raising the achievement outcomes of
2346 prekindergarten students.



2347 (b) A teacher shall possess a bachelor's degree in
2348 early childhood education, child development or an equivalent
2349 field. A teacher may also possess a bachelor's degree in any
2350 field as well as have at least twelve (12) credit hours of
2351 coursework in early childhood education, child development, or an
2352 equivalent field approved by an institution granting a bachelor's
2353 degree in the early childhood education, child development or an
2354 equivalent field; or have a bachelor's degree in any field as well
2355 as have completed a specialized early childhood training program
2356 deemed equivalent by the State Department of Education to twelve
2357 (12) hours of approved coursework.

2358 (c) An assistant teacher shall possess an associate's
2359 degree in early childhood education, child development or an
2360 equivalent field; or an associate's degree in any field and a
2361 Child Development Associate credential, a Montessori certification
2362 or an equivalent certification; or a high school diploma/GED and a
2363 Child Development Associate credential, a Montessori certification
2364 or an equivalent certification. Public school assistant teachers
2365 in the voluntary prekindergarten program established by the Early
2366 Learning Collaborative Act of 2013 may be required by the State
2367 Department of Education to meet the definition of a highly
2368 qualified paraprofessional in addition to these requirements.

2369 The State Department of Education shall adopt any necessary
2370 rules, policies or procedures to implement this section.



2371 (2) Persons employed as a teacher, assistant teacher or in
2372 any other capacity in a prekindergarten or early childhood
2373 education program in a charter school authorized by * * * a
2374 charter school authorizing entity under the provisions of Section
2375 37-28-7 are exempt from the requirements of this section.

2376 **SECTION 35.** Section 37-41-1, Mississippi Code of 1972, is
2377 amended as follows:

2378 37-41-1. The State Board of Education is authorized,
2379 empowered and directed to promulgate rules and regulations
2380 relating to the transportation of students enrolled in the public
2381 school districts, including rules and regulations for:

- 2382 (a) Setting standards for public school district bus
2383 routes;
- 2384 (b) Setting standards for public school district buses;
- 2385 (c) Setting standards for public school district bus
2386 drivers;
- 2387 (d) Formulating procedure for selecting public school
2388 district bus drivers;
- 2389 (e) Formulating courses of training for public school
2390 district bus drivers and mechanics, and assist in administering
2391 and financing such courses;
- 2392 (f) Providing operation procedure for public school
2393 district buses to insure safety of pupils;
- 2394 (g) Formulating specifications for use in purchasing
2395 public school district buses; getting bids on public school



2396 district buses; equipment and supplies; and fixing prices based
2397 upon said bids which school districts may not exceed in purchasing
2398 said equipment;

2399 (h) Formulating specifications for use by school
2400 districts in purchasing used school buses; and

2401 (i) Providing a system of records and reports for the
2402 purpose of carrying out the provisions of Sections 37-41-1 through
2403 37-41-51, and providing the superintendent of schools with a
2404 sufficient supply of report forms.

2405 All rules and regulations adopted and promulgated by the
2406 State Board of Education relating to school district bus drivers
2407 shall also be applicable to drivers of privately owned buses
2408 transporting public school district children.

2409 All rules and regulations adopted and promulgated by the
2410 State Board of Education pursuant to the authority conferred by
2411 this section shall be spread at large upon the minutes of the
2412 State Board of Education and copies thereof shall be furnished to
2413 all school boards not less than thirty (30) days prior to the
2414 effective date of such rules and regulations.

2415 The provisions of this chapter are applicable to school
2416 districts and the transportation of students enrolled in public
2417 school districts. Charter schools authorized by * * * a charter
2418 school authorizing entity under the provisions of Section 37-28-7
2419 are exempt from the provisions of this chapter.



2420 **SECTION 36.** This act shall take effect and be in force from
2421 and after July 1, 2025.

