

## **Title 10: Education Institutions and Agencies**

### **Part 403: Board Policies**

#### **Part 403 Chapter 1: Declaratory Opinions**

*Rule 1.1 Application of Chapter.* This chapter sets forth the Mississippi Charter School Authorizer Board rules governing the form, content, and filing of requests for declaratory opinions, the procedural rights of persons in relation to the written requests, and the Board's procedures regarding the disposition of requests as required by Mississippi Code § 25-43-2.103.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 1.2 Scope of Declaratory Opinions.* The Mississippi Charter School Authorizer Board will issue declaratory opinions regarding the applicability to specified facts of:

- A. a statute administered or enforceable by the Board,
- B. a rule promulgated by the Board, or
- C. an order issued by the Board.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 1.3 Scope of Declaratory Opinion Request.* A request must be limited to a single transaction or occurrence.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 1.4 How to Submit Requests.* When a person with substantial interest, as required by Section 25-43-2.103 of the Administrative Procedures Act, requests a declaratory opinion, the requestor must submit a printed, typewritten, or legibly handwritten request.

- A. Each request must be submitted on 8-1/2" x 11" white paper.
- B. The request may be in the form of a letter addressed to the Mississippi Charter School Authorizer Board or in the form of a pleading as if filed with a court.
- C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
- D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.
- E. Each request must clearly state that it is a request for a declaratory opinion.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 1.5 Signature Attestation.* Any party who signs the request shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative, or judicial tribunal.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 1.6 Request Content Requirement.* Each request must contain the following:

- A. A clear identification of the statute, rule, or order at issue;
- B. The question for the declaratory opinion;
- C. A clear and concise statement of all facts relevant to the question presented;
- D. The identity of all other known persons involved in or impacted by the facts giving rise to the request including their relationship to the facts, and their name, mailing address, and telephone number; and
- E. A statement sufficient to show that the requestor has a substantial interest in the subject matter of the request.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 1.7 Reasons for Refusal of Declaratory Opinion Request.* The Mississippi Charter School Authorizer Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

- A. The matter is outside the primary jurisdiction of the Board;
- B. Lack of clarity concerning the question presented;
- C. There is pending or anticipated litigation, administrative action or anticipated administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
- D. The statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
- E. The facts presented in the request are not sufficient to answer the question presented;
- F. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
- G. The request seeks to resolve issues which have become moot or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statute, or order on which a declaratory opinion is sought;
- H. No controversy exists or is certain to arise which raises a question concerning the application of the statute, rule, or order;
- I. The question presented by the request concerns the legal validity of a statute, rule, or order;
- J. The request is not based upon facts calculated to aid in the planning of future conduct, but is, instead, based on past conduct in an effort to establish the effect of that conduct;
- K. No clear answer is determinable;
- L. The question presented by the request involves the application of a criminal statute or sets forth facts which may constitute a crime;
- M. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
- N. The question is currently the subject of an Attorney General's opinion request;
- O. The question has been answered by an Attorney General's opinion;
- P. One or more requestors have standing to seek an Attorney General's opinion on the proffered question;
- Q. A similar request is pending before this agency, or any other agency, or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law; or

R. The question involves eligibility for a license, permit, certificate or other approval by the Mississippi Charter School Authorizer Board or some other agency and there is a statutory or regulatory application process by which eligibility for said license, permit, or certificate or other approval may be determined.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 1.8 Agency Response.* Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Mississippi Charter School Authorizer Board shall, in writing:

A. Issue an opinion declaring the applicability of the statute, rule, or order to the specified circumstances;

B. Agree to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request; or

C. Decline to issue a declaratory opinion, stating the reasons for its action. The forty-five (45) day period shall begin on the first business day after which the request is received by the Board.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 1.9 Availability of Declaratory Opinions and Requests for Opinions.* Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying at the expense of the viewer during normal business hours. All declaratory opinions and requests shall be indexed by name, subject, and date of issue. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: Miss. Code Ann. § 25-43-2.105.

## **Part 403 Chapter 2 Rulemaking Oral Proceedings**

*Rule 2.1 Purpose.* This chapter consists of rules for oral proceedings held to provide the public an opportunity to comment on submissions made under the Administrative Procedures Act and the Rules in this Title.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 2.2 Application of Chapter.* This chapter applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations or written input on proposed new rules, amendments to rules, and proposed repeal of existing rules before the Mississippi Charter School Authorizer Board pursuant to the Administrative Procedures Act.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 2.3 Request for Oral Proceeding.* When a political subdivision, an agency, or a citizen requests an oral proceeding in regards to a proposed rule adoption, the requestor must submit a printed, typewritten, or legibly handwritten request.

- A. Each request must be submitted on 8-1/2" x 11" white paper.
- B. The request may be in the form of a letter addressed to the Mississippi Charter School Authorizer Board or in the form of a pleading as if filed with a court.
- C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
- D. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 2.4 Notice of Oral Proceeding.* Notice of the date, time, and place of all oral proceedings shall be filed with the Secretary of State's Office for publication in the Administrative Bulletin. The agency providing the notice shall provide notice of oral proceedings to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of the notice with the Secretary of State. The Agency Head, or designee who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 2.5 Public Participation Guidelines.* Public participation shall be permitted at oral proceedings in accordance with the following:

- A. At an oral proceeding on a proposed rule, persons may make statements and present documentary and physical submissions concerning the proposed rule.
- B. Persons wishing to make oral presentations at such a proceeding shall notify the Mississippi Charter School Authorizer Board at least three business days prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not contacted the Mississippi Charter Authorizer Board prior to the proceeding.
- C. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
- D. The presiding officer may place time limitations on individual presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
- E. Persons making presentations are encouraged to avoid restating matters that have already been submitted in writing. Written materials may, however, be submitted at the oral proceeding.
- F. Where time permits and to facilitate the exchange of information, the presiding officer may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding. No participant shall be required to answer any question.

Source: Miss. Code Ann. § 25-43-2.105.

*Rule 2.6 Submissions and Records.* Physical and Documentary Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Mississippi Charter Authorizer Board, part of the rulemaking record, and are subject to the Mississippi Charter School Authorizer Board’s public records request procedure. The Mississippi Charter School Authorizer Board may record oral proceedings by stenographic or electronic means.

Source: Miss. Code Ann. § 25-43-2.105.

### **Part 403 Chapter 3: Request for Information**

*Rule 3.1: Public Records Policy.* The public records policy of the Mississippi Charter School Authorizer Board (MCSAB) has been adopted in accordance with the Mississippi Public Records Act of 1983, Section 25-61-1, *et seq.* Mississippi Code of 1972. All records and portions of records not exempt from disclosure will be made available in accordance with the procedures outlined below.

#### **1. PUBLIC RECORD**

In accordance with Miss. Code Ann. Section 25-61-3(b), public records are defined as “all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body.”

#### **2. REQUEST:**

Requests for information may be made pursuant to and in accordance with the Mississippi Public Records Act and the MCSAB policy by submitting a written request specifying the record(s) sought, and must include the name, address, and email address of the individual and/or organization requesting the record.

A form has been created to assist requesters in meeting these submission requirements and is available online at [www.charterschoolboard.ms.gov](http://www.charterschoolboard.ms.gov).

Requests should be submitted to:

Mississippi Charter School Authorizer Board  
ATTN: PUBLIC RECORDS REQUEST  
239 N. Lamar Street, Suite 207  
Jackson, MS 39201

#### **3. RESPONSE:**

The MCSAB shall respond in writing within seven (7) working days from the date of the receipt of the request. If the requested record is unable to be produced by the seventh working day after the request is made, the MCSAB will provide a written explanation to the requester stating that the record requested will be produced and specifying with particularity why the records cannot be

produced within the seven-day period. Unless there is mutual agreement of the parties, in no event shall the date for the requested records be any later than fourteen (14) working days from the receipt of the original request.

#### 4. INSPECTION:

Records will be available for inspection and copying by appointment during regular working hours (8:00 a.m. – 5:00 p.m.), Monday through Friday, holidays excluded.

#### 5. FEES:

By statute, charges are made on a cost-recovery basis. Any person who desires copies of a public record as defined herein but does not officially represent a public body shall be charged the actual cost per page of a mechanically reproduced copy. Copies of pages printed on both sides (front and back) shall be considered as two pages. This fee is for the cost of searching, reviewing, and duplicating the public record.

However, if the searching, reviewing, or duplicating of documents or the separating of nonexempt material from documents, etc., containing exempt material requires more than one-quarter (1/4) hour of work, then the hourly rate can be charged in addition to a mechanical reproduction charge of fifteen cents (\$.15) per page for any copies desired. The charge for the hours shall be based upon the hourly salary of the lowest paid employee of the MCSAB qualified and available to do the job.

In the event the public record is available in computer files and can be obtained through computer use, the requesting party must pay the charge for computer use, including programming time and actual computer time as well as any other costs incurred. This charge will be determined by the MCSAB.

Mailing costs calculated at the applicable United States Postal Service rates shall be charged where appropriate. The cost of mailing a notice to third parties via certified mail, return receipt requested, shall be charged to persons requesting the public records. Actual costs for shipment by other than the United States Postal Service shall be charged to the person requesting the special shipment.

When fees are appropriate as specified, the fees must be paid prior to the Board's compliance with the request. Cash, money orders, cashier's checks, personal and company checks will be accepted in payment for fees and must be made payable to the Mississippi Charter School Authorizer Board. Payment by personal or company check will be accepted subject to clearance within fourteen (14) working days.

#### 6. THIRD PARTY NOTICE:

Records furnished to the MCSAB by a third party which contain trade secrets or confidential commercial or financial information shall not be released until notice to the third party has been given in accordance with the Mississippi Public Records Act. Such records shall be released in fourteen (14) days from the third party's receipt of notice unless the third party obtains a court order protecting the records as confidential or notifies the MCSAB in writing of its intent to seek such order.

## 7. DENIALS:

Denials shall contain the specific reasons for denial. Copies of all denials shall be maintained on file by the MCSAB for not less than three (3) years from the date denial is made.

Source: *Miss. Code Ann., Section 25-61-1, et seq.*

### **Part 403 Chapter 4. Criminal Background Checks**

*Rule 4.1 Criminal Background Checks for Applicants of Employment in Charter Schools.* The Mississippi Charter School Authorizer Board is committed to the use of all reasonable means to ensure the safety of the students and employees at every charter school. The employment background screening process is designed to make the school environment safe and to screen out those persons who could be harmful to students or staff.

Pursuant to Section 37-28-49 of the Mississippi Code Annotated, all charter school teachers and other school personnel, as well as members of the governing board and any education service provider with whom a charter school contracts, are subject to criminal history record checks and fingerprinting requirements applicable to employees of other public schools.

The Mississippi Charter School Authorizer Board shall require that current criminal record background checks and current child abuse registry checks are obtained. All criminal record information and registry check are to be on file at the charter school for any new hires applying for employment.

In order to determine an applicant's suitability for employment, the applicant must be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints must be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The applicant may be required to pay the fee for such fingerprinting and criminal history record check, not to exceed fifty dollars (\$50.00). Under no circumstances may a member of the Mississippi Charter School Authorizer Board, member of the charter school governing board or any individual other than the subject of the criminal history record checks disseminate information received through the checks except as may be required to fulfill the purposes of this section. The determination whether the applicant has a disqualifying crime must be made by the appropriate state or federal governmental authority, which must notify the charter school whether a disqualifying crime exists.

If the fingerprinting or criminal record checks disclose a felony conviction, guilty plea or plea of *nolo contendere* to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(g), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault which has not been reversed on appeal or for which a pardon has not been granted, the new hire is not eligible to be employed at the charter school. However, the charter school, in its discretion, may allow any applicant aggrieved by the employment decision under this section to show mitigating circumstances that exist and may allow, subject to the approval of the Mississippi Charter School Authorizer Board, the new hire to be employed at the school. The authorizer may approve the employment depending on the mitigating circumstances, which may include, but need not be limited to: (a) age at which the crime

was committed; (b) circumstances surrounding the crime; (c) length of time since the conviction and criminal history since the conviction; (d) work history; (e) current employment and character references; and (f) other evidence demonstrating the ability of the person to perform the employment responsibilities competently and that the person does not pose a threat to the health or safety of children. Any employment contract or notification letter for a new hire executed by the charter school shall be voidable if the new hire receives a disqualifying criminal record check.

No charter school, charter school employee, member of the charter school governing board, the Mississippi Charter School Authorizer Board or member or employee of the Mississippi Charter School Authorizer Board may be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this section.

A charter school shall terminate any teacher or administrator for committing one or more of the following acts:

- (a) Engaging in unethical conduct relating to an educator-student relationship as identified by the Mississippi Charter School Authorizer Board;
- (b) Fondling a student as described in Section 97-5-23 or engaging in any type of sexual involvement with a student as described in Section 97-3-95; or
- (c) Failure to report sexual involvement of a charter school employee with a student as required by Section 97-5-24.

Source: *Miss. Code Ann.*, § 37-28-49.

## **Part 403 Chapter 5. Equal Employment Opportunity**

*Rule 5.1: Policy on Equal Employment Opportunity.* The State of Mississippi is an equal opportunity employer and assures equal employment opportunities to all persons regardless of political affiliation, race, color, handicap, genetic information, religion, national origin, sex, religious creed, age, or disability. In order to implement the State's equal employment policy and to assure non-discriminatory personnel administration, the Mississippi Charter School Authorizer Board ("MCSAB") promotes non-discriminatory practices and procedures in all phases of State Service personnel administration and prohibits any form of unlawful discrimination. Equal employment opportunity can only be attained through State agency commitment to complying with all applicable laws affording equal employment opportunities to individuals. Accordingly, it is imperative that State agencies make all personnel decisions in accordance with MCSAB policies, practices, and procedures.

The selection process and criteria must ensure fair and equitable treatment of all applicants and employees and not disqualify them if they have disabilities which prohibit or limit their ability to perform nonessential or marginal job functions. The Americans with Disabilities Act of 1990 requires state agencies to make reasonable accommodations for the known physical and mental limitations of otherwise qualified individuals with disabilities who are applicants or employees, provided such accommodations do not cause undue hardships to state agency operations. Qualified individuals with disabilities are persons with disabilities who meet the job-related requirements of an employment position and who can perform the essential functions of the position with or



without reasonable accommodations. A person with a disability is considered an individual with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

Equal employment opportunity does not guarantee an employee any rights not otherwise provided by law.

Source: Miss. Code Ann., § 37-28-43.

## **Part 403 Chapter 6: Employee Code of Ethics**

*Rule 6.1: Code of Ethics Policy.* Each educator, upon entering the teaching profession, assumes a number of obligations, one of which is to adhere to a set of principles which defines professional conduct. These principles are reflected in the following code of ethics which sets forth to the education profession and the public it serves standards of professional conduct and procedures for implementation.

A. This code shall apply to all persons licensed according to the rules established by the Mississippi State Board of Education and employed as an educator or administrator by a charter school and protects the health, safety and general welfare of students and educators.

B. Ethical conduct is any conduct which promotes the health, safety, welfare, discipline and morals of students and colleagues.

C. Unethical conduct is any conduct that impairs the license holder's ability to function in his/her employment position or a pattern of behavior that is detrimental to the health, safety, welfare, discipline, or morals of students and colleagues.

D. Any educator or administrator license may be revoked or suspended for engaging in unethical conduct relating to an educator/student relationship (Rule 6.5). Charter schools shall report to the Office of Educator Misconduct, within the Office of Educator Licensure of the Mississippi Department of Education, license holders who engage in unethical conduct relating to an educator/student relationship (Rule 6.5).

E. Charter schools shall report infractions according to the guidance outlined under Rule 14.10 under Miss. Code Ann. § 37-3-2 to the Office of Educator Misconduct, within the Office of Educator Licensure of the Mississippi Department of Education. Mississippi Code Annotated, § 37-3-2(15) authorizes the Commission on Teacher and Administrator Education, Licensure and Development, to promulgate procedures for reporting infractions delineated under § 37-3-2. The Commission has provided the procedures to be followed by all educators required to hold a certificate/license. These procedures will ensure compliance with Mississippi law. Charter school leaders should adhere to the guidance and procedures for reporting provided by the Mississippi Department of Education and available through Office of Educator Misconduct.

Source: Miss. Code Ann. § 37-28-47

*Rule 6.2: Professional Conduct.* An educator should demonstrate conduct that follows generally recognized professional standards.

A. Ethical conduct includes, but is not limited to, the following:

1. Encouraging and supporting colleagues in developing and maintaining high standards

2. Respecting fellow educators and participating in the development of a professional teaching environment
  3. Engaging in a variety of individual and collaborative learning experiences essential to professional development designed to promote student learning
  4. Providing professional education services in a nondiscriminatory manner
  5. Maintaining competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter and pedagogical practices
  6. Maintaining a professional relationship with parents of students and establish appropriate communication related to the welfare of their children
- B. Unethical conduct includes, but is not limited to, the following:
1. Harassment of colleagues
  2. Misuse or mismanagement of tests or test materials
  3. Inappropriate language on school grounds or any school-related activity
  4. Physical altercations
  5. Failure to provide appropriate supervision of students and reasonable disciplinary actions

Source: Miss. Code Ann. § 37-28-47

*Rule 6.3: Trustworthiness.* An educator should exemplify honesty and integrity in the course of professional practice and does not knowingly engage in deceptive practices regarding official policies of the charter school board and the MCSAB policies.

- A. Ethical conduct includes, but is not limited to, the following:
1. Properly representing facts concerning an educational matter in direct or indirect public expression
  2. Advocating for fair and equitable opportunities for all children
  3. Embodying for students the characteristics of honesty, diplomacy, tact, and fairness
- B. Unethical conduct includes, but is not limited to, the following:
1. Falsifying, misrepresenting, omitting, or erroneously reporting any of the following:
    - a. employment history, professional qualifications, criminal history, certification/recertification
    - b. information submitted to local, state, federal, and/or other governmental agencies
    - c. information regarding the evaluation of students and/or personnel
    - d. reasons for absences or leave
    - e. information submitted in the course of an official inquiry or investigation
  2. Falsifying records or directing or coercing others to do so

Source: Miss. Code Ann. § 37-28-47

*Rule 6.4: Unlawful Acts.* An educator shall abide by federal, state, and local laws and statutes and charter school board policies.

- A. Unethical conduct includes, but is not limited to, the commission or conviction of a felony or sexual offense. As used herein, conviction includes a finding or verdict of guilty, or a plea of nolo contendere, regardless of whether an appeal of the conviction has been sought or situation where first offender treatment without adjudication of guilt pursuant to the charge was granted.

Source: Miss. Code Ann. § 37-28-47

*Rule 6.5: Educator/Student Relationships.* An educator should always maintain a professional relationship with all students, both in and outside the classroom.

A. Ethical conduct includes, but is not limited to, the following:

1. Fulfilling the roles of mentor and advocate for students in a professional relationship. A professional relationship is one where the educator maintains a position of teacher/ student authority while expressing concern, empathy, and encouragement for students.
2. Nurturing the intellectual, physical, emotional, social and civic potential of all students
3. Providing an environment that does not needlessly expose students to unnecessary embarrassment or disparagement
4. Creating, supporting, and maintaining a challenging learning environment for all students

B. Unethical conduct includes, but is not limited to the following:

1. Committing any act of child abuse
2. Committing any act of cruelty to children or any act of child endangerment
3. Committing or soliciting any unlawful sexual act
4. Engaging in harassing behavior on the basis of race, gender, national origin, religion or disability
5. Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs
6. Soliciting, encouraging, participating or initiating inappropriate written, verbal, electronic, physical or romantic relationship with students

Examples of these acts may include but not be limited to:

1. sexual jokes
2. sexual remarks
3. sexual kidding or teasing
4. sexual innuendo
5. pressure for dates or sexual favors
6. inappropriate touching, fondling, kissing or grabbing
7. rape
8. threats of physical harm
9. sexual assault
10. electronic communication such as texting
11. invitation to social networking
12. remarks about a student's body
13. consensual sex

Source: Miss. Code Ann. § 37-28-47

*Rule 6.6: Educator/Collegial Relationships.* An educator should always maintain a professional relationship with colleagues, both in and outside the classroom.

A. Unethical conduct includes but is not limited to the following:

1. Revealing confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law

2. Harming others by knowingly making false statements about a colleague or the school system
3. Interfering with a colleague's exercise of political, professional, or citizenship rights and responsibilities
4. Discriminating against or coercing a colleague on the basis of race, religion, national origin, age, sex, disability or family status
5. Using coercive means or promise of special treatment in order to influence professional decisions of colleagues

Source: Miss. Code Ann. § 37-28-47

*Rule 6.7: Alcohol, Drug and Tobacco Use or Possession.* An educator should refrain from the use of alcohol and/or tobacco during the course of professional practice and should never use illegal or unauthorized drugs.

A. Ethical conduct includes, but is not limited to, the following:

1. Factually representing the dangers of alcohol, tobacco and illegal drug use and abuse to students during the course of professional practice

B. Unethical conduct includes, but is not limited to, the following:

1. Being under the influence of, possessing, using, or consuming illegal or unauthorized drugs
2. Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing, or consuming alcoholic beverages. A school-related activity includes but is not limited to, any activity that is sponsored by a school or a school system or any activity designed to enhance the school curriculum such as club trips, etc. which involve students
3. Being on school premises or at a school-related activity involving students while documented using tobacco

Source: Miss. Code Ann. § 37-28-47

*Rule 6.8: Public Funds and Property.* An educator shall not knowingly misappropriate, divert, or use funds, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

A. Ethical conduct includes, but is not limited to, the following:

1. Maximizing the positive effect of school funds through judicious use of said funds
2. Modeling for students and colleagues the responsible use of public property.

B. Unethical conduct includes, but is not limited to, the following:

1. Knowingly misappropriating, diverting or using funds, personnel, property or equipment committed to his or her charge for personal gain
2. Failing to account for funds collected from students, parents or any school-related function
3. Submitting fraudulent requests for reimbursement of expenses or for pay
4. Co-mingling public or school-related funds with personal funds or checking accounts
5. Using school property without the approval of the charter school board

Source: Miss. Code Ann. § 37-28-47

*Rule 6.9: Remunerative Conduct.* An educator should maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation.

A. Ethical conduct includes, but is not limited to, the following:

1. Insuring that institutional privileges are not used for personal gain
2. Insuring that school policies or procedures are not impacted by gifts or gratuities from any person or organization

B. Unethical conduct includes, but is not limited to, the following:

1. Soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the charter school board
2. Tutoring students assigned to the educator for remuneration unless approved by the charter school board
3. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. (This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service.)

Source: Miss. Code Ann. § 37-28-47

*Rule 6.10: Maintenance of Confidentiality.* An educator shall comply with state and federal laws and charter school board policies relating to confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements.

A. Ethical conduct includes, but is not limited to, the following:

- a. Keeping in confidence information about students that has been obtained in the course of professional service unless disclosure serves a legitimate purpose or is required by law
- b. Maintaining diligently the security of standardized test supplies and resources

B. Unethical conduct includes, but is not limited to, the following:

- a. Sharing confidential information concerning student academic and disciplinary records, health and medical information family status/income and assessment/testing results unless disclosure is required or permitted by law.
- b. Violating confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, and violating charter school board or state directions for the use of tests
- c. Violating other confidentiality agreements required by state or charter school policy

Source: Miss. Code Ann. § 37-28-47

*Rule 6.11: Breach of Contract or Abandonment of Employment.* An educator should fulfill all of the terms and obligations detailed in the contract with the charter school board or educational agency for the duration of the contract.

A. Unethical conduct includes, but is not limited to, the following:

1. Abandoning the contract for professional services without prior release from the contract by the school board
2. Refusing to perform services required by the contract

Source: Miss. Code Ann. § 37-28-47

## **Part 403 Chapter 8. Renewal Policy**

*Rule 8.1: Charter School Renewal Policy.* The Mississippi Charter School Authorizer Board shall issue a charter school performance report and charter renewal application guidance to a charter school whose charter will expire the following year. These documents provide both the authorizer and the charter school the time to review the information needed to evaluate the progress of the submitting charter school and also will guide charter schools through a self-assessment that becomes an update to the original application and a “roadmap” to future improvement.

Source: Miss. Code Ann. § 37-28-33.

*Rule 8.2: Terms of Renewal.* 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 and may lessen the renewal term based on the performance, demonstrated capacities and particular circumstances of each charter school.

Source: Miss. Code Ann. § 37-28-33.

*Rule 8.3: Charter School Performance Report and Charter Renewal Application.* Before September 30, the authorizer shall issue a charter school performance report and charter renewal application guidance to any charter school whose charter will expire the following year.

A. 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 must respond and submit any corrections or clarifications for the performance report within ninety (90) days after receiving the report.

B. The charter renewal application guidance must provide, at a minimum, an opportunity for the charter school to:

- (i) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter renewal;
- (ii) Describe improvements undertaken or planned for the school; and
- (iii) Detail the school's plans for the next charter term.

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

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

Source: Miss. Code Ann. § 37-28-33.

*Rule 8.4: Renewal Decision:* In making each charter renewal decision, the authorizer must:

- (A) 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;
- (B) Ensure that data used in making the renewal decision is available to the school and the public; and
- (C) Provide a public report summarizing the evidence that is the basis for the renewal decision.

Source: Miss. Code Ann. § 37-28-33.

*Rule 8.5: Revocation or Nonrenewal of Charter.* A charter contract must be revoked at any time or not renewed if the authorizer determines that the charter school has done any of the following or otherwise failed to comply with the provisions of this chapter:

- (A) Committed a material and substantial violation of any of the terms, conditions, standards or procedures required under this chapter or the charter contract;
- (B) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;
- (C) Failed to meet generally accepted standards of fiscal management; or
- (D) Substantially violated any material provision of law which is applicable to the charter school.

Source: Miss. Code Ann. § 37-28-33.

*Rule 8.6: Revocation and nonrenewal process.* The authorizer shall develop revocation and nonrenewal processes that:

- (A) Provide the governing board of a charter school with a timely notification of the prospect of revocation or nonrenewal and of the reasons for such possible closure;
- (B) Allow the governing board a reasonable amount of time in which to prepare a response;
- (C) Provide the governing board with an opportunity to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school at an orderly proceeding held for that purpose;
- (D) Allow the governing board access to representation by counsel and to call witnesses on the school's behalf;
- (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.
- (G) If the authorizer revokes or does not renew a charter, the authorizer must state clearly, in a resolution of adopted by the authorizer board, the reasons for the revocation or nonrenewal.
- (H) Within ten (10) days after taking action to renew, not renew or revoke a charter, the authorizer shall provide a report to the charter school. The report must include a copy of the authorizer board's resolution setting forth the action taken, reasons for the board's decision and assurances as to compliance with all of the requirements set forth in this chapter.

Source: Miss. Code Ann. § 37-28-33.

*Rule 8.7: Charter School with F Designation.* Notwithstanding<sup>1</sup> any provision to the contrary, the 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.

Source: Miss. Code Ann. § 37-28-33.

*Rule 8.8: Charter School Renewal Application and Guidance.* The Mississippi Charter School Authorizer Board (hereinafter “MCSAB”) is tasked with approving, overseeing, and holding charter schools accountable. One of its most important functions in fulfilling this mission is to conduct a charter school renewal process once schools reach the end of their approved charter contract term. The 2019-2020 renewal cycle will be the MCSAB’s first renewal cycle. Per the law, this document provides the renewal eligibility criteria, a timeline, and an application.

**A. Renewal Timeline**

The MCSAB will adhere to the following timeline in the 2019-2020 renewal cycle. Any changes or clarifications to this timeline will be provided to renewal schools in writing.

Phase	Description	2019-2020 Timeline
Release of the Charter School Renewal Application and Guidance	By law, the Mississippi Charter School Authorizer Board releases the Charter School Renewal Application and Guidance each year before September 30.	Before September 30
Release of Renewal School Performance Reports	By law, the Mississippi Charter School Authorizer Board releases a Charter School Performance Report to each school that may be eligible for renewal before September 30.	Before September 30
Letter to Charter Schools in Their Final Contract Year	The Mississippi Charter School Authorizer Board will send a letter to each charter school eligible for renewal based on Academic Performance Framework Indicator 1.  Schools that have reached their final year of a contract term but are rated an “F” after their penultimate contract year will receive a letter informing them that they are not eligible for renewal.	Before September 30 <sup>1</sup>
Year 5 School Site Visit	The MCSAB and/or external evaluators will perform a Fall 2019 site visit per its usual process for all schools. Findings from this site visit which may update the Performance Report may be incorporated into the MCSAB’s review process.	October-November, 2019
Submission of Corrections to the	Charter schools must submit corrections, if any, to their Performance Report within 90 days of their receipt of the report for the MCSAB to consider the	Within 90 days of receipt of the

<sup>1</sup> In years in which the Mississippi Department of Education delays the release of school grades until October, the Mississippi Charter School Authorizer Board will delay this letter until the business day following the release of grades.



<b>Phase</b>	<b>Description</b>	<b>2019-2020 Timeline</b>
Performance Report	corrected information in the renewal decision-making process.	Performance Report
Submission of the Application for Charter Renewal	A school seeking renewal must complete and submit the charter school renewal application by 4 PM Central time no later than January 31. Late applications will not be accepted. Schools are strongly encouraged to submit applications prior to the deadline.	No later than January 31, 2020
Application Review	The Mississippi Charter School Authorizer Board staff and/or external evaluators will review the renewal application, the performance report, and any other relevant information about an applicant school collected by the Board throughout the charter contract term.	Within 90 days of application submission
DRAFT Renewal Recommendation Report Delivered to Schools	The MSCAB staff and/or external evaluators will prepare a renewal recommendation report that provides a recommendation to <ol style="list-style-type: none"> <li>1. renew <i>or</i></li> <li>2. non-renew and close.</li> </ol> All recommendations to renew will also provide a recommendation for the length of the renewal term and whether any renewal conditions will apply. Per law, the report will further include the staff and/or external evaluators' reasons for their recommendation.	Within 60 days of application submission
Responses and Hearing Requests Due	All schools, particularly schools receiving a recommendation for non-renewal, are allowed to prepare a response to their recommendation and to submit documents which they feel will aid their case. These responses are due at 4 PM Central on December 20, 2019.	Within 14 days of receipt of the Draft Renewal Recommendation Report
Hearing for Non-Renewed Schools	The law allows schools that receive a recommendation of non-renewal to request a hearing. Hearings will occur in January 2020.	Within 30 days of request
Final Board Vote on Recommendations	The Mississippi Charter School Authorizer Board will vote to accept or deny the renewal recommendation of staff and/or external evaluators. They will also vote to adopt the renewal recommendation report, as finalized, as the resolution of their reasoning that is required by law.	Within 90 days of application submission
Board Resolution Delivered to Schools	Within ten days after taking action to renew or not renew a charter, the MCSAB will provide a report to the charter, including a copy of the Board resolution.	Within 10 days of Board decision

## B. Renewal Decision-Making

The Mississippi Charter School Authorizer Board will use the currently adopted Performance Framework for all 2019-2020 renewal decisions, including determining each school’s renewal *eligibility*, renewal *recommendation*, and, if renewed, *renewal term*. The Performance Framework has three domains: academic, financial, and organizational. The MCSAB will consider evidence from all three domains in making renewal decisions and will draw on the Annual Performance Report, school site visit reports, the renewal application, and other official data. For more information about how the Board interprets the provisions of the Performance Framework to create the Annual Performance Report, please see the document entitled “Performance Framework Guidelines for the Annual Performance Report.”

## C. Renewal Eligibility Criteria

Per the Performance Framework, the MCSAB will use the following criteria to determine eligibility:

Academic Indicator 1	Financial Performance	Organizational Performance	Eligibility for Renewal
A	Meets or Approaches Expectations	Meets or Approaches Expectations	Eligible
	Fails to Meet Expectations	Fails to Meet Expectations	Not eligible*
B	Meets or Approaches Expectations	Meets or Approaches Expectations	Eligible
	Fails to Meet Expectations	Fails to Meet Expectations	Not eligible*
C	Meets or Approaches Expectations	Meets or Approaches Expectations	Eligible
	Fails to Meet Expectations	Fails to Meet Expectations	Not eligible*
D	Meets or Approaches Expectations	Meets or Approaches Expectations	<i>Additional Evidence Required</i>
	Fails to Meet Expectations	Fails to Meet Expectations	Not eligible*
F	Any rating	Any rating	Not eligible

*\*Unless “evidence and specific circumstances” waivers applied for any financial and organizational performance rating of “fails to meet expectations”*

**Please note:** F-rated schools are not eligible for renewal; therefore, the MCSAB’s closure protocol applies to these schools. Please refer to the Board-adopted protocol for further information.

## D. Additional Evidence Requirements for D-Rated Schools

D-rated schools must meet additional evidence requirements for academic performance in order to be eligible for renewal. These additional requirements take into account the school’s performance on Indicators 2-4 within the Academic Performance Framework, as follows:

1. Charter schools must earn a rating of “meets expectations” or “exceeds expectations” on at least 2 of the 3 additional indicators (Academic Performance Framework Indicators 2-4) in order to be eligible for renewal.
2. Schools that only meet one of the three additional indicators may receive a waiver from the Board for “evidence of significant growth over the charter term.” This evidence may include higher than average proficiency or growth gains on state assessments over time or other rigorous evidence of growth over time. Schools in this circumstance must make their case for this waiver within the renewal application, and the Board will determine whether that case warrants a waiver.

A summary of these requirements is below:

Indicators 2-4	Criterion Met?
1 of 3 additional indicators met (renewal year only)	No <i>UNLESS</i> evidence of significant growth over the charter term
2 of 3 additional indicators met (renewal year only)	Yes
3 of 3 additional indicators met (renewal year only)	Yes

#### **E. For Schools That Fail to Meet Expectations for Financial and/or Organizational Performance**

Charter schools that meet Academic Performance Framework requirements but have a rating of “fails to meet expectations” in either financial performance or organizational performance must earn a waiver in order to be considered for renewal. The MCSAB will grant a waiver to schools based on whether they can present “evidence and specific circumstances” that warrant the waiver for each domain in which they did not meet expectations.

#### **F. Renewal Recommendation**

*All charter schools that are eligible for renewal will be renewed in the 2019-2020 cycle.* However, by law, the MCSAB may impose conditions on the renewal of any school. The MCSAB will use the 2019 Performance Report to determine whether a school should be renewed with or without conditions. The following table describes the criteria that the MCSAB will use to impose conditions. Schools must meet *all* of the criteria for “no conditions” to receive an unconditional renewal. Schools that meet *any* of the criteria for “will impose conditions” will receive a conditional renewal. The MCSAB will determine whether conditions will apply to schools that do not meet all of the criteria for an unconditional renewal but that also do not meet any of the criteria for a mandatory conditional renewal based on the findings of the renewal recommendation report.

Renewal Type	Academic Expectations	Financial Performance	Organizational Performance
No conditions	Meets or Exceeds Expectations on every indicator	Meets Expectations with no indicator scores of “no credit”	Meets Expectations with no metric scores of 0 or 1

May impose conditions	Approaches Expectations on any indicator	Meets Expectations with at least one indicator score of “no credit” <b>OR</b> Approaches Expectations	Meets Expectations with at least one metric score of 0 or 1 <b>OR</b> Approaches Expectations
Will impose conditions	Fails to Meet Expectations on any indicator	Fails to Meet Expectations	Fails to Meet Expectations

**G. Renewal Term**

In the 2019-2020 renewal cycle, the MCSAB will base the length of any granted renewal term primarily on the school’s grade as announced in Fall 2019 (after Year 4 of the initial term). The following decision table will apply:

Academic Indicator 1*	Renewal Outcome	Renewal Term Eligibility		
		Minimum	Additional Years Possible	Maximum
A	Full- or Short-Term Renewal	4 years	1 year, if financial <i>and</i> organizational performance “Meets Expectations”	5 years
B	Full- or Short-Term Renewal	4 years	1 year, if financial <i>and</i> organizational performance “Meets Expectations”	5 years
C	Short-Term Renewal	3 years	1 year, if financial <i>and</i> organizational performance “Meets Expectations”	4 years
D	Short-Term Renewal	3 years	None	3 years

**Please note:** Any school that receives an F after its fifth year (in Fall 2020 for 2019-2020 renewal schools) must be closed, per statute, regardless of whether a renewal term was earned. This closure requirement will be included in the new contract.

**H. Application Instructions**

The MCSAB requests that all charter school renewal applications abide by the following instructions. Charter applications that do not conform to these guidelines may be returned, and applicants may be asked to re-submit the information in the requested format.

**1. Formatting and Submitting Applications**

- a. Page Formatting.** All narrative responses should use Times New Roman, Calibri, or Arial and a font size of 12. Tables may have a font size of 10. Margins should be 1 inch in all directions. Single-spaced responses are acceptable, but information must be readable. All documents should use page numbers for reference and should have in the

top, left-hand header the name of the section as specified below. Please adhere to the requested page limits in order for the application to be processed as efficiently as possible.

**b. Submission Format**

- i. The renewal application will be accepted digitally through Epicenter. Please do not submit paper copies of any document to the MCSAB as these will not be considered. Schools that have trouble with Epicenter should contact *charterschools@mississippi.edu* for support.
- ii. Schools must merge all of their application materials into a single, continuously numbered document prior to submission. The table below lists the section headers corresponding to each application section and page limits schools must use for the document. *Schools should change all incidents of “School Name” to their own name.*

Section	Required Header Name	Page Limits
Executive Summary	Executive Summary_School Name	2
Application Checklist	Application Checklist_School Name	1
Record of Performance		
Effective Academic Program	Effective Academic Program_School Name	15
	Additional Academic Evidence_School Name	20
Financial Success	Financial Success_School Name	10
	Financial Policy Manual_School Name	20
	Additional Financial Evidence_School Name	20
Organizational Success	Organizational Success_School Name	15
	Additional Organizational Evidence_School Name	20
Future Plans		
Mission, Vision, and Essential Terms	Essential Terms_School Name	5
Governance	Governance Plan_School Name	10
	Governance Documentation_School Name	20
Fiscal Plan	Fiscal Plan_School Name	10
	Budget_School Name	10
Facility Plan	Facility Plan_School Name	5
Proposed Grades and Enrollment	Grades and Enrollment Plan_School Name	5
	Enrollment Projection Table_School Name	1

**2. Due Date**

Per the Renewal Timeline on pages 2-3, the application is due to Epicenter by 4 PM Central no later than January 31, 2020. *Late applications will not be accepted.* Charter schools are *strongly* encouraged to submit their application early in order to receive an earlier decision, as is in the best interests of charter school families.

Source: Miss. Code Ann. § 37-28-33.

## Application for Charter Renewal

### I. EXECUTIVE SUMMARY:

**A. FORM:** This form will allow the MCSAB to briefly summarize your application. Please use the **Executive Summary template** for this section.

**B. WHAT TO SUBMIT:** Please title the Executive Summary as **Executive Summary\_School Name** in the header. The Executive Summary should not exceed 2 pages.

### II. APPLICATION CHECKLIST:

**A. FORM:** This form will ensure that a charter school submits all required information and will allow the MCSAB to quickly assess the completeness of the application. Please use the **Application Checklist template** for this section.

**B. WHAT TO SUBMIT:** Please title the Application Checklist as **Application Checklist\_School Name** in the header. The checklist should not exceed 1 page.

### III. RECORD OF PERFORMANCE

The MCSAB considers a charter school's record of performance not only in the year prior to renewal but for the entire term in determining whether a school should receive renewal with or without conditions. This section allows a charter school to provide the MCSAB with additional context about its academic performance. It is especially important for D-rated schools, which must meet additional evidence requirements in order to be eligible for renewal. Please see the section of this document entitled "Renewal Eligibility" for information about eligibility for renewal.

#### **A. EFFECTIVE ACADEMIC PROGRAM**

The Performance Framework requires all charter schools to provide students with an effective academic program. In this section, schools should make their case that they provide an effective academic program for students.

**I. NARRATIVE RESPONSE:** Schools should submit a narrative making their case for renewal. Please respond to the questions below relevant to your school.

a. For schools rated A, B, or C based on 2018-2019 data:

- i. Please summarize the school's history of academic performance over the five-year term, with special emphasis on the most recent state data. Include information about the school's challenges and its accomplishments. Use evidence.
- ii. or any Academic Performance Framework indicator rating of "approaches" or "fails to meet expectations" for the 2018-2019 school year, please describe what factors the school believes explain its performance and whether any improvements were undertaken during the charter term.

b. For schools rated D based on 2018-2019 data: D-rated schools must meet additional evidence requirements or satisfy the waiver provision in order to achieve renewal. Please answer the following questions to justify a positive renewal recommendation:

- i. Please summarize the school's history of academic performance over the five-year term, with special emphasis on the most recent state data. Include information about the school's challenges and its accomplishments. Use evidence.

- ii. If the school met at least 2 of 3 additional indicators (*an indicator rating of “meets” or “exceeds expectations”*): Please describe what factors the school believes explain its performance, particularly as to the indicator that the school did not meet, and whether any improvements were undertaken during the charter term.
- iii. If the school met only 1 of 3 additional indicators: Schools meeting only 1 of 3 additional indicators must receive a waiver from the MCSAB to be renewed. The waiver requires that schools “demonstrate evidence of significant growth over the charter term.” Please describe the evidence that the school has demonstrated significant growth over the charter term. This response should be detailed and include quantitative analysis over the entire term.

**2. ADDITIONAL INFORMATION:** The school is invited to submit any additional evidence related to its academic performance that it believes will help it make its case for renewal. D-rated schools are required to submit additional evidence.

**3. WHAT TO SUBMIT:**

- a. *Required:* Please title the Effective Academic Program narrative as **Effective Academic Program\_School Name** in the header. Please limit this sub-section to 15 pages.
- b. *As Relevant:* Please title any additional evidence as **Additional Academic Evidence\_School Name** in the header. Please limit this sub-section to 20 pages.

**B. FINANCIAL SUCCESS**

The Performance Framework requires all charter schools to demonstrate financial success by receiving a meets or approaches expectations on the Financial Performance Framework. The information requested in this section will provide more context to the MCSAB as they make renewal decisions.

**1. NARRATIVE RESPONSE:** Please answer the following questions related to the school’s financial success:

- a. Please provide an overview of the school’s financial history, including its challenges and accomplishments as well as its financial model.
- b. Please describe the evidence that the school has achieved a sustainable financial model during the initial charter term.
- c. For any financial indicator on which the school did not receive full credit in the 2019 Performance Report, please explain the circumstances leading to lower performance and any actions already undertaken to improve performance in the future.
- d. If the school is under any financial corrective action plans, including as imposed by the Mississippi Department of Education, please explain the reason, the status of the plan’s implementation, the required corrective actions, and the date the work will be complete.
- e. If the school has any outstanding Notices of Concern or Breach related to its financials, please explain the reason, the status of the Board’s imposed corrective actions, and the date the work will be complete.
- f. For any school whose Financial Performance Indicator rating was “Fails to Meet Expectations” in the 2019 Performance report: Please explain what “evidence and specific circumstances” warrant a waiver from the Board in order to allow the school to be renewed. Be very specific.

**2. ADDITIONAL INFORMATION:** The school must submit its financial policies and procedures manual. It is also invited to submit any additional evidence related to its financial performance that it believes will help it make its case for renewal.

**3. WHAT TO SUBMIT:**

- a. *Required:* Please title the Financial Success response as **Financial Success\_School Name** in the header. Please limit this response to 10 pages.
- b. *Required:* Please title the school's financial policies and procedures manual as **financial Policy Manual\_School Name** in the header. Please limit this response to 20 pages, if possible.
- c. *Optional:* Please title any additional evidence as **Additional Financial Evidence\_School Name** in the header. Please limit this attachment to 20 pages.

**C. ORGANIZATIONAL SUCCESS**

The Performance Framework requires all charter schools to demonstrate organizational success by receiving a meets or approaches expectations on the Organizational Performance Framework.

**1. NARRATIVE RESPONSE:** Please answer the following questions related to the school's organizational success:

- a. Please describe the evidence that the school has fulfilled its vision, mission, and Essential Terms as listed in its charter contract.
- b. For any metric on which the school was rated a 0 or 1 in the 2019 Performance Report, please explain the circumstances leading to lower performance and any actions already undertaken to improve performance in the future.
- c. If the school has any outstanding Notices of Concern or Breach related to its organizational performance, please explain the reason, the status of the Board's imposed corrective actions, and the date the work will be complete.
- d. If the school is under any corrective action plans imposed by the Mississippi Department of Education for any federal program, including special education, please explain the reason, the status of the plan's implementation, the required corrective actions, and the date the work will be complete.
- e. *For any school whose Organizational Performance Indicator rating was "Fails to Meet Expectations" in the 2019 Performance report:* Please explain what "evidence and specific circumstances" warrant a waiver from the Board in order to allow the school to be renewed. Be very specific.

**2. ATTACHMENT:** The school is invited to submit any additional evidence related to its organizational performance that it believes will help it make its case for renewal. Please combine documents into one attachment.

**3. WHAT TO SUBMIT:**

- a. *Required:* Please title the Organizational Success response as **Organizational Success\_School Name** in the header. Please limit this response to 15 pages.
- b. *Optional:* Please title any additional evidence as **Additional Organizational Evidence\_School Name** in the header. Please limit this sub-section to 20 pages.

**D. FUTURE PLANS**

This section of the renewal application allows each charter school to detail its plans for the next charter term, specifically the areas in which the school plans to make changes or improvements.



The MCSAB will consider this information in determining what conditions to impose, if any, and in developing the proposed contract for charter renewal.

### **1. Vision, Mission, and Essential Terms**

- a. **NARRATIVE RESPONSE:** If the school seeks any changes to its vision, mission, and/or Essential Terms as they are listed in its current contract, please answer the following:
  - i. Please describe the proposed changes to the school’s vision, mission, and/or Essential Terms.
  - ii. For each changed element, please describe the school’s rationale for the change, including any evidence to support the school’s ability to provide a high-quality learning environment if the change is accepted.

If the school wishes to make no changes to its vision, mission, and/or Essential Terms, please write “Not Applicable” in the submitted document.

- b. **WHAT TO SUBMIT:** Title the proposed changes as **Essential Terms\_School Name** in the header. Do not exceed 5 pages.

### **2. Governance**

- a. **NARRATIVE RESPONSE:** As charter schools grow, they sometimes find it necessary to change their governance structure to ensure continued success. If the school has plans to change its governance structure, please provide the following:
  - i. the school’s justification for needing a new governance structure,
  - ii. the actual governance structure proposed, and
  - iii. the school’s explanation as to how the new governance structure will support student achievement at the school.

The response should provide details explaining changes to the by-laws or articles of incorporation, if any. If the proposed changes require starting or spinning-off a new organization or merging with another organization, the response should clearly explain the new organization as started or merged as well as the organization being merged with the charter school. If the school wishes to make no changes to its governance structure, please write “Not Applicable” in the submitted document.

- b. **ADDITIONAL INFORMATION:** In order for the MCSAB to assess the ability of the new governance structure to provide effective oversight, please submit changes to the by-laws or articles of incorporation, as relevant. If the school intends to start or spin-off a new 501(c)3 or merge its 501(c)3 with another, please submit the 501c3 letter of the new entity or legal paperwork attesting to the merger. Please combine documents into one attachment.
- c. **WHAT TO SUBMIT:**
  - i. *Required:* Title the Governance Plan as **Governance Plan\_School Name** in the header. Please limit this sub-section to 10 pages.
  - ii. *As Relevant:* Title any necessary supporting documentation as **Governance Documentation\_School Name** in the header. Please limit this sub-section to 20 pages.

### **3. Fiscal Plan**

- a. **NARRATIVE RESPONSE:** Please describe the school’s fiscal plan over the next charter term, including expected needs, fiscal goals, and plans for fundraising. Explain how this plan will support the educational program of the school and why this plan is feasible at this stage of the school’s development.

- b. **ADDITIONAL INFORMATION:** The school is required to prepare a proposed five-year budget using the **Budget template**.
- c. **WHAT TO SUBMIT:**
  - i. *Required:* Title the Fiscal Plan as **Fiscal Plan\_School Name** in the header. Do not exceed 10 pages.
  - ii. *Required:* Please title the proposed five-year budget as **Budget\_School Name** in the header. Do not add additional tabs to the workbook; do not exceed 10 pages.

#### **4. Facility Plan**

- a. **NARRATIVE RESPONSE:** Please describe the school’s planned facility for the next charter term, including relevant details such as whether the school plans to move to a new facility, or renovate or expand its current facility, and how the facility plan will enable the school to fulfill its educational program. If the school plans to move, please provide details about the new facility or the status of the search for a new facility. If the school has no plans to change its facility, please submit a document stating so and explaining how the current facility is adequate for the school’s educational program and enrollment.
- b. **WHAT TO SUBMIT:** Title the Facility Plan as **Facility Plan\_School Name** in the header. Limit this section to 5 pages.

#### **5. Proposed Grades and Enrollment**

- a. **NARRATIVE RESPONSE:** If the school intends to add or subtract grades or otherwise alter its current enrollment, please describe the school’s plan and explain how the school will continue to provide an effective education with the new grade structure and/or enrollment. If the school will not change its grades or enrollment, please write “Not Applicable” in the submitted document.
- b. **ATTACHMENT:** Please complete the **Grades and Enrollment template** with the school’s proposed grades and enrollment.
- c. **WHAT TO SUBMIT:**
  - i. *Required:* Please title the Grades and Enrollment Plan as **Grades and Enrollment Plan\_School Name** in the header. Please limit this document to 5 pages.
  - ii. *Required:* Title the Grades and Enrollment template as **Enrollment Projection Table\_School Name** in the header. This sub-section should not exceed 1 page.

### **Part 403 Chapter 9. Closure Policy**

*Rule 9.1: Closure Policy.* A charter school may close for a variety of reasons including, for example, voluntary relinquishment of a charter, charter revocation, or nonrenewal of a charter by the authorizing authority. A charter school closure is governed by applicable laws and regulations, and appropriate procedures established by the Mississippi Charter School Authorizer Board.

Source: Miss. Code Ann. § 37-28-35.

*Rule 9.2: Charter School Protocol.* Before implementing a charter school closure decision, the authorizer must develop a charter 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. If a charter school is to be closed for any reason, the authorizer shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol.

Source: Miss. Code Ann. § 37-28-35.

*Rule 9.3: Funds of Closed Charter School.* If a charter school closes, all unspent government funds, unspent earnings from those funds and assets purchased with government funds must revert to the local school district in which the charter school is located. Unless otherwise provided for in the charter or a debt instrument, unspent funds from nongovernmental sources, unspent earnings from those funds, assets purchased with those funds and debts of the school must revert to the nonprofit entity created to operate the school and may be disposed of according to applicable laws for nonprofit corporations.

Source: Miss. Code Ann. § 37-28-35.