

By: Senator(s) Fillingane

To: Education

SENATE BILL NO. 2300

1 AN ACT TO AMEND SECTION 37-28-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE CERTAIN DEFINITIONS AND DEFINE "CHARTER MANAGEMENT
3 ORGANIZATION" AND "SPECIAL PURPOSE CHARTER SCHOOL"; TO AMEND
4 SECTION 37-28-7, MISSISSIPPI CODE OF 1972, TO REMOVE THE MAXIMUM
5 OF FIFTEEN QUALIFIED CHARTER SCHOOLS PER FISCAL YEAR; TO PROVIDE
6 FOR SPECIAL PURPOSE CHARTER SCHOOLS; TO CREATE NEW SECTION
7 37-28-7.1, MISSISSIPPI CODE OF 1972, TO PRESCRIBE WHO MAY
8 AUTHORIZE SPECIAL PURPOSE CHARTER SCHOOLS; TO AMEND SECTION
9 37-28-9, MISSISSIPPI CODE OF 1972, TO DESCRIBE THE POWERS AND
10 DUTIES OF AUTHORIZERS OF SPECIAL PURPOSE CHARTER SCHOOLS; TO AMEND
11 SECTION 37-28-11, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR FUNDING
12 OF SPECIAL PURPOSE CHARTER SCHOOLS; TO AMEND SECTION 37-28-13,
13 MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 37-28-15,
14 MISSISSIPPI CODE OF 1972, TO CONFORM; TO PROVIDE FOR EXPANSION OF
15 CHARTER SCHOOLS; TO BRING FORWARD SECTION 37-28-17, MISSISSIPPI
16 CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION
17 37-28-19, MISSISSIPPI CODE OF 1972, TO ALLOW APPLICANTS FOR
18 CHARTERS TO ACCOUNT FOR UNUSUAL CIRCUMSTANCES, SUCH AS A GLOBAL
19 PANDEMIC OR OTHER DISASTER; TO AMEND SECTION 37-28-21, MISSISSIPPI
20 CODE OF 1972, TO PROVIDE FOR CHARTER SCHOOL CONTRACTS, INCLUDING
21 THOSE CONTRACTS THAT INCLUDE MORE THAN ONE CHARTER SCHOOL; TO
22 AMEND SECTION 37-28-23, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
23 ENROLLMENT IN CHARTER SCHOOLS AND SPECIAL PURPOSE CHARTER SCHOOLS;
24 TO ALLOW CERTAIN ENROLLMENT PREFERENCES; TO AMEND SECTIONS
25 37-28-25, 37-28-27 AND 37-28-29, MISSISSIPPI CODE OF 1972, TO
26 CONFORM; TO AMEND SECTION 37-28-31, MISSISSIPPI CODE OF 1972, TO
27 ALLOW AUTHORIZERS TO ISSUE NOTICES OF CONCERN OR BREACH OF
28 CONTRACT TO INDIVIDUAL CHARTER SCHOOLS OR SPECIAL PURPOSE CHARTER
29 SCHOOLS WITHOUT IMPLICATING OR ADVERSELY AFFECTING ALL SCHOOLS
30 LISTED IN THAT CONTRACT; TO AMEND SECTION 37-28-33, MISSISSIPPI
31 CODE OF 1972, TO PROVIDE FOR RENEWAL OR NONRENEWAL OF CHARTERS
32 ACCORDING TO LETTER RATINGS UNDER THE SCHOOL ACCREDITATION RATING
33 SYSTEM; TO AMEND SECTION 37-28-35, MISSISSIPPI CODE OF 1972, TO
34 PROVIDE FOR CLOSURE OF CHARTER SCHOOLS AND SPECIAL PURPOSE CHARTER



SCHOOLS; TO BRING FORWARD SECTION 37-28-37, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-28-39, MISSISSIPPI CODE OF 1972, TO CONFORM; TO PROVIDE FOR PAYMENT OF SERVICES TO STUDENTS WITH DISABILITIES ATTENDING CHARTER SCHOOLS; TO AMEND SECTION 37-28-41, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CERTAIN CONTRACT POWERS; TO BRING FORWARD SECTION 37-28-43, 37-28-45, 37-28-47, 37-28-49, 37-28-51, 37-28-53, AND 37-28-55, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-28-57, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ACCOUNTING AND FINANCIAL AUDIT REPORTS; TO BRING FORWARD SECTIONS 37-28-59 AND 37-28-61, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; TO AMEND SECTION 37-179-1, MISSISSIPPI CODE OF 1972, TO DEFINE "SPECIAL PURPOSE SCHOOL" AND PROVIDE FOR THEIR ADMINISTRATION; TO AMEND SECTION 37-179-3, MISSISSIPPI CODE OF 1972, TO CREATE ADDITIONAL GOALS AND PERFORMANCE TARGETS FOR PROPOSALS FOR DISTRICTS OF INNOVATION OR SPECIAL PURPOSE SCHOOLS; AND FOR RELATED PURPOSES.

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

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

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

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

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

(c) "Authorizer" means the Mississippi Charter School Authorizer Board established under Section 37-28-7 * * * ~~to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee charter~~



68 ~~schools, and decide whether to renew, not renew, or revoke charter~~
69 ~~contracts, unless otherwise specified in this chapter.~~

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

76 (e) "Charter management organization" means a nonprofit
77 entity which operates, or which has applied to operate, more than
78 one (1) charter school in Mississippi and which holds one or more
79 charter contract(s) that include(s) one or more of its authorized
80 schools.

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

86 (* * *fg) "Conversion charter school" means a charter
87 school that existed as a noncharter public school before becoming
88 a charter school.

89 (* * *gh) "Education service provider" means a * * *
90 ~~charter management organization, school design provider or any~~
91 ~~other~~ partner entity with which * * * ~~a charter school the~~
92 governing board intends to contract for * * * ~~educational design,~~



~~implementation or comprehensive management~~ full or substantial
educational services. An education service provider does not
itself hold a charter contract as defined in this section. A
charter management organization operating its own schools shall
not be considered an education service provider.

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

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

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

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

(* * *lm) "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) "Special purpose charter school" means a public
charter school established to operate in a manner that differs
from a traditional public school by providing a specialized or



innovative educational service designed to meet distinct student needs or community priorities. Such schools may include, but are not limited to, schools with a focus on:

- (i) Career and technical education;
- (ii) Science, technology, engineering and mathematics (STEM);
- (iii) Special education services or targeted supports for students with disabilities or learning differences, including students with autism or dyslexia; or
- (iv) Other specialized instructional models that promote individualized learning or workforce readiness.

A special purpose charter school shall be subject to all requirements established by its authorizer.

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

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

(* * *~~e~~g) "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) (a) There is created the Mississippi Charter School Authorizer Board * * *~~as a state agency with exclusive~~



143 ~~chartering jurisdiction in the State of Mississippi. Unless~~
144 ~~otherwise authorized by law, no other governmental agency or~~
145 ~~entity may assume any charter authorizing function or duty in any~~
146 ~~form.~~

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

155 * * * — (b) ~~The Mississippi Charter School Authorizer~~
156 ~~Board may approve a maximum of fifteen (15) qualified charter~~
157 ~~applications during a fiscal year.~~

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

165 (d) Notwithstanding the provisions of paragraph (c) of
166 this subsection, the Mississippi Charter School Authorizer Board



167 may approve a charter application for a special purpose charter
168 school, as defined in this chapter, in any district.

169 (e) A charter school approved in accordance with this
170 subsection may operate thereafter in the same manner as any other
171 charter school regardless of the performance classification of the
172 school district in which the charter school is located.

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

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

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

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

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

187 (* * *43) Members appointed to the Mississippi Charter
188 School Authorizer Board collectively must possess strong
189 experience and expertise in public and nonprofit governance,
190 management and finance, public school leadership, assessment,
191 curriculum and instruction, and public education law. Each member



of the Mississippi Charter School Authorizer Board must have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

(* * *54) To establish staggered terms of office, the initial term of office for the three (3) Mississippi Charter School Authorizer Board members appointed by the Governor shall be four (4) years and thereafter shall be three (3) years; the initial term of office for the three (3) members appointed by the Lieutenant Governor shall be three (3) years and thereafter shall be three (3) years; and the initial term of office for the member appointed by the State Superintendent of Public Education shall be two (2) years and thereafter shall be three (3) years. No member may serve more than two (2) consecutive terms. The initial appointments must be made before September 1, 2013.

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

(* * *76) An individual member of the Mississippi Charter School Authorizer Board may be removed by the board if the member's personal incapacity renders the member incapable or unfit to discharge the duties of the office or if the member is absent from a number of meetings of the board, as determined and specified by the board in its bylaws. Whenever a vacancy on the



217 Mississippi Charter School Authorizer Board exists, the original
218 appointing authority shall appoint a member for the remaining
219 portion of the term.

220 (* * *~~87~~) No member of the Mississippi Charter School
221 Authorizer Board or employee, agent or representative of the board
222 may serve simultaneously as an employee, trustee, agent,
223 representative, vendor or contractor of a charter school
224 authorized by the board.

225 (* * *~~98~~) The Mississippi Charter School Authorizer Board
226 shall appoint an individual to serve as the Executive Director of
227 the Mississippi Charter School Authorizer Board. The executive
228 director shall possess the qualifications established by the board
229 which are based on national best practices, and shall possess an
230 understanding of state and federal education law. The executive
231 director, who shall serve at the will and pleasure of the board,
232 shall devote his full time to the proper administration of the
233 board and the duties assigned to him by the board and shall be
234 paid a salary established by the board, subject to the approval of
235 the State Personnel Board. Subject to the availability of
236 funding, the executive director may employ such administrative
237 staff as may be necessary to assist the director and board in
238 carrying out the duties and directives of the Mississippi Charter
239 School Authorizer Board.

240 (* * *~~109~~) The Mississippi Charter School Authorizer Board
241 is authorized to obtain suitable office space for administrative



purposes. In acquiring a facility or office space, the authorizer board shall adhere to all policies and procedures required by the Department of Finance and Administration and the Public Procurement Review Board.

SECTION 3. The following shall be codified as Section 37-28-7.1, Mississippi Code of 1972:

37-28-7.1. Special purpose charter schools may be authorized by:

(a) The Mississippi Charter School Authorizer Board created under Section 37-28-7;

(b) An office of a state institution of higher learning or public community or junior college in this state which has been created by the president of that institution or college, the board of such an institution, or the Mississippi Community College Board, specifically for the purpose of authorizing one or more charter schools. The governing authority of such an office shall be a board created by the initiator of the office or the board of the affiliated entity, including the Mississippi Community College Board, as designated at the time of the office's creation. Once created, such office may only be closed by the governing authority pursuant to its policy for closure or by the Legislature;

(c) Any local school board of a school district rated "A," "B" or "C" under the state accountability system;

(d) The State Board of Education; or

(e) The Mississippi Office of Workforce Development.



267 **SECTION 4.** Section 37-28-9, Mississippi Code of 1972, is
268 amended as follows:

269 37-28-9. (1) The * * *~~authorizer~~ Mississippi Charter
270 School Authorizer Board established under Section 37-28-7 of this
271 chapter is responsible for exercising * * *,~~in accordance with~~
272 ~~this chapter,~~ the following powers and duties:

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

277 (i) Organizational capacity and infrastructure;
278 (ii) Solicitation and evaluation of charter
279 applications;
280 (iii) Performance contracting;
281 (iv) Ongoing charter school oversight and
282 evaluation; and

283 (v) Charter renewal decision-making;

284 (b) Approving quality charter applications that meet
285 identified educational needs and promote a diversity of
286 educational choices;

287 (c) Declining to approve weak or inadequate charter
288 applications;

289 (d) Negotiating and executing charter contracts with
290 approved charter schools;



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

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

(g) Revocation of a charter contract when appropriate;

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

(i) Complying with the 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 state law pertaining to the conduct of public bodies, including the Mississippi Administrative Procedures Law.

(2) (a) A special purpose charter school authorizer shall adopt policies and procedures, which shall be approved by its governing body and made available to the public, to carry out its duties as prescribed in this chapter.

(b) A special purpose charter school authorizer shall create an application and selection process that ensures high-quality educational opportunities for students, as well as performance and accountability reporting for the schools that it authorizes.

(c) A special purpose charter school authorizer is empowered to make all decisions related to schools it has authorized with respect to approvals and denials of applications,



curriculum, expansion of grades, probationary actions and closure
if deemed necessary by the authorizer.

(* * *23) * * *—The Each 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.

(* * *34) The * * *—~~authorizer~~ Mississippi Charter School
Authorizer Board may delegate its duties to the executive
director * * *—~~and general counsel~~.

(* * *45) Regulation by the * * *—~~authorizer~~ Mississippi
Charter School Authorizer Board 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.

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

SECTION 5. Section 37-28-11, Mississippi Code of 1972, is
amended as follows:

37-28-11. * * *—(1) ~~To cover the costs of overseeing~~
~~charter schools in accordance with this chapter, the authorizer~~
~~shall receive three percent (3%) of annual per-pupil allocations~~



received by a charter school from state and local funds for each charter school it authorizes.

(* * *21) * * *—The Any 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.

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

(3) The Legislature may fund the Mississippi Charter School Authorizer Board through specific appropriation thereof. The Legislature may appropriate funds to any authorizer established under Section 37-28-7.1 to carry out the duties prescribed in this chapter.

SECTION 6. 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 and any special purpose charter school authorizer with implementing the authorizer's decisions by providing such technical assistance and information as may be necessary for the implementation of this chapter.

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



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

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

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

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

SECTION 7. Section 37-28-15, Mississippi Code of 1972, is amended as follows:

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



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

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

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

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

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

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

(4) In addition to all other requirements, the request for proposals must require charter applications to provide or describe thoroughly all of the following mandatory 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;



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

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

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

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

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

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

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

436 (j) A description of the school's instructional design,
437 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



462 charter school without regard to disability, income level, race,
463 religion or national origin;

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

466 (p) An organizational chart that clearly presents the
467 school's organizational structure, including lines of authority
468 and reporting between the governing board, charter management
469 organization staff or education service provider, if applicable,
470 staff, related bodies (such as advisory bodies or parent and
471 teacher councils), and all other external organizations that will
472 play a role in managing the school;

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

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

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

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

485 (u) Proposed governing bylaws;



486 (v) Explanations of any partnerships or contractual
487 relationships central to the school's operations or mission;
488 (w) The school's plans for providing transportation,
489 food service and all other significant operational or ancillary
490 services;
491 (x) Opportunities and expectations for parent
492 involvement;
493 (y) A detailed school start-up plan, identifying tasks,
494 timelines and responsible individuals;
495 (z) A description of the school's financial plans and
496 policies, including financial controls and audit requirements;
497 (aa) A description of the insurance coverage the school
498 will obtain;
499 (bb) Start-up and five-year budgets with clearly stated
500 assumptions;
501 (cc) Start-up and first-year cash flow projections with
502 clearly stated assumptions;
503 (dd) A disclosure of all sources of private funding and
504 all funds from foreign sources, including gifts from foreign
505 governments, foreign legal entities and domestic entities
506 affiliated with either foreign governments or foreign legal
507 entities. For the purposes of this paragraph, the term "foreign"
508 means a country or jurisdiction outside of any state or territory
509 of the United States;



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

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

514 (5) In the case of an application to establish a charter
515 school by converting an existing noncharter public school to
516 charter school status, the request for proposals additionally
517 shall require the applicant to demonstrate support for the
518 proposed charter school conversion by a petition signed by a
519 majority of teachers or a majority of parents of students in the
520 existing noncharter public school, or by a majority vote of the
521 local school board or, in the case of schools in districts under
522 state conservatorship, by the State Board of Education.

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

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

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



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

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

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

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

(8) In the case of a governing board of an operating charter school or special purpose charter school, including a school



within a charter management organization, seeking to expand the
purview of the school to include new age groups beyond those
originally authorized, the authorizer may consider a plan for
expansion as a material contract amendment that shall not require
a new application.

SECTION 8. 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 9. Section 37-28-19, Mississippi Code of 1972, is
amended as follows:

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



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

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

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

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

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



approval by the authorizer. The authorizer shall adopt by resolution all charter approval or denial decisions in an open meeting of the authorizer board.

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

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

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

SECTION 10. Section 37-28-21, Mississippi Code of 1972, is amended as follows:

37-28-21. (1) * * * ~~The~~ An authorizer shall grant * * * ~~an~~ initial charter * * * ~~to each qualified applicant~~ contracts for a term of five (5) operating years. The term of the charter contract shall commence on the charter school's first day of operation. An approved charter school may delay its opening for one (1) school year in order to plan and prepare for the school's opening. If the school requires an opening delay of more than one



635 (1) school year, the school must request an extension from * * *
636 ~~the~~ its authorizer. The authorizer may grant or deny the
637 extension depending on the particular school's circumstances.

638 (2) (a) * * * ~~The~~ An authorizer and the governing board
639 of * * * ~~the~~ a nonprofit entity with one or more approved charter
640 schools or special purpose charter schools shall execute a charter
641 contract that clearly sets forth the academic and operational
642 performance expectations and measures by which the charter school
643 will be judged and the administrative relationship between the
644 authorizer, the governing board and each charter school, including
645 each party's rights and duties. In the case of a charter contract
646 that includes more than one (1) school, the contract shall contain
647 a separate addendum for each school listing the school's approved
648 term of operation. The performance expectations and measures set
649 forth in the charter contract must include, but need not be
650 limited to, applicable federal and state accountability
651 requirements. The performance provisions may be refined or
652 amended by mutual agreement after the charter school is operating
653 and has collected baseline achievement data for its enrolled
654 students.

655 (b) The charter contract must be signed by the chairman
656 of * * * ~~the~~ its authorizer board and the * * * ~~president~~
657 chairperson of the charter school's governing board.

658 (c) A charter school or special purpose charter school
659 may not commence operations without a charter contract executed in



660 accordance with this section and approved in an open meeting
661 of * * * ~~the~~ its authorizer board.

662 (3) * * * ~~The~~ An authorizer may establish reasonable
663 preopening requirements or conditions to monitor the start-up
664 progress of * * * ~~a~~ each of its newly approved charter schools and
665 to ensure that * * * ~~the~~ each school is prepared to open smoothly
666 on the date agreed and that the school meets all building, health,
667 safety, insurance and other legal requirements before the school's
668 opening.

669 (4) A nonprofit entity or charter management organization
670 may complete one (1) annual consolidated audit in which each of
671 its approved charter schools is reported as a separate program
672 under the nonprofit entity or charter management organization.
673 Any such audit shall include all financial information necessary
674 for the authorizer to analyze metrics for the performance
675 framework.

676 **SECTION 11.** Section 37-28-23, Mississippi Code of 1972, is
677 amended as follows:

678 37-28-23. (1) A charter school or special purpose charter
679 school must be open to:

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

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



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

(2) Notwithstanding the provisions of paragraph (b) of subsection (1), a student in any district shall be eligible to enroll in a special purpose charter school.

(* * *23) A school district may not require any student enrolled in the school district to attend a charter school or special purpose charter school.

(* * *34) Except as otherwise provided under subsection (8)(d) of this section, a charter school may not limit admission based on ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability. A finding by a school's authorizer that a charter school or special purpose charter school is operating in a discriminatory manner justifies the revocation of a charter.

(4) Notwithstanding any provision of this section, a charter school or special purpose charter school may:

(a) Limit admission to students within a given age group or grade level, including pre-kindergarten students * * *~~7~~
and may;

(b) Be organized around a special emphasis, theme or concept as stated in the school's application * * *~~7~~; or

(c) Provide a specialized or innovative educational service designed to meet distinct student needs or community



priorities, including special education services or targeted
supports for students with disabilities or learning differences,
including students with autism or dyslexia.

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

(* * * ~~6~~5) A charter school or special purpose charter
school must enroll all students who wish to attend the school
unless the number of students exceeds the capacity of a program,
class, grade level or building.

(* * * ~~7~~6) If capacity is insufficient to enroll all
students who wish to attend the school based on initial



734 application, the charter school or special purpose charter school
735 must select students through a lottery.

736 (* * *~~87~~) (a) Any noncharter public school or part of a
737 noncharter public school converting to a charter school or special
738 purpose charter school shall adopt and maintain a policy giving an
739 enrollment preference to students who reside within the former
740 attendance area of that public school. If the charter school or
741 special purpose charter school has excess capacity after enrolling
742 students residing within the former attendance area of the school,
743 students outside of the former attendance area of the school, but
744 within the geographical boundaries of the school district in which
745 the charter school or special purpose charter school is located,
746 are eligible for enrollment. If the number of students applying
747 for admission exceeds the capacity of a program, class, grade
748 level or building of the charter school or special purpose charter
749 school, the * * *~~charter~~ school must admit students on the basis
750 of a lottery.

751 (b) A charter school or special purpose charter school
752 must give an enrollment preference to students enrolled in the
753 charter school during the preceding school year and to siblings of
754 students already enrolled in the charter school. An enrollment
755 preference for returning students excludes those students from
756 entering into a lottery.

757 (c) A charter school or special purpose charter school
758 may give an enrollment preference to children of the charter



759 school's applicant, governing board members and full-time
760 employees, so long as those children constitute no more than ten
761 percent (10%) of the charter school's total student population.

762 (d) A charter school or special purpose charter school
763 shall give an enrollment preference to underserved children as
764 defined in Section 37-28-5 * * * ~~to ensure the charter school~~
765 ~~meets its required underserved student composition.~~

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

775 (* * *ef) * * * ~~This section does not~~ Nothing in this
776 section shall preclude the formation of a special purpose charter
777 school or any charter school whose mission is focused on serving
778 students with disabilities, students of the same gender, students
779 who pose such severe disciplinary problems that they warrant a
780 specific educational program, or students who are at risk of
781 academic failure. If capacity is insufficient to enroll all
782 students who wish to attend the school, the charter school must
783 select students through a lottery.



SECTION 12. Section 37-28-25, Mississippi Code of 1972, is amended as follows:

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

SECTION 13. Section 37-28-27, Mississippi Code of 1972, is amended as follows:

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

SECTION 14. 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 or special purpose charter school must be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide * * * ~~the~~ each authorizer's evaluations of



the charter school. The performance framework must include indicators, measures and metrics, at a minimum, for the following:

- (a) Student academic proficiency;
- (b) Student academic growth;
- (c) Achievement gaps in ~~***both proficiency ***~~ and growth between major student subgroups, as applicable;
- (d) Attendance;
- (e) Recurrent enrollment from year to year;
- (f) In-school and out-of-school suspension rates and expulsion rates;
- (g) For each charter high ~~***schools~~ school, postsecondary readiness, including the percentage of graduates submitting applications to postsecondary institutions, graduation and high school completion rates, postsecondary admission and postsecondary enrollment or employment;
- (h) Financial performance and sustainability; and
- (i) Board performance and stewardship, including compliance with all applicable laws, regulations and terms of the charter contract.

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



833 (3) Annual performance targets must be set by the governing
834 board of each charter school or special purpose charter school in
835 conjunction with * * * ~~the~~ its authorizer and must be designed to
836 help each school meet applicable federal, state and authorizer
837 expectations.

838 (4) The performance framework must allow the inclusion of
839 additional rigorous, valid and reliable indicators proposed by the
840 governing board of a charter school or special purpose charter
841 school to augment external evaluations of * * * ~~its~~ school and
842 organizational performance; however, * * * ~~the~~ each authorizer
843 must approve the quality and rigor of any indicators proposed by
844 the governing board of a charter school or special purpose charter
845 school it has authorized, which indicators must be consistent with
846 the purposes of this chapter.

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

851 (6) * * * ~~The~~ Each authorizer shall collect, analyze and
852 report all data from state assessments and any other necessary
853 sources in accordance with the performance framework for each
854 charter school. Multiple schools overseen by a single governing
855 board must report their performance as separate, individual
856 schools, and each school must be held independently accountable
857 for its performance.



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

862 **SECTION 15.** Section 37-28-31, Mississippi Code of 1972, is
863 amended as follows:

864 37-28-31. (1) * * * ~~The~~ Each authorizer shall monitor
865 annually the performance and legal compliance of each charter
866 school or special purpose charter school it oversees, including
867 collecting and analyzing data to support the school's evaluation
868 according to the charter contract. * * * ~~The~~ Such authorizer may
869 conduct or require oversight activities that enable the authorizer
870 to fulfill its responsibilities under this chapter, including
871 conducting appropriate inquiries and investigations, so long as
872 those activities are consistent with the intent of this act,
873 adhere to the terms of the charter contract and do not unduly
874 inhibit the autonomy granted to charter schools.

875 (2) As part of its annual report to the Legislature, * * *
876 ~~the~~ each authorizer shall publish and provide a performance report
877 for each charter school it oversees in accordance with the
878 performance framework set forth in the charter contract. The
879 report must be made available to the public at the same time as it
880 is submitted to the Legislature. * * * ~~The~~ Such authorizer may
881 require each charter school it oversees to submit an annual report



to assist the authorizer in gathering complete information about each school, consistent with the performance framework.

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

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

(5) The authorizer may issue notices of concern or breach of contract to an individual charter school or special purpose charter school listed within a charter contract that consists of multiple schools without implicating or adversely affecting the remaining schools listed in the contract.

SECTION 16. Section 37-28-33, Mississippi Code of 1972, is amended as follows:

37-28-33. (1) A charter may be renewed for successive five-year terms of duration. The authorizer may grant renewal with specific conditions for necessary improvements to a charter school or special purpose charter school and may lessen the



renewal term based on the performance, demonstrated capacities and particular circumstances of each charter school.

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

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

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

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

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



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

936 (5) Before February 1, the governing board of a charter
937 school seeking renewal shall submit a renewal application to * * *
938 ~~the~~ its authorizer pursuant to the charter renewal application
939 guidance issued by * * * ~~the~~ that authorizer. The authorizer
940 shall adopt a resolution ruling on the renewal application no
941 later than ninety (90) days after the filing of the renewal
942 application.

943 (6) In making each charter renewal decision, * * * ~~the~~ each
944 authorizer must:

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

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

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

952 (7) A charter contract must be revoked at any time or not
953 renewed if the authorizer determines that the charter school has
954 done any of the following or otherwise failed to comply with the
955 provisions of this chapter:



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

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

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

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

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

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

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

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

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

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



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

(9) Notwithstanding any provision to the contrary, * * * ~~the~~ an authorizer may not renew the charter of any charter school * * * ~~that, during the school's final operating year under the term of the charter contract, is designated an "F" school under the school accreditation rating system.~~ or special purpose charter school that has been given a rating of "F" under the school accreditation rating system for three (3) consecutive years or has been given a rating of "D" or "F" under the school accreditation rating system for five (5) consecutive years, unless:

(a) The rating of the charter school matched or exceeded the rating of the district in which the charter school is located during the same period;

(b) The rating of the charter school matched or exceeded more than half of the comparable schools in the district in which the charter school is located; or

(c) The charter school is rated an "A," "B," or "C" school under the school accreditation rating system during the school's final operating year under the term of the charter contract.

(10) If * * * ~~the~~ an authorizer revokes or does not renew a charter, the authorizer must state clearly, in a resolution of



1004 adopted by * * * ~~the~~ that authorizer board, the reasons for the
1005 revocation or nonrenewal.

1006 (11) Within ten (10) days after taking action to renew, not
1007 renew or revoke a charter, the authorizer shall provide a report
1008 to the charter school or special purpose charter school. The
1009 report must include a copy of the authorizer board's resolution
1010 setting forth the action taken, reasons for the board's decision
1011 and assurances as to compliance with all of the requirements set
1012 forth in this chapter.

1013 **SECTION 17.** Section 37-28-35, Mississippi Code of 1972, is
1014 amended as follows:

1015 37-28-35. (1) Before implementing a charter school closure
1016 decision, * * * ~~the~~ each authorizer must develop a charter school
1017 closure protocol to ensure timely notification to parents, orderly
1018 transition of students and student records to new schools, and
1019 proper disposition of school funds, property and assets in
1020 accordance with the requirements of this chapter. The protocol
1021 must specify tasks, timelines and responsible parties, including
1022 delineating the respective duties of the school, its governing
1023 board and nonprofit entity, and the authorizer. If a charter
1024 school or special purpose charter school is to be closed for any
1025 reason, * * * ~~the~~ its authorizer shall oversee and work with the
1026 closing school and its governing board and nonprofit entity to
1027 ensure a smooth and orderly closure and transition for students
1028 and parents, as guided by the closure protocol. No charter school



1029 or special purpose charter school shall be closed by its
1030 authorizer before the end of the school year in which the decision
1031 for closure is made, unless the authorizer determines that the
1032 health and safety of the students in such school warrant its
1033 immediate closure.

1034 (2) If a charter school or special purpose charter
1035 school closes, all unspent government funds, unspent earnings from
1036 those funds and assets purchased with government funds must revert
1037 to the local school district in which the charter school is
1038 located. Unless otherwise provided for in the charter * * *~~or~~
1039 contract, a debt instrument or grant agreement, unspent funds from
1040 nongovernmental sources, unspent earnings from those funds, assets
1041 purchased with those funds and debts of the school must revert to
1042 the nonprofit entity * * *~~created to operate~~ whose governing
1043 board held the charter contract for the school and may be used,
1044 retained or disposed of according to applicable laws for nonprofit
1045 corporations.

1046 **SECTION 18.** Section 37-28-37, Mississippi Code of 1972, is
1047 brought forward as follows:

1048 37-28-37. (1) Before October 1 of each year, beginning in
1049 the year that the state has had at least one (1) charter school
1050 operating for a full school year, the Mississippi Charter School
1051 Authorizer Board shall issue to the Governor, Legislature, State
1052 Board of Education and the public an annual report on the state's
1053 charter schools for the preceding school year. The report must



1054 include a comparison of the performance of charter school students
1055 with the performance of academically, ethnically and economically
1056 comparable groups of students in the school district in which a
1057 charter school is located. In addition, the report must include
1058 the authorizer's assessment of the successes, challenges and areas
1059 for improvement in meeting the purposes of this chapter. The
1060 report also must include an assessment on whether the number and
1061 size of operating charter schools are sufficient to meet demand,
1062 as calculated according to admissions data and the number of
1063 students denied enrollment based on lottery results. The report
1064 due from the authorizer under this section must be coordinated
1065 with reports due from charter school governing boards, as near as
1066 possible, to decrease or eliminate duplication.

1067 (2) The Joint Legislative Committee on Performance
1068 Evaluation and Expenditure Review (PEER) shall prepare an annual
1069 report assessing the sufficiency of funding for charter schools,
1070 the efficacy of the state formula for authorizer funding, and any
1071 suggested changes in state law or policy necessary to strengthen
1072 the state's charter schools.

1073 **SECTION 19.** Section 37-28-39, Mississippi Code of 1972, is
1074 amended as follows:

1075 37-28-39. (1) Notwithstanding any provision of law to the
1076 contrary, to the extent that any provision of this chapter is
1077 inconsistent with any other state or local law, rule or
1078 regulation, the provisions of this act govern and are controlling.



1079 (2) * * * ~~A charter school~~ The entity whose governing board
1080 holds a charter contract, including a charter management
1081 organization, and any education service provider which provides
1082 comprehensive management for a charter school must be a nonprofit
1083 education organization.

1084 (3) A charter school or special purpose charter school is
1085 subject to all federal laws and authorities specified in this
1086 chapter or agreed upon with the authorizer in the charter
1087 contract, where such contracting is consistent with applicable
1088 laws, rules and regulations.

1089 (4) To the extent approved by the authorizer, a charter
1090 contract may consist of one or more schools. Each charter school
1091 or special purpose charter school that is part of a charter
1092 contract must be separate and distinct from any other charter
1093 school.

1094 (5) A single governing board may hold one or more charter
1095 contracts.

1096 (6) A charter school or special purpose charter school must
1097 function as a local educational agency, and as such, a charter
1098 school or special purpose charter school is responsible for
1099 meeting the requirements of local educational agencies under
1100 applicable federal laws, including those relating to special
1101 education, receipt of funds and compliance with funding
1102 requirements. Status as a local educational agency, however, does
1103 not preclude the governing board of a charter school or special



1104 purpose charter school from developing, by mutual agreement or
1105 formal contract, links with the local school district for
1106 services, resources and programs. A charter school or special
1107 purpose charter school shall pay to a local school district any
1108 federal or state aid attributable to a student with a disability
1109 attending the charter school in proportion to the level of
1110 services the local school district provides directly or indirectly
1111 for that student.

1112 **SECTION 20.** Section 37-28-41, Mississippi Code of 1972, is
1113 amended as follows:

1114 37-28-41. * * * ~~A charter school~~ The governing board of the
1115 nonprofit entity holding a charter contract may exercise those
1116 powers necessary for carrying out the terms of its charter
1117 contract, including, but not limited to, the following powers:

1118 (a) To receive and disburse funds authorized by law for
1119 school purposes;

1120 (b) To secure appropriate insurance and to enter into
1121 contracts and leases;

1122 (c) To contract with an education service provider for
1123 the management and operation of the charter school so long as the
1124 school's governing board retains oversight authority over the
1125 school;

1126 (d) To contract with a school district or private
1127 provider to provide transportation to the school's students;



1128 (e) To negotiate and enter into a contract for the
1129 provision of and payment for special education services with a
1130 local school district, including, but not limited to, a reasonable
1131 reserve not to exceed five percent (5%) of the local school
1132 district's total special education services budget. The reserve
1133 may be used by the local school district only to offset excess
1134 costs of providing services to students with disabilities enrolled
1135 in the charter school;

1136 (f) To contract with an accredited online course
1137 provider for the delivery of virtual courses to students enrolled
1138 in the charter school;

1139 (* * *~~eg~~) To solicit and accept any gifts or grants
1140 for school purposes subject to applicable laws and the terms of
1141 its charter contract;

1142 (* * *~~eh~~) To acquire real property for use as its
1143 facility or facilities, from public or private sources; and

1144 (* * *~~fi~~) To sue and be sued in its own name.

1145 **SECTION 21.** Section 37-28-43, Mississippi Code of 1972, is
1146 brought forward as follows:

1147 37-28-43. (1) A charter school may not discriminate against
1148 any person on the basis of race, creed, color, sex, disability,
1149 national origin or any other category that would be unlawful if
1150 done by a noncharter public school.



1151 (2) A charter school may not engage in any sectarian
1152 practices in its educational program, admissions or employment
1153 policies or operations.

1154 (3) A charter school may not discriminate against any
1155 student on the basis of national origin, minority status or
1156 limited proficiency in English. Consistent with federal civil
1157 rights laws, charter schools must provide limited English
1158 proficient students with appropriate services designed to teach
1159 them English and the general curriculum.

1160 (4) A charter school may not charge tuition.

1161 (5) The terms of each charter school must include a
1162 transportation plan for students attending the charter school.

1163 (6) Subject to the approval of the authorizer, a charter
1164 school may contract with an accredited online course provider for
1165 the delivery of virtual courses to students enrolled in the
1166 charter school.

1167 (7) Except to the extent authorized under paragraph (c) of
1168 Section 37-28-41, the powers, obligations and responsibilities set
1169 forth in the charter contract may not be delegated or assigned by
1170 either party.

1171 **SECTION 22.** Section 37-28-45, Mississippi Code of 1972, is
1172 brought forward as follows:

1173 37-28-45. (1) Charter schools are subject to the same civil
1174 rights, health and safety requirements applicable to noncharter



1175 public schools in the state, except as otherwise specifically
1176 provided in this chapter.

1177 (2) Charter schools are subject to the student assessment
1178 and accountability requirements applicable to noncharter public
1179 schools in the state; however, this requirement does not preclude
1180 a charter school from establishing additional student assessment
1181 measures that go beyond state requirements if the authorizer
1182 approves those measures.

1183 (3) Although a charter school is geographically located
1184 within the boundaries of a particular school district and enrolls
1185 students who reside within the school district, the charter school
1186 may not be considered a school within that district under the
1187 purview of the school district's school board. The rules,
1188 regulations, policies and procedures established by the school
1189 board for the noncharter public schools that are in the school
1190 district in which the charter school is geographically located do
1191 not apply to the charter school unless otherwise required under
1192 the charter contract or any contract entered into between the
1193 charter school governing board and the local school board.

1194 (4) Whenever the provisions of Title 37, Mississippi Code of
1195 1972, relating to the elementary and secondary education of public
1196 school students establish a requirement for or grant authority to
1197 local school districts, their school boards and the schools within
1198 the respective school districts, the language "school districts,"
1199 "school boards," "boards of trustees," "the schools within a



1200 school district," or any other similar phraseology does not
1201 include a charter school and the governing board of a charter
1202 school unless the statute specifically is made applicable to
1203 charter schools as well as noncharter public schools.

1204 (5) A charter school is not subject to any rule, regulation,
1205 policy or procedure adopted by the State Board of Education or the
1206 State Department of Education unless otherwise required by the
1207 authorizer or in the charter contract.

1208 (6) Charter schools are not exempt from the following
1209 statutes:

1210 (a) Chapter 41, Title 25, Mississippi Code of 1972,
1211 which relate to open meetings of public bodies.

1212 (b) Chapter 61, Title 25, Mississippi Code of 1972,
1213 which relate to public access to public records.

1214 (c) Section 37-3-51, which requires notice by the
1215 district attorney of licensed school employees who are convicted
1216 of certain sex offenses.

1217 (d) Section 37-3-53, which requires publication of the
1218 Mississippi Report Card by the State Board of Education.

1219 (e) Section 37-11-18, which requires the automatic
1220 expulsion of a student possessing a weapon or controlled substance
1221 on educational property.

1222 (f) Section 37-11-18.1, which requires expulsion of
1223 certain habitually disruptive students.



1224 (g) Section 37-11-19, which requires suspension or
1225 expulsion of a student who damages school property.

1226 (h) Section 37-11-20, which prohibits acts of
1227 intimidation intended to keep a student from attending school.

1228 (i) Section 37-11-21, which prohibits parental abuse of
1229 school staff.

1230 (j) Section 37-11-23, which prohibits the willful
1231 disruption of school and school meetings.

1232 (k) Sections 37-11-29 and 37-11-31, which relate to
1233 reporting requirements regarding unlawful or violent acts on
1234 school property.

1235 (l) Section 37-11-67, which prohibits bullying or
1236 harassing behavior in public schools.

1237 (m) Section 37-13-3, which prohibits doctrinal,
1238 sectarian or denominational teaching in public schools.

1239 (n) Sections 37-13-5 and 37-13-6, which require the
1240 flags of the United States and the State of Mississippi to be
1241 displayed near the school building.

1242 (o) Section 37-13-63(1), which prescribes the minimum
1243 number of days which public schools must be kept in session during
1244 a scholastic year.

1245 (p) Section 37-13-91, which is the Mississippi
1246 Compulsory School Attendance Law.



1247 (q) Section 37-13-171(2) and (4), which requires any
1248 course containing sex-related education to include instruction in
1249 abstinence-only or abstinence-plus education.

1250 (r) Section 37-13-173, which requires notice to parents
1251 before instruction on human sexuality is provided in public
1252 classrooms.

1253 (s) Section 37-13-193, which relates to civil rights
1254 and human rights education in the public schools.

1255 (t) Sections 37-15-1 and 37-15-3, which relate to the
1256 maintenance and transfer of permanent student records in public
1257 schools.

1258 (u) Section 37-15-6, which requires the State
1259 Department of Education to maintain a record of expulsions from
1260 the public schools.

1261 (v) Section 37-15-9, which establishes minimum age
1262 requirements for kindergarten and first grade enrollment in public
1263 schools.

1264 (w) Section 37-15-11, which requires a parent, legal
1265 guardian or custodian to accompany a child seeking enrollment in a
1266 public school.

1267 (x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9,
1268 which relate to the statewide assessment testing program.

1269 (y) Section 37-18-1, which establishes the
1270 Superior-Performing Schools Program and Exemplary Schools Program
1271 to recognize public schools that improve.



1272 **SECTION 23.** Section 37-28-47, Mississippi Code of 1972, is
1273 brought forward as follows:

1274 37-28-47. (1) (a) Charter schools must comply with
1275 applicable federal laws, rules and regulations regarding the
1276 qualification of teachers and other instructional staff. No more
1277 than twenty-five percent (25%) of teachers in a charter school may
1278 be exempt from state teacher licensure requirements.

1279 Administrators of charter schools are exempt from state
1280 administrator licensure requirements. However, teachers and
1281 administrators must have a bachelor's degree as a minimum
1282 requirement, and teachers must have demonstrated subject-matter
1283 competency. Within three (3) years of a teacher's employment by a
1284 charter school, the teacher must have, at a minimum, alternative
1285 licensure approved by the Commission on Teacher and Administrator
1286 Education, Certification and Licensure and Development.

1287 (b) A charter school may not staff positions for
1288 teachers, administrators, ancillary support personnel or other
1289 employees by utilizing or otherwise relying on nonimmigrant
1290 foreign worker visa programs. However, a charter school may
1291 submit a request to the authorizer for an exception allowing the
1292 employment of a nonimmigrant foreign worker before the worker is
1293 employed. The authorizer may grant permission for the employment
1294 of the nonimmigrant foreign worker only if the charter school
1295 makes a satisfactory showing of efforts to recruit lawful



1296 permanent residents of the United States to fill the position and
1297 a lack of qualified applicants to fill the position.

1298 (2) Employees in charter schools must have the same general
1299 rights and privileges as other public school employees, except
1300 such employees are not:

1301 (a) Covered under the Education Employment Procedures
1302 Law (Section 37-9-103); and

1303 (b) Subject to the state salary requirements prescribed
1304 in Section 37-19-7.

1305 (3) For the purpose of eligibility for participation in the
1306 Public Employees' Retirement System, a public charter school is
1307 considered to be a political subdivision of the state. Employees
1308 in public charter schools are eligible for participation in other
1309 benefits programs if the public charter school governing board
1310 chooses to participate.

1311 **SECTION 24.** Section 37-28-49, Mississippi Code of 1972, is
1312 brought forward as follows:

1313 37-28-49. (1) Charter school teachers and other school
1314 personnel, as well as members of the governing board and any
1315 education service provider with whom a charter school contracts,
1316 are subject to criminal history record checks and fingerprinting
1317 requirements applicable to employees of other public schools. The
1318 authorizer shall require that current criminal records background
1319 checks and current child abuse registry checks are obtained, and
1320 that the criminal record information and registry checks are on



1321 file at the charter school for any new hires applying for
1322 employment. In order to determine an applicant's suitability for
1323 employment, the applicant must be fingerprinted. If no
1324 disqualifying record is identified at the state level, the
1325 fingerprints must be forwarded by the Department of Public Safety
1326 to the Federal Bureau of Investigation for a national criminal
1327 history record check. Under no circumstances may a member of the
1328 Mississippi Charter School Authorizer Board, member of the charter
1329 school governing board or any individual other than the subject of
1330 the criminal history record checks disseminate information
1331 received through the checks except as may be required to fulfill
1332 the purposes of this section. The determination whether the
1333 applicant has a disqualifying crime, as set forth in subsection
1334 (2) of this section, must be made by the appropriate state or
1335 federal governmental authority, which must notify the charter
1336 school whether a disqualifying crime exists.

1337 (2) If the fingerprinting or criminal record checks disclose
1338 a felony conviction, guilty plea or plea of nolo contendere to a
1339 felony of possession or sale of drugs, murder, manslaughter, armed
1340 robbery, rape, sexual battery, sex offense listed in Section
1341 45-33-23(g), child abuse, arson, grand larceny, burglary,
1342 gratification of lust or aggravated assault which has not been
1343 reversed on appeal or for which a pardon has not been granted, the
1344 new hire is not eligible to be employed at the charter school.
1345 However, the charter school, in its discretion, may allow any



1346 applicant aggrieved by the employment decision under this section
1347 to show mitigating circumstances that exist and may allow, subject
1348 to the approval of the Mississippi Charter School Authorizer
1349 Board, the new hire to be employed at the school. The authorizer
1350 may approve the employment depending on the mitigating
1351 circumstances, which may include, but need not be limited to: (a)
1352 age at which the crime was committed; (b) circumstances
1353 surrounding the crime; (c) length of time since the conviction and
1354 criminal history since the conviction; (d) work history; (e)
1355 current employment and character references; and (f) other
1356 evidence demonstrating the ability of the person to perform the
1357 employment responsibilities competently and that the person does
1358 not pose a threat to the health or safety of children.

1359 (3) No charter school, charter school employee, member of
1360 the charter school governing board, the Mississippi Charter School
1361 Authorizer Board or member or employee of the Mississippi Charter
1362 School Authorizer Board employee may be held liable in any
1363 employment discrimination suit in which an allegation of
1364 discrimination is made regarding an employment decision authorized
1365 under this section.

1366 (4) A charter school shall terminate any teacher or
1367 administrator for committing one or more of the following acts:

1368 (a) Engaging in unethical conduct relating to an
1369 educator-student relationship as identified by the Mississippi
1370 Charter School Authorizer Board;



1371 (b) Fondling a student as described in Section 97-5-23
1372 or engaging in any type of sexual involvement with a student as
1373 described in Section 97-3-95; or

1374 (c) Failure to report sexual involvement of a charter
1375 school employee with a student as required by Section 97-5-24.

1376 **SECTION 25.** Section 37-28-51, Mississippi Code of 1972, is
1377 brought forward as follows:

1378 37-28-51. A charter school is eligible to participate in
1379 state-sponsored or district-sponsored athletic and academic
1380 interscholastic leagues, competitions, awards, scholarships and
1381 recognition programs for students, educators, administrators and
1382 schools to the same extent as noncharter public schools.

1383 **SECTION 26.** Section 37-28-53, Mississippi Code of 1972, is
1384 brought forward as follows:

1385 37-28-53. (1) Each charter school shall certify annually to
1386 the State Department of Education its student enrollment, net
1387 enrollment and student participation in federal programs.

1388 (2) Each charter school shall certify annually to the school
1389 board of the school district in which the charter school is
1390 located the number of enrolled charter school students residing in
1391 the school district.

1392 **SECTION 27.** Section 37-28-55, Mississippi Code of 1972, is
1393 brought forward as follows:

1394 37-28-55. (1) (a) The State Department of Education shall
1395 make payments to charter schools for each student in net



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

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

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

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



1421 district in which the charter school is located shall pay directly
1422 to the charter school an amount as follows: the sum of the local
1423 pro rata amount, as calculated by the State Department of
1424 Education in accordance with Section 37-151-211(2) (b) (local
1425 contribution), and the local pro rata amount, as calculated by the
1426 State Department of Education in accordance with Section 37-57-105
1427 (school district operational levy), multiplied by the number of
1428 resident students enrolled in the charter school, based on the
1429 charter school's months two (2) and three (3) net enrollment of
1430 resident students for the current school year. However, the
1431 amount to the charter school may not include any taxes levied for
1432 the retirement of the local school district's bonded indebtedness
1433 or short-term notes or any taxes levied for the support of
1434 vocational-technical education programs.

1435 (b) The amount must be paid by the school district to
1436 the charter school before January 16 of the current fiscal year.
1437 If the local school district does not pay the required amount to
1438 the charter school before January 16, the State Department of
1439 Education shall reduce the local school district's January
1440 transfer of total funding formula funds by the amount owed to the
1441 charter school and shall redirect that amount to the charter
1442 school. Any such payments made under this paragraph by the State
1443 Department of Education to a charter school must be made at the
1444 same time and in the same manner as total funding formula payments



1445 are made to school districts under Sections 37-151-101 and
1446 37-151-103.

1447 (3) (a) For students attending a charter school located in
1448 a school district in which the student does not reside, the State
1449 Department of Education shall pay to the charter school in which
1450 the students are enrolled an amount as follows: the sum of the
1451 local pro rata amount, as calculated by the State Department of
1452 Education in accordance with Section 37-151-211(2) (b) (local
1453 contribution), and the local pro rata amount, as calculated by the
1454 State Department of Education in accordance with Section 37-57-105
1455 (school district operational levy), multiplied by the number of
1456 students enrolled in the charter school but residing in that
1457 district, based on the charter school's months two (2) and three
1458 (3) net enrollment of these students for the current school year.
1459 However, the amount to the charter school may not include any
1460 taxes levied for the retirement of the local school district's
1461 bonded indebtedness or short-term notes or any taxes levied for
1462 the support of vocational-technical education programs.

1463 (b) The State Department of Education shall reduce the
1464 school district's January transfer of total funding formula funds
1465 by the amount owed to the charter school and shall redirect that
1466 amount to the charter school. Any such payments made under this
1467 subsection (3) by the State Department of Education to a charter
1468 school must be made at the same time and in the same manner as



1469 total funding formula payments are made to school districts under
1470 Sections 37-151-101 and 37-151-103.

1471 (4) (a) The State Department of Education shall direct the
1472 proportionate share of monies generated under federal programs,
1473 including, but not limited to, special education, vocational,
1474 English Language Learner, and other programs, to charter schools
1475 serving students eligible for such funding. The department shall
1476 ensure that charter schools with rapidly expanding enrollments are
1477 treated equitably in the calculation and disbursement of all
1478 federal program dollars. Each charter school that serves students
1479 who may be eligible to receive services provided through such
1480 programs shall comply with all reporting requirements to receive
1481 the aid.

1482 (b) A charter school shall pay to a local school
1483 district any federal or state aid attributable to a student with a
1484 disability attending the charter school in proportion to the level
1485 of services for that student which the local school district
1486 provides directly or indirectly.

1487 (c) Subject to the approval of the authorizer, a
1488 charter school and a local school district may negotiate and enter
1489 into a contract for the provision of and payment for special
1490 education services, including, but not necessarily limited to, a
1491 reasonable reserve not to exceed five percent (5%) of the local
1492 school district's total budget for providing special education
1493 services. The reserve may be used by the local school district



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

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

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

(6) The State Department of Education shall disburse 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.

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

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

(2) * * * ~~A charter school~~ The governing board of a nonprofit entity holding a charter contract for one or more charter schools or special purpose 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



1519 the State Auditor. However, a certified public accountant may not
1520 be selected to perform the annual audit of a charter school if
1521 that accountant previously has audited the charter school for more
1522 than three (3) consecutive years. Certified public accountants
1523 must be selected in a manner determined by the State
1524 Auditor. * * * ~~The charter school shall file a copy of each~~
1525 Financial audit reports and accompanying management letters shall
1526 be filed with the authorizer before October 1 of the calendar year
1527 during which the audit is conducted.

1528 **SECTION 29.** Section 37-28-59, Mississippi Code of 1972, is
1529 brought forward as follows:

1530 37-28-59. (1) Any monies received by a charter school from
1531 any source remaining in the charter school's accounts at the end
1532 of a budget year must remain in the charter school's accounts for
1533 use by the charter school during subsequent budget years.

1534 (2) Nothing in this chapter may be construed to prohibit any
1535 person or organization from providing funding or other assistance
1536 to the establishment or operation of a charter school. The
1537 governing board of a charter school may accept gifts, donations
1538 and grants of any kind made to the charter school and may expend
1539 or use such gifts, donations and grants in accordance with the
1540 conditions prescribed by the donor; however, a gift, donation or
1541 grant may not be accepted if it is subject to a condition that is
1542 contrary to any provision of law or term of the charter contract.



1543 (3) A charter school must disclose publicly all sources of
1544 private funding and all funds received from foreign sources,
1545 including gifts from foreign governments, foreign legal entities
1546 and domestic entities affiliated with either foreign governments
1547 or foreign legal entities. For the purposes of this subsection,
1548 the term "foreign" means a country or jurisdiction outside of any
1549 state or territory of the United States.

1550 **SECTION 30.** Section 37-28-61, Mississippi Code of 1972, is
1551 brought forward as follows:

1552 37-28-61. (1) A charter school has a right of first refusal
1553 to purchase or lease at or below fair market value a closed public
1554 school facility or property or unused portions of a public school
1555 facility or property in the school district in which the charter
1556 school is located if the school district decides to sell or lease
1557 the public school facility or property. If a conversion charter
1558 school application is successful, the local school district owning
1559 the conversion charter school's facility must offer to lease or
1560 sell the building to the conversion charter school at or below
1561 fair market value.

1562 (2) A charter school may negotiate and contract at or below
1563 fair market value with a school district, state institution of
1564 higher learning, public community or junior college, or any other
1565 public or for-profit or nonprofit private entity for the use of a
1566 facility for a school building.



1567 (3) Public entities, including, but not limited to,
1568 libraries, community service organizations, museums, performing
1569 arts venues, theatres, cinemas, churches, community and junior
1570 colleges, colleges and universities, may provide space to charter
1571 schools within their facilities under their preexisting zoning and
1572 land use designations.

1573 **SECTION 31.** Section 37-179-1, Mississippi Code of 1972, is
1574 amended as follows:

1575 37-179-1. (1) For purposes of this chapter, the following
1576 terms shall have the meaning ascribed herein, unless the context
1577 clearly indicates otherwise:

1578 (a) "District of innovation" means a district that has
1579 developed a plan of innovation in compliance with this section and
1580 has been approved by the State Board of Education to be exempted
1581 from certain administrative regulations and statutory provisions
1582 to improve the educational performance of students within the
1583 district;

1584 (b) "Innovation" means a new or creative alternative to
1585 existing instructional and administrative practices intended to
1586 improve student learning and student performance of all students;

1587 (c) "School of innovation" means a school that
1588 voluntarily participates in a district of innovation plan to
1589 improve instruction, including waivers and exemptions from local
1590 school board policies, selected provisions of rules and
1591 regulations promulgated by the State Board of Education, and



1592 selected sections of the Mississippi Code of 1972, as permitted
1593 under this section and Section 37-179-3;

1594 (d) "Board" means the State Board of Education;

1595 (e) "Department" means the State Department of
1596 Education * * *~~;~~; and

1597 (f) "Special purpose school" means a public school
1598 established to operate in a manner that differs from a traditional
1599 public school by providing a specialized or innovative educational
1600 service designed to meet distinct student needs or community
1601 priorities. Such schools may include, but are not limited to,
1602 schools with a focus on:

1603 (i) Career and technical education;

1604 (ii) Science, technology, engineering and
1605 mathematics (STEM);

1606 (iii) Special education services or targeted
1607 supports for students with disabilities, including students with
1608 autism or dyslexia; or

1609 (iv) Other specialized instructional models
1610 that promote individualized learning or workforce readiness.

1611 A special purpose school shall be subject to all requirements
1612 established by the State Board of Education.

1613 (2) The State Board of Education is authorized to approve
1614 districts of innovation and special purpose schools for the
1615 purposes of improving students' educational performance.

1616 Districts of innovation or special purpose schools shall be



provided flexibility from selected board regulations, Title 37, Mississippi Code of 1972, and local school board policies for school administrators, teachers and staff to meet the diverse needs of students. The initial approval of a district of innovation or special purpose school shall be for a five-year period. Each renewal of a district of innovation or special purpose school shall not exceed five (5) years and shall comply with administrative regulations promulgated by the board pursuant to subsection (4) of this section.

(3) The board shall promulgate administrative rules and regulations to prescribe the conditions and procedures to be used by a local school board to be approved as a district of innovation and shall publish the same on or before December 31, 2015.

(4) The board shall promulgate administrative rules and regulations prescribing the conditions and procedures to be met by a local school board prior to approving the local school board's operation of a special purpose school. Such rules and regulations shall be published on or before December 31, 2026.

(* * *~~45~~) Administrative rules and regulations promulgated by the board under subsections (3) and (4) of this section shall specify:

(a) The regulatory areas which may be exempted or modified if approved by the board, except as provided in Section 37-179-3(2), and in addition to those areas identified in Section 37-179-3(3);



1642 (b) The application, plan review, approval and
1643 amendment process for a district;

1644 (c) Timelines for initial approval as a district of
1645 innovation or special purpose school, the renewal process and
1646 ongoing evaluative procedures required of the district;

1647 (d) Acceptable documentation of a critical mass of
1648 parental, community, educator and business support and capacity to
1649 effect a change;

1650 (e) Evidence of teacher collaboration and shared
1651 leadership within the district and the schools to be designated as
1652 schools of innovation or special purpose school;

1653 (f) The process of revocation of the designation of
1654 district of innovation * * *~~or~~, school of innovation or special
1655 purpose school;

1656 (g) Reporting and oversight responsibilities of the
1657 district and the State Department of Education;

1658 (h) The financial detail relating to budgets of schools
1659 and evidence of sound fiscal management practices;

1660 (i) Acceptable areas of emphasis for innovation;

1661 (j) Acceptable documentation of job-embedded
1662 professional development within the proposed innovation design;
1663 and

1664 (k) Other components deemed necessary to implement this
1665 section and Section 37-179-3.



1666 **SECTION 32.** Section 37-179-3, Mississippi Code of 1972, is
1667 amended as follows:

1668 37-179-3. (1) A district which is an applicant to be
1669 designated as a district of innovation or to operate a special
1670 purpose school under Section 37-179-1 shall:

1671 (a) Establish goals and performance targets for
1672 the * * *~~district of innovation~~ proposal, which may include, but
1673 are not limited to:

1674 (i) Reducing achievement gaps among groups of
1675 public school students by expanding learning experiences for
1676 students who are identified as academically low-achieving;

1677 (ii) Increasing pupil learning through the
1678 implementation of high, rigorous standards for pupil performance;

1679 (iii) Increasing the participation of students in
1680 various curriculum components and instructional components within
1681 selected schools to enhance at each grade level;

1682 (iv) Increasing the number of students who are
1683 college and/or career-ready;

1684 (v) Motivating students at different grade levels
1685 by offering more curriculum choices and student learning
1686 opportunities to parents and students within the district;

1687 (vi) Improving educational outcomes for students
1688 with disabilities or learning differences, including those with
1689 autism or dyslexia, by providing special education services or
1690 targeted supports for such students;



1691 (b) Identify changes needed in the district and schools
1692 to lead to better prepared students for success in life and work;

1693 (c) Have a district wide plan of innovation that
1694 describes and justifies which schools and innovative practices
1695 will be incorporated;

1696 (d) Provide documentation of community, educator,
1697 parental, and the local board's support of the proposed
1698 innovations;

1699 (e) Provide detailed information regarding the
1700 rationale of requests for waivers from Title 37, Mississippi Code
1701 of 1972, which relate to the elementary and secondary education of
1702 public school students, and administrative regulations, and
1703 exemptions for selected schools regarding waivers of local school
1704 board policies;

1705 (f) Document the fiscal and human resources the board
1706 will provide throughout the term of the implementation of the
1707 innovations within its plan; and

1708 (g) Provide other materials as required by the
1709 department in compliance with the board's administrative
1710 regulations and application procedures.

1711 (2) The district and all schools participating in a
1712 district's innovation plan shall:

1713 (a) Ensure the same health, safety, civil rights, and
1714 disability rights requirements as are applied to all public
1715 schools;



1716 (b) Ensure students meet compulsory attendance
1717 requirements under Sections 37-13-91 and 37-13-92;

1718 (c) Ensure that high school course offerings meet or
1719 exceed the minimum required under Sections 37-16-7 and 37-3-49,
1720 for high school graduation or meet early graduation requirements
1721 that may be enacted by the Mississippi Legislature;

1722 (d) Ensure the student performance standards meet or
1723 exceed those adopted by the State Board of Education * * *~~as~~
1724 ~~required by Sections 37-3-49, 37-16-3 and 37-17-6, including~~
1725 ~~compliance with the statewide assessment system specified in~~
1726 ~~Chapter 16, Title 37, Mississippi Code of 1972;~~

1727 (e) Adhere to the same financial audits, audit
1728 procedures, and audit requirements as are applied under Section
1729 7-7-211(e);

1730 (f) Require state and criminal background checks for
1731 staff and volunteers as required of all public school employees
1732 and volunteers within the public schools and specified in Section
1733 37-9-17;

1734 (g) Comply with open records and open meeting
1735 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

1736 (h) Comply with purchasing requirements and limitations
1737 under Chapter 39, Title 37, Mississippi Code of 1972;

1738 (i) Provide overall instructional time that is
1739 equivalent to or greater than that required under Sections 37-1-11
1740 and 37-13-67, but which may include on-site instruction, distance



1741 learning, online courses, and work-based learning on
1742 nontraditional school days or hours; and

1743 (j) Provide data to the department as deemed necessary
1744 to generate school and district reports.

1745 (3) (a) Only schools that choose to be designated as
1746 schools of innovation or special purpose schools shall be included
1747 in a district's application;

1748 (b) As used in this paragraph, "eligible employees"
1749 means employees that are regularly employed at the school and
1750 those employees whose primary job duties will be affected by the
1751 plan; and

1752 (c) Notwithstanding the provisions of paragraph (a) of
1753 this subsection, the State Board of Education or a local school
1754 board may require a school that has been identified as a
1755 persistently low-achieving school under provisions of Section
1756 37-17-6 to participate in the district's plan of innovation.

1757 (4) Notwithstanding any statutes to the contrary, the board
1758 may approve the requests of districts * * *~~of innovation~~, as it
1759 specifically relates to districts of innovation or special purpose
1760 schools, to:

1761 (a) Use capital outlay funds for operational costs;

1762 (b) Hire persons for classified positions in
1763 nontraditional school and district assignments who have bachelors
1764 and advanced degrees from postsecondary education institutions
1765 accredited by a regional accrediting association (Southern



1766 Association of Colleges and Schools) or by an organization
1767 affiliated with the National Commission on Accrediting;
1768 (c) Employ teachers on extended employment contracts or
1769 extra duty contracts and compensate them on a salary schedule
1770 other than the single salary schedule;
1771 (d) Extend the school days as is appropriate within the
1772 district with compensation for the employees as determined
1773 locally;
1774 (e) Establish alternative education programs and
1775 services that are delivered in nontraditional hours and which may
1776 be jointly provided in cooperation with another school district or
1777 consortia of districts;
1778 (f) Establish online classes within the district for
1779 delivering alternative classes in a blended environment to meet
1780 high school graduation requirements;
1781 (g) Use a flexible school calendar;
1782 (h) Convert existing schools into schools of
1783 innovation; and
1784 (i) Modify the formula under Chapter 151, Title 37,
1785 Mississippi Code of 1972, for distributing total funding formula
1786 funds for students in net enrollment in nontraditional programming
1787 time, including alternative programs and virtual programs. Funds
1788 granted to a district shall not exceed those that would have
1789 otherwise been distributed based on net enrollment during regular
1790 instructional days.



1791 **SECTION 33.** This act shall take effect and be in force from
1792 and after July 1, 2026.

