MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Bennett To: Education

HOUSE BILL NO. 853

AN ACT TO AMEND SECTION 37-28-13, MISSISSIPPI CODE OF 1972, TO REVISE THE DEADLINE BY WHICH THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD IS REQUIRED TO PUBLISH A PAMPHLET OF STATUTORY AND REGULATORY UPDATES TO CHARTER SCHOOLS FROM JULY 1 TO OCTOBER 1; TO AMEND SECTION 37-28-15, MISSISSIPPI CODE OF 1972, TO REVISE THE DATE BY WHICH THE AUTHORIZER BOARD IS REQUIRED TO PUBLICIZE REQUESTS FOR PROPOSALS BY A SPECIFIED DATE, TO SIMPLY REQUIRE AN ANNUAL PUBLICATION FOR SUCH REQUESTS; TO AMEND SECTION 37-28-37, MISSISSIPPI CODE OF 1972, TO REVISE THE DEADLINE BY WHICH THE AUTHORIZER BOARD MUST SUBMIT ITS ANNUAL LEGISLATIVE REPORT FROM OCTOBER 1 TO DECEMBER 1; TO REVISE THE TIMELINE THAT PEER IS REQUIRED TO SUBMIT AN EVALUATIVE REPORT FROM ANNUALLY TO EVEN-NUMBERED YEARS; TO AMEND SECTION 37-28-55, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN ITS INITIAL YEAR OF OPERATION A CHARTER SCHOOL SHALL RECEIVE ONE GIFTED TEACHER UNIT AND ONE SPECIAL EDUCATION TEACHER UNIT; AND FOR RELATED PURPOSES.

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

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

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

(2) Before * * * October 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 2. 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 shall issue and publicize, annually, a request for proposals * * *. 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;

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

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

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

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

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

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

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

(j) A description of the school's instructional design, including the type of learning environment (such as

classroom-based or independent study), class size and structure, curriculum overview and teaching methods;

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

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

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

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

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

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

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

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

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

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

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

(u) Proposed governing bylaws;

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

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

(x) Opportunities and expectations for parent involvement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37-28-37. (1) Before *** * *** <u>December</u> 1 of each year, beginning in the year that the state has had at least one (1) charter school operating for a full school year, the Mississippi

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

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

SECTION 4. Section 37-28-55, Mississippi Code of 1972, is amended as follows:

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

(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 adequate education program 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. Amounts payable to a charter school over its charter term must be based on the enrollment projections set forth over the term of the charter contract. Such projections must be reconciled with the average daily attendance using months two (2) and three (3) ADA for the current year for which adequate education program funds are being appropriated and any necessary adjustments must be made to payments during the school's following year of operation.

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

in which a charter school is located shall pay directly to the charter school an amount for each student enrolled in the charter school equal to the ad valorem tax receipts and in-lieu payments received per pupil for the support of the local school district in which the student resides. The pro rata ad valorem receipts and in-lieu receipts to be transferred to the charter school shall include all levies for the support of the local school district under Sections 37-57-1 (local contribution to the adequate education program) and 37-57-105 (school district operational levy) and may not include any taxes levied for the retirement of the local school district's bonded indebtedness or short-term notes or any taxes levied for the support of vocational-technical education programs. The amount of funds payable to the charter school by the school district must be based on the previous year's enrollment data and ad valorem receipts and in-lieu receipts of the local school district in which the student resides. The pro rata amount must be calculated by dividing the local school district's months one (1) through nine (9) average daily membership into the total amount of ad valorem receipts and in-lieu receipts, as reported to the State Department of Education by the local school district. The local school district shall pay an amount equal to this pro rata amount multiplied by the number of students enrolled in the charter school, based on the charter school's end of first month enrollment for the current school year. The amount must be paid by the school district to the

charter school before January 16 of the current fiscal year. If the local school district does not pay the required amount to the charter school before January 16, the State Department of Education shall reduce the local school district's January transfer of Mississippi Adequate Education Program funds by the amount owed to the charter school and shall redirect that amount to the charter school. Any such payments made under this subsection (2) by the State Department of Education to a charter school must be made at the same time and in the same manner as adequate education program payments are made to school districts under Sections 37-151-101 and 37-151-103.

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

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

(4) (a) The State Department of Education shall direct the proportionate share of monies generated under federal and state categorical aid programs, including special education, vocational, gifted and alternative school programs, to charter schools serving students eligible for such aid. <u>During its initial year of operation, public charter schools will receive one (1) Gifted teacher unit and one (1) Special Education teacher unit.</u> The department shall ensure that charter schools with rapidly

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

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

(c) Subject to the approval of the authorizer, a charter school and a local school district may negotiate and enter into a contract for the provision of and payment for special education services, including, but not necessarily limited to, a reasonable reserve not to exceed five percent (5%) of the local school district's total budget for providing special education 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 under the adequate education program.

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

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

ST: Charter schools; revise deadlines for certain reporting requirements and to allow certain teacher units to those in first year of