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# High-Quality Charter Authorizing Policy Profiles: Mississippi

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# Mississippi: Overview of State Law and Snapshot of Quality Authorizing Practices

## Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the [Policy Framework for High-Quality Charter Authorizing Practices \(Framework\)](#) as a tool for assessing a State policy environment’s support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).<sup>i</sup> NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states’ authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019, including:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

CSP State Entity (SE) Grants provide funding for State entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the State entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in State policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that are looking to learn about different states’ policy contexts.

Each State profile includes a (i) Framework Snapshot, which is an assessment of a State’s authorizing practices using the Framework described in the first paragraph above and (ii) a more detailed description of the state context for each practice. The basis for the State Profiles was a review of the charter law and significant State policies for applicable states. Significant

state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the State. The profiles are not an exhaustive review of the State’s authorizing policies and practices; it is intended to describe the key elements of the State’s policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain State policies are not reflected in the profiles, and that individual authorizers within a state are implementing other practices as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the strategy we are focusing on in these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their States.

## Overview of State Law

The Mississippi State Legislature passed its first charter school law—House Bill 1672—in April 1997, but this law expired in 2009. Since that time, the law has undergone several amendments. First, the legislature passed the Conversion Charter Schools and New Start Schools Act of 2010, providing for both charter and State school takeover schools. The law previously only allowed conversions of existing schools that had been rated failing for three consecutive years beginning in the 2009-10 school year.

The legislature then passed the Mississippi Charter Schools Act of 2013, which established Mississippi's first true charter school law. In 2013, the legislature added language allowing the State to create performance frameworks as part of charter contracts and the renewal process and provided charter schools with facilities support. The legislature made additional technical amendments by passing Senate Bill 2161 in 2016. This law allowed charter schools to give enrollment preferences to underserved students, amended funding provisions, and made it illegal for traditional districts to take reprisal action against employees for supporting a charter school application. Lastly, the law ensured the Charter Schools Act would never expire.<sup>ii, iii</sup>

# State Authorizing Profile: Mississippi

## Framework Snapshot<sup>1</sup>

### **Authorization**

- Does not cap charter school growth
- Provides for more than one authorizing pathway

*Application includes the following:*

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

*Performance-based contract includes and provides for the following:*

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

### **Performance Monitoring**

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

### **Renewal/Revocation**

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

### **Authorizer Accountability**

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

### **Authorizer Leadership, Student Access, and Student Services**

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

### **Authorizer Funding**

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

**Source(s):** Mississippi Code § 37-28.

<sup>1</sup> As noted in the Introduction and Methodology section, boxes checked in the framework snapshot indicate that aspects of an authorizing practice(s) were included in State law or policy. If individual authorizers create and follow a certain policy that is not in State statute or policy, then the box will not be checked for the entire State.

## Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

### Does not cap charter school growth

The authorizer may approve a maximum of 15 charter applications each fiscal year. In addition, the authorizer may only authorize a charter school if a majority of the members of the local school board vote to endorse the application (as long as the school is rated an A, B, or C on the State accreditation rating system).

### Provides for more than one authorizing pathway

There is one statewide authorizer in the State of Mississippi—the Mississippi Charter School Authorizer Board. Mississippi provides for both new start up charter schools and conversions of traditional public schools.

*Application includes the following:*

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

### Specific application criteria

Mississippi statute provides a comprehensive list of elements that charter applications must include. Required application elements include a mission and vision, enrollment and grades served, evidence of need and community support, a description of the school’s academic program, instructional design, plan for using assessments, and plans for serving students with disabilities and English learners. Conversion charter schools must also provide “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.”<sup>iv</sup>

### Timelines

The State statute requires the authorizer to establish an annual timeline for approving applications and states that the authorizer must review an application within 180 days. The authorizer must issue and publicize the request for proposals for charter school applications before December 1.

### Evaluation review process

When evaluating applications, Mississippi statute requires authorizes to consider “evidence of competence in each element of the authorizer’s published approval criteria, and in the case of an applicant that currently operates one or more schools in any state or nation, clear evidence that the management or leadership team of the charter school or schools currently operated by the applicant has produced statistically significant gains in student achievement or consistently produced proficiency levels as measured on State achievement test.”<sup>v</sup> The statute also requires authorizers to “base decisions on documented evidence collected through the application review

process; and [to] follow charter-granting policies and practices that are transparent, based on merit and avoid conflicts of interest or any appearance thereof.”<sup>vi</sup>

### Process for denied applications

If an application is denied, the State statute requires that the authorizer state its reasons for denial for the public record. Specifically, “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.”<sup>vii</sup> A denied applicant may also reapply with the authorizer.<sup>viii</sup>

*Performance-based contract includes and provides for the following:*

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

### Separate post-application agreement

Mississippi statute specifies that “an approved charter application may not serve as the school’s charter contract.”<sup>ix</sup> It also states that the authorizer and governing board “shall execute a charter contract that clearly sets forth the academic and operational performance expectations and measures by which the charter school will be judged and the administrative relationship between the authorizer and charter school, including each party’s rights and duties.”<sup>x</sup>

### Rights and responsibilities of authorizer and school

Mississippi statute indicates that the authorizer and governing board “shall execute a charter contract that clearly sets forth the academic and operational performance expectations and measures by which the charter school will be judged and the administrative relationship between the authorizer and charter school, including each party’s rights and duties.”<sup>xi</sup>

### Academic, financial, and operational performance expectations

According to State statute, “the performance expectations and measures set forth in the charter contract must include, but need not be limited to, applicable federal and State accountability requirements.”<sup>xii</sup> In addition, “the performance provisions within a charter contract must be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the authorizer’s evaluations of the charter school.”<sup>xiii</sup> These measures must include but are not limited to the following:

- (i) student academic proficiency;
- (ii) student academic growth;
- (iii) achievement gaps in both proficiency and growth between major student subgroups;
- (iv) attendance;
- (v) recurrent enrollment from year to year;

- (vi) in-school and out-of-school suspension rates and expulsion rates;
- (vii) financial performance and sustainability; and
- (viii) board performance and stewardship, including compliance with all applicable laws, regulations and terms of the charter contract.<sup>xiv</sup>

### Initial term of not more than five years

Charters are granted for a term of five years.

### Fiscal, legal, and programmatic autonomy

Mississippi statute provides charter schools with fiscal, legal, and programmatic autonomy, including the authority to do the following:

- (i) “receive and disburse funds authorized by law for school purposes;”
- (ii) “secure appropriate insurance and to enter into contracts and leases;”
- (iii) “contract with an education service provider for the management and operation of the charter school so long as the school’s governing board retains oversight authority over the school;”
- (iv) “solicit and accept any gifts or grants for school purposes subject to applicable laws and the terms of its charter contract;”
- (v) “acquire real property for use as its facility or facilities, from public or private sources;” and
- (vi) “sue and be sued in its own name.”<sup>xv</sup>

In addition, charter schools are not bound by a school district’s regulations or policies. It also states that charter schools are not bound by rules, regulations, or policies adopted by the State Board of Education or the Mississippi Department of Education unless it is specifically indicated in the charter contract.

### Independent charter school governing boards

State statute provides for independent charter school governing boards. They are defined as “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.”<sup>xvi</sup>

## Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools’ administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

### Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

The authorizer is required to monitor performance and legal compliance annually, including collecting and analyzing the data needed to inform the school’s evaluation. The authorizer may also conduct other oversight activities and investigations that are consistent with the terms of

the charter contract.<sup>xvii</sup> The authorizer is also required to publish an annual performance report for each charter school in its portfolio based on the performance framework in the charter contract.

### **Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements**

Mississippi statute requires that charter schools be evaluated by a performance framework that includes academic and operational measures. It articulates the measures that must be included, such as academic proficiency, student academic growth, achievement gaps, attendance, recurrent enrollment, and suspension and expulsion rates.

### **Minimizes schools' administrative and reporting burden**

State statute does not reference minimizing charter schools' administrative and reporting burden. However, the statute does state that oversight activities should not "unduly inhibit the autonomy granted to charter schools."<sup>xviii</sup>

### **Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)**

State statute provides for corrective actions or sanctions for charter schools that do not meet performance standards or have compliance issues. Specifically, the law indicates that "the authorizer may take appropriate corrective actions or exercise sanctions in response to apparent deficiencies in a charter school's performance or legal compliance. If warranted, the actions or sanctions may include requiring a charter school to develop and execute a corrective action plan within a specified timeframe."<sup>xix</sup>

## **Renewal/Revocation**

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

### **Establishes a clear renewal process and decision-making criteria**

Mississippi statute requires the authorizer to provide each charter school that is up for renewal with a performance report and renewal application guidance. The report should summarize the school's performance and articulate the school's weaknesses or concerns that could jeopardize their successful renewal. The charter school must be given time to respond to the report and provide additional evidence and information about improvements. The charter school must submit a renewal application and the renewal decision must be based on the performance framework.

### **Requires that decisions to renew/revoke be based on student academic achievement**

Renewal decisions are based on student achievement and other factors. The statute says that the authorizer must "ground its decision in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract."<sup>xx</sup>

## Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

State statute requires that the authorizer develop a school closure protocol “to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property and assets in accordance with the requirements of this chapter. The protocol must specify tasks, timelines and responsible parties, including delineating the respective duties of the school and the authorizer.”<sup>xxi</sup>

## Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers’ performance
- Requires authorizers to adhere to standards for high-quality authorizing

### Provides for a registration process for eligible authorizing entities

Mississippi only has one authorizer and thus does not need a registration process for eligible authorizing entities.

### Requires the State entity to review authorizers’ performance

The authorizer is required to issue an annual report to the Governor, legislature, State Board of Education, and the public on the status of charter schools. 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.”<sup>xxii</sup> In addition, as part of its annual report to the legislature, the authorizer is required to publish an annual performance report for each charter school it oversees based on the performance framework.

### Requires authorizers to adhere to standards for high-quality authorizing

State statute requires the authorizer to use nationally recognized principles and standards. To this end, the law states that “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.”<sup>xxiii</sup>

## Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

### **Requires a mission or strategic vision for authorizing**

Mississippi statute defines the mission for the Mississippi Charter School Authorizer Board as authorizing “high-quality charter schools, particularly schools designed to expand opportunities for underserved students, consistent with the purposes of this chapter.”<sup>xxiv</sup>

### **Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants**

State statute does not reference providing technical assistance or professional development for authorizers and/or charter school applicants.

### **Ensures equitable access to all students**

The statute requires that charter schools are open to any student within the boundaries of the school district in which it is located and may not discriminate in admitting students. Charter schools 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” in which case they must select students through a lottery.<sup>xxv</sup>

State statute also indicates that a charter school’s enrollment must collectively reflect all students attending the school district in which charter is located which is defined as “being at least eighty percent (80%) of that population.” In addition, if “the underserved student composition of an applicant’s or charter school’s enrollment is less than eighty percent (80%)” all students in the 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, [and a] finding by the authorizer that a charter school is operating in a discriminatory manner justifies the revocation of a charter.”<sup>xxvi</sup>

### **Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)**

The statute requires that charter applications include plans for identifying and successfully serving students with disabilities, English learners, those who are academically behind, and gifted students.

## **Authorizer Funding**

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

### **Provides a mechanism for guaranteed access to authorizer funding**

State statute provides for the authorizer to 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.”<sup>xxvii</sup> It also allows the authorizer to receive grants and establish partnerships to support authorizing.

### **State has processes to hold authorizers accountable for how funding is used**

State law provides for an annual report that assesses the efficacy of the State formula for authorizer funding. Specifically, “the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall prepare an annual report assessing the sufficiency of funding for charter schools, the efficacy of the State formula for authorizer funding, and any suggested changes in State law or policy necessary to strengthen the State’s charter schools.”<sup>xxviii</sup>

## Endnotes

<sup>i</sup> Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)—<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking—<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law—<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>

<sup>ii</sup> History-of-Charter-School-Legislation-in-MS.pdf; Voting-Records-Charter-Schools\_Final.pdf

<sup>iii</sup> Mississippi Legislature 2016 Regular Session, Senate Bill 2161. Retrieved from <http://billstatus.ls.state.ms.us/2016/pdf/history/SB/SB2161.xml>

<sup>iv</sup> MS Code § 37-28-15(5).

<sup>v</sup> MS Code § 37-28-19(2)(a).

<sup>vi</sup> *Id.*

<sup>vii</sup> MS Code § 37-28-19(5) and (6).

<sup>viii</sup> *Id.*

<sup>ix</sup> MS Code § 37-28-17.

<sup>x</sup> MS Code § 37-28-21(2)(a).

<sup>xi</sup> *Id.*

<sup>xii</sup> *Id.*

<sup>xiii</sup> MS Code § 37-28-29(1).

<sup>xiv</sup> *Id.*

<sup>xv</sup> MS Code § 37-28-41.

<sup>xvi</sup> MS Code § 37-28-5(h).

<sup>xvii</sup> MS Code § 37-28-31(1).

<sup>xviii</sup> MS Code § 37-28-31.

<sup>xix</sup> *Id.*

<sup>xx</sup> MS Code § 37-28-33(6)(a).

<sup>xxi</sup> MS Code § 37-28-35(1).

<sup>xxii</sup> MS Code § 37-28-37(1).

<sup>xxiii</sup> MS Code § 37-28-19(1).

<sup>xxiv</sup> MS Code § 37-28-7.

<sup>xxv</sup> MS Code § 37-28-23(6) and (7).

<sup>xxvi</sup> MS Code § 37-28-31.

<sup>xxvii</sup> MS Code § 37-28-11.

<sup>xxviii</sup> MS Code § 37-28-37.