

Title 10: Education Institutions and Agencies

Part 402: Board Policies

Part 402 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 402 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 402 Chapter 3: Public Records Requests

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.* and the Mississippi Ethics Commission's Model for Public Records Rules. All records and portions of records not exempt from disclosure will be made available in accordance with the procedures outlined below.

A. 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."

B. REQUEST:

Requests for public records 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, telephone number, 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.

Requests may be emailed to charterschoolsupport@mcsab.ms.gov, mailed, or hand delivered to the physical address listed below. No verbal or telephone requests can be accepted without written request received.

Requests should be submitted to:

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

C. RESPONSE:

The MCSAB will strive to respond to each request within seven (7) working days after the request is received. Acknowledgement of the request will be made in one or more of the following ways: 1) make the records available for inspection or copying during regular working hours, 2) if copies are requested and payment of the cost estimate for the copies, if any, is made, send the copies to the requestor, 3) provide a reasonable estimate of when records will be available, 4) if the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone and may delay production beyond seven (7) working days, or 5) deny the request. In the event of a denial, MCSAB will provide an explanation of the denial to the requestor in writing. 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.

The day the request was initially received by the MCSAB will not be included in the seven (7) working day response period referenced above. The first day of the response period will begin on the next working day. If the requested information is unable to be produced by the seventh (7th) working day after the request is made, the MCSAB will provide a written explanation (which may be provided by email) to the requestor indicating why the document cannot be produced during that timeframe. Compilation of documents will not begin until timely payment is received. Delay by the requestor in the payment of an estimated fee may result in the delay of delivery of the requested documents. The MCSAB will provide assistance to the requestor to the best of its ability; to ensure that public records are protected from damage or disorganization; and to prevent the fulfillment of requests from causing excessive interference with essential functions of the MCSAB.

During an emergency or in the case of a disruption in services, the timetable for processing may be reasonably delayed. In that instance, notice will be given to the requestor, if possible, and public records requests will be handled as soon as practically possible.

D. FEES:

Payment for information requested must be made in advance of receipt of documents and must be sufficient to cover the actual costs for the MCSAB to furnish the information. Such costs include, but are not limited to, staff time to evaluate the request (including costs associated with legal advice by in-house and outside attorneys), to retrieve any relevant files, to organize the information, to notify any third parties, to develop a cost estimate and schedule, to monitor and/or assist inspection of records, to reproduce the material, if necessary, and to deliver the responsive records.

No cash can be accepted. Money orders, certified checks, personal checks, and corporate checks are accepted by this office.

The MCSAB will notify the requestor of the costs to obtain the information prior to processing the request. Compilation of documents will not begin until timely payment is received. By delaying the payment of the estimated fee, the requestor acknowledges there may be a delay in the delivery of the requested documents. If timely payment is not received within thirty (30) days, the MCSAB will proceed no further with the request. If, at a later date, the requestor decides to proceed with the request, he/she should submit a new request. No request will be processed until after payment is received and funds are verified.

If the actual cost is higher than the estimate, the requestor will be required to pay the difference before receiving the records. If the actual cost is lower than the estimate, the MCSAB will refund the difference.

E. RECORDS EXEMPT FROM DISCLOSURE

Some records are exempt from disclosure, in whole or in part. If the MCSAB believes that a record is exempt from disclosure and should be withheld, staff will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the MCSAB will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

The Public Records Act, as well as other statutes and court decisions, provide that a number of types of documents are exempt from public inspection and copying. In addition, other statutes or rules of law, such as various privacy restrictions, may prohibit disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by MCSAB for inspection (this is not intended to be an exhaustive list):

- a. Attorney work product, and attorney-client privilege, examination, exemption, see § 25-1-102.
- b. Personnel files exempt from examination, see § 25-1-100.
- c. Public records and trade secrets, proprietary commercial and financial information, exemption from public access, see § 79-23-1.
- d. Social security numbers, disclosure safeguards, see § 25-1-111.

Any person filing documents with the MCSAB shall, prior to filing, redact from the documents any social security numbers, account numbers or dates of birth not required to be listed. The MCSAB shall determine on a case-by-case basis whether similar information may be redacted by the filer to prevent identity theft. In no event will the MCSAB bear any responsibility for a filer's failure to redact such information which leads to or may lead to identity theft or other crime or loss.

F. PUBLIC INFORMATION VIA THE INTERNET:

Some information pertaining to the MCSAB is available free of charge on the MCSAB website at www.charterschoolboard.ms.gov. Requestors are encouraged to view the documents available on the MCSAB website prior to submitting a public records request.

G. CLOSURE OF A REQUEST:

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit/cost estimate or payment in full for the requested records within thirty (30) calendar days of the submission of the request, the MCSAB will close the request and notify such requestor of such closure via email.

H. LATER DISCOVERED DOCUMENTS:

If, after the MCSAB has informed the requestor that it has provided all available records, the MCSAB becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and will provide them to the requestor.

I. RECORDS OF OTHER GOVERNMENTAL AGENCIES OR ENTITIES:

In instances when a public records request is submitted to the MCSAB seeking records that are primarily in possession of another governmental agency/entity, the MCSAB will notify the requestor which government body has primary possession of the responsive records, and the MCSAB will furnish what records are in its possession provided the requestor desires to move forward with the original request.

J. REVIEW OF DENIALS

Review by the Ethics Commission. Pursuant to Miss. Code Ann. § 25-61-13, if the MCSAB denies a requestor access to public records, the requestor may ask the Ethics Commission to review the matter. The Ethics Commission has adopted rules on such requests. They may be found at www.ethics.state.ms.us.

Judicial Review. Any person whose request for public records was denied may institute a suit in the chancery court of Hinds County, seeking to reverse the denial, as set forth in Miss. Code Ann. § 25-61-13.

Source: Miss. Code Ann., § 37-28-9 and § 25-61-1, *et seq.*

Part 402, Chapter 4: Records Received by Board

Rule 4.1 Records Received by Board. All records received by MCSAB will be considered public records unless the sending party requests in writing at the time the document is received that a specific document or a specific part(s) of a document be considered trade secrets or confidential commercial or financial information under Miss. Code Ann. § 24-61-9. If any documents that have been deemed by any third party to be considered trade secrets or confidential commercial or financial information be requested as a public record under the Mississippi Public Records Act, Miss. Code Ann. § 24-61-1, *et seq.*, MCSAB will notify the third party of their opportunity under Miss. Code Ann. § 24-61-9 to seek a protective order. Any documents that have not been deemed by any third party to be considered trade secrets or confidential commercial or financial information will be produced according to the Mississippi Public Records Act.

Source: Miss. Code Ann. § 37-28-9.

Part 402, Chapter 5: Administrative Hearing Procedures

Rule 5.1 Hearing Procedure Variance. The Mississippi Charter School Authorizer Board (“MCSAB” or “Board”) may grant variances from these rules if it is determined that application of the rules would, in the particular case, be unnecessarily burdensome, and such variance would not be inconsistent with the public policy purposes of the Mississippi Charter Schools Act of 2013 (“Act”).

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.2 Severability. If any one or more of these rules, or any part of any rule is found to be invalid by any court of competent jurisdiction, such finding shall not affect the validity of any other rule or the remaining content of any part of a rule that is not found to be invalid. Further, if any one or more of these rules, or any part of any rule, is superseded, amended, or contradicted by subsequent legislations, such amendment or change by subsequent legislation in no way invalidates any other part of a rule or any other rules not addressed or impacted by subsequent legislative action.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.3 Oral opinions. Oral or informal opinions by members or staff of the Board as to the applicability of the Act and oral or informal representations by members or staff of the Board concerning the status of filings and applications made with the Board are not binding upon the Board. Requestors can obtain a written declaratory opinion from the Board by following the procedures described in the Board’s rule on Declaratory Opinions.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.4 Notice of Hearing. Written notice shall be provided to any charter school governing board or other person against whom the Board intends to institute an administrative hearing pursuant to the Act or these rules. At least thirty (30) calendar days of notice shall be given to the charter school governing board or other person prior to the hearing unless the charter school governing board or other person notified consents or the Board has authority to do so under applicable statute. Notice is effective on date of issue.

Such notice shall be made by certified mail, return receipt requested, and shall set forth the date, time and place for the administrative hearing and shall also designate a hearing officer.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.5 Appointment and Authority of Hearing Officer. The Board hereby appoints a designee chosen by the Executive Director from a list preapproved by the Board as hearing officer for all hearings held under this chapter.

The hearing officer has and shall exercise the power to regulate all proceedings in every hearing before him or her and to do all acts and take all measures necessary or proper for the efficient performance of his or her duties under these rules. The hearing officer may require production, through order or subpoena, of evidence upon all matters in the hearing, including the production of all books, papers, vouchers, documents, and writings applicable thereto. The hearing officer shall have the power to administer oaths and affirmations, examine witnesses, examine and report upon all matters referred to him or her. The hearing officer shall have the power to enter protective orders.

The hearing officer shall have the power to direct the issuance of subpoenas for witnesses to attend before him or her to testify in the cause. If any witness shall fail to appear, the hearing officer shall proceed by process to compel the witness to attend and give evidence. The hearing officer may direct the parties to participate in a conference or conferences prior to the hearing on the merits, for such purposes of expediting the disposition of the action and facilitating resolution of the case.

The hearing officer shall have the authority to admit into the record any evidence which, in his or her judgment, has a reasonable degree of probative value and trustworthiness. The hearing officer shall have the authority to exclude evidence which is irrelevant, immaterial, lacking in probative value, untrustworthy, or unduly cumulative.

The hearing officer may issue rulings on scheduling matters, protective orders, admissibility of evidence, and other procedural or pre-hearing matters. The hearing officer may alter any of the time periods provided by these regulations, upon his or her own initiative or upon a motion by a party or other person affected for good cause shown.

The hearing officer may clear the hearing room of witnesses not under examination. The hearing officer shall have the authority to maintain the decorum of the hearing and shall take reasonable steps to do so when necessary, including clearing the hearing room of any person who is disruptive.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.6 Appearance through Counsel. Parties to proceedings governed by this chapter may appear personally or through an attorney, except that a party must personally attend any hearing on the merits unless his attendance has been waived, in writing, by the hearing officer. When a party has appeared through an attorney, service of all notices, motions, orders, decisions, and other papers shall thereafter be made upon the attorney, unless the party requests otherwise in writing. When a party is represented by an attorney, the attorney shall sign all motions, oppositions, notices, requests, and other papers on behalf of the party, including any request for issuance of subpoena.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.7 Pre-Hearing Conference/Scheduling. The hearing officer may enter a scheduling order, or any such other order, that sets deadlines, conferences, or hearings deemed necessary or

appropriate by the hearing officer. Oral argument will not normally be granted. However, the hearing officer may grant oral argument on any motion in his or her sole discretion.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.8 Subpoenas requested by parties. The hearing officer shall have the power to issue subpoenas for testimony or documents. Subpoenas may be issued to parties upon request, but only for the following purposes:

- A. To compel a non-party witness to appear and give testimony at any hearing scheduled under these rules; or
- B. To compel any person to appear at the hearing on the merits of the case, to give testimony, or to produce documents or other tangible things.

Subpoenas requested by a party shall be submitted to the hearing officer on a form approved by the Board. Concurrently with the submission of the subpoena to the hearing officer, the requesting party shall serve a copy on all of the parties to the proceeding and shall file proof of such service with the Board and the hearing officer.

Subpoenas shall not be issued in blank. A subpoena submitted for issuance must contain the title and number of the case, the name of the person to whom it will be directed, the date, time and place of hearing, and the name and signature of the requesting party or his or her attorney. A subpoena duces tecum must in addition, contain a complete description of specific documents or other tangible things that the witness will be required to produce at the hearing.

Unless the witness agrees otherwise, a subpoena issued for the purposes provided in these rules must be served by the requesting party at least ten (10) calendar days prior to the hearing. A subpoena will be issued during the hearing or on less than ten (10) days' notice only upon order of the hearing officer for reasonable cause shown by the requesting party.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.9 Conduct of Hearings. Hearings shall be informal, and the Miss. Rules of Evidence, while applicable, shall be relaxed. All witnesses who appear and testify under oath shall be subject to cross-examination.

Documents received into evidence by the hearing officer shall be marked by him or her, or under his or her direction, entered into evidence, and made a part of the record in the cause.

Rebuttal or surrebuttal evidence may be heard at the discretion of the hearing officer.

At the hearing, the Board shall be the first to present evidence.

The Board shall have the burden of proving its assertions by a preponderance of the evidence. Fraud must be proven by clear and convincing evidence.

A record of testimony at the hearing shall be made. A true and correct copy of said stenographic recording shall be made available to any party to the hearing requesting it, provided such party agrees to pay the expense of such copy.

Nothing contained herein shall prohibit the hearing officer from entering orders or making rulings which provide for the orderly conduct of said hearings. The hearing officer may limit the issues to be heard during any hearing. The hearing officer may also make rulings concerning any matters which do not involve a disputed issue of fact without setting a hearing concerning same. Continuances will not be granted except for good cause shown.

In computing any period of time prescribed or allowed under these rules, the hearing officer and all parties shall be guided by the Mississippi Rules of Civil Procedure.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.10 Recommendation of the Hearing Officer and Decision of the Board. All findings of fact and conclusions of law made by the hearing officer or the Board shall be based upon the preponderance of the evidence. The hearing officer shall reduce all recommendations to writing and submit those recommendations to the Board as described herein.

After all evidence is heard or received and the hearing is completed, the hearing officer shall, within a reasonable time thereafter, issue a report and recommendation that details his or her findings of fact and conclusions of law. All parties (including the Board) shall be served with the hearing officer's report and recommendation. Within fourteen (14) calendar days following service of the findings, either party may present a written response to these findings to the Board. The Board will review the hearing officer's report and recommendations, all exhibits entered into evidence, all written responses to the Report and Recommendations and, if desired, order a transcript of the hearing.

Thereupon, the Board may issue a final order adopting and accepting the hearing officer's report and recommendations, rejecting the report and recommendations in whole or in part and issuing findings of fact and conclusions of law with a final order; or remand the case to the hearing officer for additional findings or clarification of key issues. A case is not concluded until issuance of a final order by the Board. All reports and recommendations and final orders shall be sent via certified mail, return receipt requested, to all parties who appeared at the administrative hearing or their attorney or authorized representative.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

~~Finalized Request for Proposals 2013—10 Miss. Admin. Code Pt. 402, R. 1.1 3.9~~

~~Title 10: Education Institutions and Agencies~~

~~Part 402: Charter Schools Application Process~~

~~Part 402 Chapter 1: Request for Proposals 2013~~

Charter School Request for Proposals 2013

Mississippi Charter School Authorizer Board

Mississippi Institutions of Higher Learning

3825 Ridgewood Road

Jackson, MS 39211

E-mail: charterschools@mississippi.edu

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INSTRUCTIONS

Rule 1.1 Instructions

The Mississippi Charter School Authorizer Board (MCSAB) invites proposals for high-quality charter schools seeking to open in the 2014-2015 school year, or thereafter. MCSAB will give preference to applications for schools intended to help underserved students.

All applications should reflect how the proposed charter school will:

- 1) improve student learning;
- 2) close achievement gaps between high- and low-performing groups;
- 3) increase educational opportunities for all students, but especially for those with a likelihood of academic failure;
- 4) allow teachers and school administrators to have a direct voice in the operation of the school;
- 5) encourage the use of high-quality models of teaching, governing and scheduling;
- 6) provide for exceptional levels of results driven accountability;
- 7) create expanded opportunities for involvement in the education system by students, parents and community members; and
- 8) encourage the replication of successful charter schools, if applicable

All new schools approved through this process will be public schools subject to the legal requirements set forth in Mississippi Code § 37-28-3 et seq.

Process Overview & Materials

The 2013-14 statewide timeline for charter approval or denial decisions is as follows:

DATE	ACTIVITY
25-Nov	MCSAB Releases RFP
22-Jan	Letter of Intent Due
27-Jan	Technical Assistance Meeting in Jackson Or Remotely via Webinar (date TBD)
14-March	Application Due
21-March	Affected School Districts Notified
28-March	Applications Reviewed for Completeness
11-April	Application Revisions Due
15-April	Capacity Interviews Begin
27-May	Capacity Interviews End
30-May	Final Review
2-June	Vote on Acceptance/Acceptance w/ Amendments/Deny
10-June	If needed, Amended Application Due
16-June	Amended Application Accepted/Denied
17-June	Contract Negotiations Begin
27-June	Contract Finalized

Application Content & Review Process: The Mississippi Charter Schools Act, Mississippi Code §§37-28-3 et seq., designates the contents required in a charter school application. This Request for Proposals contains appropriately detailed questions and guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school and sets forth the mandatory elements which applicants must include in a proposed school plan. This Request for Proposals also incorporates fully herein by reference the Application Toolkit, which sets forth the performance framework for charter school oversight and evaluation and provides templates for use in the application. Finally, this Request for Proposals also incorporates fully herein by reference the Mississippi Charter School Application Evaluation Ratings and Sample Scoring Criteria, which sets forth the criteria that will guide the Authorizer Board's decision to approve or deny a charter application.

Letter of Intent: All applicants are required to submit a Letter of Intent (LOI) prior to submitting a completed application. The Letter of Intent template is available in the Application Toolkit. This provides formal notice to MCSAB regarding applicants' intention to submit an application to open a public charter school for during the 2013-2014 charter approval process. This letter is non-binding.

Complete Application:

1) Cover Page

2) Checklist

3) Assurances: A document of assurances is required with necessary signatures or the application is considered invalid. The assurances pages can be found within the Application Toolkit.

4) Proposal Narrative: The narrative section herein seeks information about all major aspects of the proposed school. A complete application must include each section outlined in this application document in the order given by the Applicant Checklist. Within the narrative of each section, please use the outline headings that have been provided.

5) Budget Forms: The budget and cash flow must be submitted in Microsoft Excel. There is no required budget or cash flow template. The final proposal narrative and attachments must be submitted in PDF form.

6) Attachments: Submit only those attachments that are referenced in this Request for Proposals. Additional material beyond the narrative and attachments referenced in the application will not be considered. A complete list of attachments is available in the Application Toolkit.

Subsequent Information: Within 5 days of receipt of the application, it will be reviewed for substantial completeness. Should the application fail to be substantially complete, it will not be reviewed upon the merits. MCSAB may request additional information at any time during the process, but will not accept unsolicited information from the applicant. This includes e-mail explanations, alterations to the plan, and/or comments to staff or board members. The plan submitted is considered final.

Formatting and Submission Requirements

- The final application must be submitted on three separate CD-ROMs. Each CD-ROM must contain the attachments, budget forms and proposal narrative.
- The budget form(s) must be submitted in Microsoft Excel. The final proposal narrative and attachments must be submitted in PDF form.
- Submit a full version of the application, as well as PDF versions of the narrative proposal and each individual attachment.
- Font must be either Arial or Times New Roman, with one-inch page margins, single-spaced, no smaller than 11-point font.
- Each section of the application must adhere to the page limits as indicated in the Request for Proposals. Attachments requested do not count against the page limit.

- ~~Templates and forms for several of the attachments are provided in the Application Toolkit. Relevant attachments are to be completed and included as part of the application.~~
- ~~If a particular question is not applicable to the proposal, please respond “Not Applicable.” *A statement as to why the question is not applicable to the proposal may be requested upon review.*~~

Deliver Letter of Intent by 5:00pm CT on January 22, 2014 via fax, e-mail, or mail and deliver Application by 5:00pm CT on March 14, 2014* via mail or in person to:

Mississippi Charter School Authorizer Board
 Mississippi Institutions of Higher Learning
 3825 Ridgewood Road
 Jackson, MS 39211
 Attention: Ms. Kim Gallaspy
 E-mail: charterschools@mississippi.edu

~~*No late submissions will be accepted.~~

Application Review

A team of professionals will review completed applications. The Mississippi Charter Schools Act of 2013 ensures that the following areas of expertise are represented on the Authorizer Board:

- | | |
|----------------------------------------------|------------------------------------------------------|
| • Public and Nonprofit Governance | • Assessment, Curriculum, and Instruction |
| • Management and Finance | • Public Education Law |
| • Public School Leadership | |

~~The MCSAB works collectively to assess the quality of each application using a standards-based rubric that identifies quality criteria within a variety of domains. Each of these domains is represented in an application section, detailed below. MCSAB’s quality criteria have been established in partnership with a variety of local and national experts and in consultation with exemplars and best practice research. The rubric used to evaluate this application is entitled “Mississippi Charter School Application Evaluation and Sample Scoring Criteria” and is available on the Mississippi Department of Education and the Mississippi Institutions of Higher Learning websites, and is incorporated fully herein by reference.~~

~~If the application meets or exceeds the standard in four of five criteria, the team will proceed to the capacity interview. Those applications deemed substantially incomplete or failing to meet the standard in four of five criteria will be cut. The primary purpose of the capacity interview is to assess the capacity of the school’s leadership team and governing board to effectively oversee the school’s program, organizational viability, and finances. The interview is designed to determine the group’s understanding of academic and fiscal accountability, and the characteristics of the students and district the team plans to serve. The capacity interview will also provide an opportunity for the application reviewers to pose questions generated during the application review process.~~

Following the capacity interview, some teams may be asked amend the application to meet or exceed the criteria in five out of five categories. All applicants are expected to meet or exceed the standards in all five categories before a charter will be granted. Teams may also be asked to participate in an interview with the Mississippi Charter School Authorizer Board.

If you have questions or concerns during the process, please e-mail charterschools@mississippi.edu. Do not contact members of the Charter Authorizer Board.

Source: Miss. Code Ann. § 37-28-15.

APPLICANT CHECKLIST

Rule 1.2 Applicant Checklist

The applicant will use the first column of boxes to check off the sections completed. MCSAB will use the second column of boxes for its completeness check.

Application Component		Applicant Check	Reviewer Check
Cover Letter			
Checklist			
Assurances			
Proposal Narrative			
Table of Contents			
Executive Summary			
Section I. Culture			
Section II. Leadership			
Section III. School Structure and Operations			
Section IV. Education Program			
Section V. Instructional			

Staff			
Section VI. Governance			
Section VII. Waivers (if applicable)			
Section VIII. Conversion Charter Schools (if applicable)			
Section IX. Education Service Provider- Relationship (if applicable)			
Section X. Applicants Currently Operating One or More Schools...			
All Attachments (see Application Toolkit for a complete list of attachments)			

Source: Miss. Code Ann. § 37-28-15.

EXECUTIVE SUMMARY

Rule 1.3 Executive Summary

Essential Information Form

Name of Proposed School	
Conversion or New Start	
Grade Configuration	
Model or Focus (e.g., Arts, College Prep, etc.)	
Proposed School District	
Primary Contact Person (name, email)	

Enrollment Projections: *Delete unnecessary rows and/or provide additional columns if the school will not reach full enrollment by year five. Project student headcount (not funded FTEs). Replace “Year 1” with the first year the school plans to enroll students and each subsequent year for five years total.*

GRADE	Year 1	Year 2	Year 3	Year 4	Year 5
ECE					
K					
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
Total # students					

Student Demographics: Based on the district in which the proposed charter school will be located, project the demographic makeup of the school. The projections for the total number of students who receive free lunch and/or special education services must satisfy the 80% rule as described in the Application Toolkit.

	Free Lunch ONLY %	Students with Disabilities but not Free Lunch %	Total % Free Lunch and/or Students with Disabilities
District data			
Minimum Required % to Satisfy 80% rule			
Projected Demographics			

Address the following questions briefly in a narrative format. Please use the outline numbering and headers provided below, but do not repeat the questions

- I. Culture:** What is the mission and vision of the school? What outreach has been conducted to engage prospective parents, teachers and pupils within this region? Discuss the need for the school in the community. Describe the anticipated culture of the school.
- II. Leadership:** What critical qualifications, credentials and attributes have been identified for the school leader? If a leader has been selected, please provide a short biography for that leader. What critical qualifications, credentials and attributes have been identified for the other members of the school leadership team? If the other members have been selected, provide a short biography for those leaders as well.
- III. School Structure and Operations:** Provide a high level overview of the school team's plan to recruit and enroll students. Describe the school facilities and how students will be transported.
- IV. Education Program:** Provide a brief overview of the education program of the proposed school, including major instructional methods, key program components and assessment strategies.
- V. Instructional Staff:** Explain how instructional effectiveness will be supported through evaluations and professional development.
- VI. Governance:** Briefly outline the role of the Board with regard to school governance and academic oversight. Explain the rationale for seeking charter status.
- VII. Other:** Provide an overview of any relationships with education service providers (if applicable). Provide an abbreviated rationale for converting a noncharter school into a charter school (if applicable). Discuss the academic achievement levels of any other schools being operated by the applicants (if applicable).

Expand the following table to list all proposed Board members for the school.

Name	Current Professional Title and Organization	Board Role	Focus/Expertise

Finance: Complete the following table to summarize the detailed budget supplied in this application. Replace "Year 0" with the first year the proposed school plans to incur expenses, and "Year 1" with the first year the school anticipates receiving students, and each year thereafter for five years total. If there is no anticipated planning year, eliminate the column for "Year 0."

	Year 0*	Year 1	Year 2	Year 3	Year 4	Year 5
Number of Students	-	-	-	-	-	-
Per Pupil Revenue	-	-	-	-	-	-
Federal Revenue	-	-	-	-	-	-
Grant Funds**	-	-	-	-	-	-

Private Funds**	-	-	-	-	-	-
Other Sources**	-	-	-	-	-	-
Total Revenue	-	-	-	-	-	-
Salaries and Wages	-	-	-	-	-	-
Benefits and Employer Taxes	-	-	-	-	-	-
Materials and Supplies	-	-	-	-	-	-
Services and Other Operating Expenses	-	-	-	-	-	-
Facility Expenses	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-
Total Expenses	-	-	-	-	-	-
Net Operating Income	-	-	-	-	-	-
Beginning Fund Balance	-	-	-	-	-	-
Ending Fund Balance	-	-	-	-	-	-
-	<p>*Year 0 refers to the startup year, if applicable. Per Pupil Revenue streams will not commence until Year 1, but there may be other sources of revenue and expense activity during the startup year.</p> <p>-</p> <p>**For any grants, private funds, or other sources identified above, indicate whether the funding has been secured and any plans to secure future funding within the budget narrative and provide evidence as available as part of Attachment X.</p>					

Contracting with Education Service Providers (ESPs): Applicants seeking services from a third party ESP must indicate the extent to which the school may employ services through these organizations or corporations. **Note: A charter school and any education service provider that provides comprehensive management for a charter school must be a nonprofit education organization.**

- a. **Does the school expect to contract with an ESP or other** organization for a substantial portion of school management/operation? (Y/N) If so, please provide a description or copy of

~~the proposed contract, a recent corporate annual report, an audited financial statement, a description of the firm’s responsibility for the fiscal management of the proposed school, and a summary of the company’s history including a description of its past results in management efforts, as well as the background on its leaders. Please provide these documents as an attachment to this Executive Summary Narrative.~~

- ~~b. Is the applicant an existing operator applying to replicate its current school(s)? (Y/N)
If so, list all the schools currently or previously operated by the ESP. Briefly summarize the academic outcomes of each school currently being operated by the ESP.~~

Schools ESP Operates	Location (City/State)	Dates of Operation

~~Source: Miss. Code Ann. § 37-28-15.~~

Section I. CULTURE

(12 page limit)

Rule 1.4 Culture

This section describes the systems in place to support a strong school culture and involve key stakeholders in the school community. Address the following questions in a narrative format. Please use the high level outline components (e.g., “A. Mission Statement”) to organize the response. Do not repeat the text of the question.

A. Mission and Vision Statements

The mission and vision statements provide the foundation for the entire school proposal and operational plan. Accordingly, the rest of the school application should fully align with, and support the stated school mission and vision.

1. Provide the mission of the proposed school. The mission statement should be a concise statement that does the following:
 - a. Identifies the school’s target student population and community to be served.
 - b. Articulates clear guiding purposes and priorities that are meaningful, measurable and attainable.
 - c. Provides the entire school community as well as external stakeholders a clear picture of what the school aims to achieve.
2. Provide the vision statement for the proposed school. The vision statement should be a concise statement that articulates the school’s ultimate goal and reason for existence.

B. Targeted Student Population

A. Identify the district the school proposes to serve.

1. In the case of a conversion, also identify the school that will be converted.

B. What will be the maximum student enrollment? Provide forecasted figures by grade level that illustrate the build-out of the school over time. If the forecasted enrollment is different than the maximum enrollment, explain the rationale.

C. Provide the expected demographics for the students the school plans to serve including the percentage of Free and Reduced Lunch, Students with Disabilities and English Language Learners (ELLs). Estimate the percentage of students who will qualify for free lunch or receive special education services. The projections for the total number of students who receive free lunch and/or special education services must satisfy the 80% rule as described in the Application Toolkit.

D. Explain how the decision to serve this targeted population, including the grade levels that have been chosen, would meet the district’s and community’s needs.

C. Evidence of Need and Community Support

1. Describe the need for a charter school in this district. Make reference to academic achievement, dropout rates, disciplinary statistics, and/or other indicators of need.

- ~~2. Describe the role of families and community members in developing and providing input into the proposed school.~~
- ~~3. Describe the outreach that has been conducted to engage prospective parents, teachers and pupils in the district the school is proposing to serve.~~
- ~~4. Describe evidence of support from any identified community partners, organizations, agencies, or consultants. This evidence may include letters of intent/commitment, in-kind donations, memoranda of understanding, and/or contracts, and should specify the resources to be committed or contributed from the partner, as applicable.~~
 - ~~a. As Attachment A, provide any applicable documents. If the school is relying on a community partner to provide a service or facility that is integral to the operation of the school or educational model, provide a copy of the contract or MOU as part of this attachment.~~
- ~~5. Provide evidence of support for the proposed school among prospective families, teachers, and pupils, or any combination thereof. Support may be gauged and demonstrated through community meetings, parent/teacher/student letters of support, surveys of prospective stakeholders, and/or evidence of letters of intent to enroll among other means.~~
 - ~~a. As Attachment B, provide any applicable documents of any community support.~~

~~D. School Culture and Student Engagement~~

- ~~1. Describe the planned culture for the school and how this culture will promote a positive academic environment and reinforce student intellectual and social development.~~
- ~~2. Explain the systems, structures, practices, and traditions the school leader and leadership team will create to foster this culture for students, teachers, administrators, and families starting from the first day of school (note that a description of the planned discipline policy is requested in the next section).~~
- ~~3. Explain how the school culture will include and serve all students including students with disabilities, English Language Learners, and any students at risk of academic failure.~~

~~E. Student Discipline Policy~~

- ~~1. What will be the key elements of the school's discipline policy and how will it reflect the school culture described above? Which roles on staff will be responsible for implementing the school's discipline policy?~~
 - ~~a. Provide a copy of the school's discipline policy as Attachment C.~~
- ~~2. Is there a strategy for positive behavioral reinforcements? What rituals or protocols will be in place as part of this strategy?~~
- ~~3. How will the discipline policy be practiced in the classroom to ensure students are on task and focused on learning?~~
- ~~4. How will the school ensure that minority students, English Language Learners, and students with disabilities are not disproportionately represented in disciplinary procedures?~~
 - ~~a. Attachment C should include disciplinary procedures for students with disabilities.~~

~~F. Ongoing Stakeholder Involvement~~

- ~~1. What community resources will be available to students and their families? Describe any partnerships the school will have with community organizations, businesses, or other educational institutions. Specify the nature, purpose, terms, and scope of services of any such partnerships.~~
- ~~2. Describe how families will be engaged in the school's culture and operations. How will the school build family-school partnerships to strengthen support for learning and encourage family involvement?~~
- ~~3. Explain how families will be involved in the governance of the proposed charter school. How will the school's policies, procedures, and culture reflect the importance of family satisfaction? How will family satisfaction be evaluated?~~
- ~~4. What communication protocols are planned for stakeholders? How will families be informed about school updates, board meetings and other events?~~

~~Source: Miss. Code Ann. § 37-28-15.~~

Section II. LEADERSHIP

(10 page limit)

Rule 1.5 Leadership

This section outlines school leadership and the processes that will ensure school sustainability and achievement.

A. Leadership Team Personnel

1. Describe the essential responsibilities of the school's leader. Provide a job description for this position as Attachment D.
 - a. Summarize the profile of the school's ideal leader, including skills, qualifications, and characteristics.
2. Is it a requirement that the school leader have school leadership experience?
3. Will the school leader be the instructional leader at the proposed school? If not, who will be responsible for the instructional leadership at the proposed school?
4. Provide a detailed description of the recruiting, hiring, and selection process, and timeline for identifying the school leader. Who makes the hiring decision for the school leader position?
5. If the Principal/Head of School candidate has been identified:
6. Explain why this individual is well qualified to lead the proposed school in achieving its mission and goals. Summarize the proposed leader's academic and organizational track record. Provide the school leader's resume and proof of United States citizenship as Attachment E.
7. As part of Attachment E, provide specific evidence that demonstrates the leader's capacity to design, launch, and manage a high performing school. Provide specific data that demonstrate strong evidence of the school leader's ability to effectively serve the proposed target population. This evidence must include annual student achievement data, disaggregated by subgroup, for every school under the current or prior management of the leader.
8. If the school leader has never run a school, describe any principal leadership training programs that the proposed leader has completed or is currently attending.
 - a. As part of Attachment E, provide any evidence that demonstrates the leader's capacity to design, launch, and manage a high performing school. Provide any available specific data that demonstrate strong evidence of the school leader's ability to effectively serve the proposed target population. This evidence may include data from the leader's previous role as a teacher or other administrator.
9. What additional personnel will make up the school's leadership team? Summarize the essential duties and responsibilities for each additional person on the leadership team.
10. Please provide job descriptions for all leadership team positions as Attachment F to this narrative.
11. What are the qualifications and credentials necessary for the other members of the leadership team?
12. Have the other members of the leadership team been identified?

13. ~~If so, provide as part of Attachment F resumes, proof of United States citizenship, and annual student achievement data, disaggregated by subgroup, for every school under the current or prior management of each identified leadership team member.~~
14. ~~If not, what is the timeline to fill each position?~~

~~B. Leadership Team Coaching and Evaluation~~

1. ~~Explain the school's system for analyzing the school leader's need for coaching and professional development. How will the school supply these supports to the school leader?~~
2. ~~Explain how and when the governing board will evaluate the school leader or principal? What evaluation tool will be used? What key performance criteria will be examined? How will student academic performance be factored into the school leader's evaluation?~~
3. ~~How will the school's board handle unsatisfactory leadership performance?~~
4. ~~Who will coach and evaluate the members of the leadership team other than the principal?~~

~~Source: Miss. Code Ann. § 37-28-15.~~

Section III. SCHOOL STRUCTURE AND OPERATIONS

(10 page limit)

Rule 1.6 School Structure and Operations

A. School Personnel Structure

- ~~1. Other than the leadership team discussed in Section II, outline the staff positions that the school will fill to ensure successful ongoing operations. Note any core functions that will be outsourced to third parties or consultants. (The law requires any that any contracts for outsourced core functions be evaluated by the authorizer board as part of this process. Furthermore, no for profit entity can be hired for core academic or management functions.)~~
- ~~2. As Attachment G, supply an organizational chart for school personnel. For staff positions, include each position/title, name of person holding the position (if applicable), and the year in which the school anticipates adding the position to the staff roster. This chart should include leadership team positions. General education teaching positions can be included as one box on the org chart; however, special education and ELL positions should be listed separately from general teaching positions. (This organizational chart will be compared against the budget figures supplied elsewhere; the two should sync. This chart must clearly present lines of authority and reporting between the governing board, education service provider (if applicable), staff, related bodies (such as advisory bodies or parent and teacher councils), and all other external organizations that will play a role in managing the school.)~~
- ~~3. As Attachment H, supply a staff roster that details all staff positions, such that teaching positions are listed individually and all paraprofessional or specialty teachers are included. The staff roster should include staff planned during the entire initial term of the charter school. This roster should be in list format as opposed to an organizational chart. If the school is phasing in the program, please use multiple columns to indicate which positions will be added in which years. Note on the roster whether positions are full time or part time.~~
- ~~4. Outline the proposed school's salary ranges and employment benefits for all employees, as well as any incentives or reward structures that may be part of the compensation system. _____~~

B. Student Recruitment and Enrollment

- ~~1. Describe the plan to recruit students in the pre-opening year, including the strategies, activities, events, responsible persons and milestones that will demonstrate progress over time.~~
- ~~2. How will the school team specifically reach out to families in poverty, academically low-achieving students, students with disabilities, linguistically diverse families, and other youth at risk of academic failure?~~
- ~~3. Will the school leadership team be collecting Intent to Enroll forms during the pre-opening year? A sample Intent to Enroll form is provided in the Application Toolkit.~~
 - ~~a. If yes, how many Intent to Enroll forms have been collected as of the time of~~

- application submission?
4. ~~Outline the planned enrollment process and timeline, policies, preferences, and requirements, including how any enrollment preferences and requirements comply with Mississippi Code § 37-28-23.~~
 - a. ~~Provide a copy of the school's enrollment policy, including the policy for enrollment preferences, in Attachment I.~~
 5. ~~Describe the school's lottery procedures.~~
 - a. ~~How do these lottery procedures comply with the statutory requirement in Mississippi Code § 37-28-15 that lotteries be "equitable, randomized, transparent, and impartial"?~~
 - b. ~~Provide the school's lottery policy, including policies around waiting lists, as Attachment J.~~
 6. ~~What is the target re-enrollment rate for each year?~~
 7. ~~Describe the student recruitment plan once the school has opened.~~
 - a. ~~In what ways will it be different than the pre-opening year, in terms of the strategies, activities, events, persons responsible and milestones?~~
 8. ~~Describe the goal(s) for student attendance and explain how the school will ensure high rates of student attendance.~~
 - a. ~~Who will be responsible for collecting and monitoring attendance data?~~
 - b. ~~What will happen in the event that attendance targets are not reached?~~

C. Operations

1. ~~Transportation: Describe the transportation plan that details how reliable and safe transportation will be provided for all students.~~
 - a. ~~If the school will enter into a contract with a third-party transportation provider, attach the proposed or signed contract as Attachment K.~~
2. ~~Food Service: Detail how reliable food services will be provided for all students, including whether food will be prepared on or off site.~~
 - c. ~~Does the school intend to participate in the National School Lunch program and/or the National School Breakfast program?~~
 - a. ~~If yes, detail the steps that have been taken to secure participation in these programs.~~
 - d. ~~Indicate whether the school will participate in the local school district's food service programs.~~
3. ~~Provide a list of the types of insurance coverage the school will secure, including a description of the levels of coverage. Types of insurance could include, but not be limited to, Worker's Compensation, liability, or property insurance.~~
4. ~~Describe any partnerships or contractual relationships with external stakeholders central to the school's operations or mission.~~

D. Facility

1. ~~Define the process for identifying and securing a facility that is appropriate for the instructional needs of the school, including any brokers or real estate consultants being employed to assist in finding a facility.~~
2. ~~Describe how the identified facility will meet the basic requirements to accommodate the school plan, including number of classrooms, square footage per classroom, classroom types, common areas, overall square footage and amenities.~~
3. ~~Describe backup or contingency plans for facilities if a facility has not yet been~~

~~secured.~~

~~4. As Attachment L, provide a completed School Facility Questionnaire.~~

~~5. As Attachment M, provide the facility floor plan.~~

E. Start-up Plan

- ~~1. Provide a detailed school start-up plan, identifying tasks, timelines, and board members and/or staff who are responsible for each task as Attachment.~~

Source: Miss. Code Ann. § 37-28-15.

IV: EDUCATION PROGRAM

(30 page limit)

Rule 1.7 Education Program

This section will describe the educational program designed to meet the needs of all students through well-developed curriculum, an assessment system, programs for special populations, and clear systems for instructional planning.

A. Standards and Curriculum

- ~~1. Explain how the school team will base its instructional program on Mississippi's state standards, including the Common Core State Standards, as is required by Mississippi Code § 37-28-15.~~
 - ~~a. If the school team plans to adopt or develop additional academic standards beyond the state standards, explain what kinds of standards (content areas, grade levels) the school team intends to adopt or develop.~~
 - ~~b. Provide evidence of how these additional proposed standards meet or exceed state standards.~~
- ~~2. Describe the proposed curriculum. In particular, describe:~~
 - ~~a. The curricular model and focus (e.g., curriculum overview and teaching methods)~~
 - ~~b. The learning environment (e.g., classroom-based or independent study, class size, structure, etc.)~~
 - ~~c. Class size and structure~~
- ~~3. Present evidence that the proposed curriculum is research-based and has delivered or will deliver rigorous, engaging and effective instruction for the target student population.~~
 - ~~a. If evidence of effectiveness in other schools serving similar populations is not available, explain why the proposed program is likely to succeed with the school's targeted population.~~
- ~~4. Explain how the curriculum is aligned to the standards.~~
- ~~5. Describe any plans to offer virtual courses to students enrolled in the charter school.~~

6. ~~For high schools only, please provide a comprehensive explanation of how the courses and curriculum will prepare students for career-ready and/or college-level course work.~~
7. ~~What elective courses will be offered?~~
8. ~~Provide an overview of the course scope and sequence by subject for all major existing grades that the school would serve (e.g., K, 3, 5, 8, 12 as applicable).~~
 - a. ~~How is this course scope and sequence aligned with Mississippi's state standards, including the Common Core State Standards?~~
 - b. ~~What resources have been used in developing the scope and sequence?~~
9. ~~For each core subject area, unique focus area, and performance level (grade level, age grouping, etc.) for the first five years of operation, discuss the resources and instructional materials to be used to aid in the transference of information (trade books, multimedia aids, science kits, etc.) and that are aligned with the mission and philosophy of the school and the proposed learning standards.~~
 - a. ~~Discuss how the resources and instructional materials will lead to the accomplishment of the school's goals.~~
10. ~~Describe how the school's curriculum will ensure cultural relevancy.~~
 - a. ~~Provide an overview of how the particular framework and/or the curriculum materials will address the needs of culturally and linguistically diverse students.~~
11. ~~If the curriculum is not fully developed, provide a timeline outlining the process and benchmarks for curriculum development during the school's pre-opening year.~~
 - a. ~~Who will be responsible for completing the alignment of curriculum with standards?~~
 - b. ~~Are funds allocated in the budget to account for this process?~~

~~B. Pedagogy~~

1. ~~Describe the expected instructional methodology and strategies that teachers will employ in order to effectively deliver the school's curriculum.~~
 - a. ~~What strategies will teachers use to differentiate instruction to meet the needs of the targeted student population, students with disabilities, students requiring intervention and students needing accelerated curriculum?~~
2. ~~What planning tools will teachers use to prepare lessons?~~
3. ~~How will students' formative assessment data be used to influence teachers' instruction?~~
4. ~~How will teachers ensure that each student masters content objectives and develops related skills to demonstrate proficiency across all standards?~~
5. ~~Describe the investment strategies to be implemented to involve students in the school and their academics including any school-specific routines and rituals.~~

~~C. School Schedule & Calendar~~

6. ~~How many days and hours of instruction will students receive?~~

~~a. As Attachment O, provide the school's proposed calendar for the first year of operation as evidence that the proposed school will be in session no fewer days than the minimum number of school days established for all public schools in Mississippi.~~

~~2. Identify the number of in-service days for teachers.~~

~~3. Explain how the calendar will support the stated goals of the educational program.~~

~~4. Describe the structure of the school day and week.~~

~~——— a. Note the length of the school day, including start and dismissal times.~~

~~b. Provide the minimum number of hours/minutes per day and week that the school will devote to academic instruction in each grade for core subjects such as Language Arts, Math, Science and Social Studies.~~

~~5. Explain how the school's daily and weekly schedule will optimize student learning for all students, including those needing either acceleration or intervention.~~

~~——— a. As a Attachment P, provide daily schedules for one week of classes, both from the perspective of a student and the perspective of a teacher.~~

D. Progress Monitoring and Assessment

~~1. How will the school use data to refine and improve instruction?~~

~~2. Explain how the school will measure and evaluate academic progress—of individual students, student cohorts, and the school as a whole—throughout the school year and at the end of each academic year.~~

~~a. Which formative and summative assessments will be used and how will these assessments align to the curriculum?~~

~~b. How are the proposed assessments known to be valid and reliable indicators of progress?~~

~~c. Identify any other measures or assessments you plan to use for indicators and goals.~~

~~3. Explain how and how frequently the school will collect and analyze longitudinal student academic achievement data.~~

~~a. Describe the information system(s) the school will use to manage student performance data.~~

~~b. Identify the person(s), position(s), and/or entities that will be responsible and involved in the collection and analysis of assessment data.~~

~~c. Identify the staff member(s) who will be responsible for warehousing the data.~~

~~d. Identify the staff member(s) who will be responsible for interpreting the data for classroom teachers.~~

~~4. Identify the staff member(s) responsible for leading or coordinating professional development related to the use of data in improving student achievement.~~

~~5. Describe any additional data that will be collected, beyond items identified above in the description of the assessments.~~

~~6. How will the school report the data to the school community (specifically families)?~~

7. ~~Explain the school's policies and standards for promoting students from one grade to the next.~~
 - a. ~~How and when will promotion and graduation criteria be communicated to families and students?~~
 - b. ~~What is the protocol for redress when families disagree with promotion decisions?~~
8. ~~For high schools only, list the school's graduation requirements.~~
 - a. ~~Explain any graduation requirements.~~
 - b. ~~How do these requirements ensure students are ready to participate in college, career, military service or trade school?~~
 - c. ~~Does the school intend to seek SACS accreditation?~~
 - d. ~~Explain how the school will ensure students meet graduation requirements.~~
 - e. ~~Explain how students will earn credit hours.~~
 - f. ~~How will grade point averages be calculated?~~
 - g. ~~What information will be on a student's transcript?~~

E. ~~English Language Learner Students~~

1. ~~How will the school learn about the home language of students prior to the first day of instruction?~~
 - a. ~~How will the data about home language be utilized?~~
2. ~~When will students be assessed for placement?~~
 - a. ~~What valid and reliable English Language proficiency assessment will be used to determine proficiency levels in listening, reading, writing, and speaking English?~~
 - b. ~~How often will students be assessed for progress?~~
 - c. ~~How will the results be utilized?~~
 - d. ~~How will families be made aware of the school's programs and services?~~
 - e. ~~Who will notify families about the results, what will be included in the notification, and when will it happen?~~
3. ~~Describe the program to be used to ensure that students acquire adequate English language skills.~~
 - a. ~~How will the instructional schedule be designed in order to provide adequate instruction?~~
 - b. ~~What are the performance objectives and what standards will be used to measure the progress of ELL students?~~
 - c. ~~What instructional techniques will be utilized to help ELLs develop and understand academic vocabulary appropriately in speaking, reading, and writing?~~
 - d. ~~How will teachers support students' various English language development levels?~~

- e. ~~How will the school ensure that families are made aware of the school's programs and services?~~
- 4. ~~Describe the plan to exit/re-designate students from the ELL program.~~
 - a. ~~What will determine the exiting/re-designation of students?~~
 - b. ~~What valid, reliable, and objective criteria will be used to measure English proficiency in each of the four language domains?~~
 - c. ~~Describe the plan to monitor students after exit/re-designation.~~
 - d. ~~How will the school determine if additional ELL program services are needed?~~

~~F. Students with Disabilities and Special Needs~~

- 1. ~~Explain how the school will identify and evaluate students with disabilities pursuant to the Individuals with Disabilities Education Improvement Act of 2004, 20 USCS Section 1400 et seq., Section 504 of the Rehabilitation Act of 1973, 29 USCS Section 794, and Title 11 of the Americans with Disabilities Act, 42 USCS Section 12101 et seq. as well as Title 37, Chapter 23, Sections 133-150 of the Mississippi Code of 1972.~~
 - a. ~~Provide as Attachment Q the school's policies for identifying and evaluating students with disabilities.~~
 - b. ~~Which staff will be responsible for this identification and/or evaluation?~~
 - c. ~~How will the school avoid misidentification?~~
- 2. ~~How will the school team ensure that students with disabilities can receive adequate services at the proposed school pursuant to the Individuals with Disabilities Education Improvement Act of 2004, 20 USCS Section 1400 et seq., Section 504 of the Rehabilitation Act of 1973, 29 USCS Section 794, and Title 11 of the Americans with Disabilities Act, 42 USCS Section 12101 et seq. as well as Title 37, Chapter 23, Sections 133-150 of the Mississippi Code of 1972?~~
 - a. ~~As part of Attachment Q, provide the school's policies for serving students with disabilities.~~
 - b. ~~Which staff will be responsible for serving students with disabilities?~~
- 3. ~~Describe the specific, research-based instructional programs, practices, and strategies the school will employ to provide a continuum of services, to ensure students' access to the general education curriculum, and to ensure academic success for students with disabilities.~~
- 4. ~~How will the school regularly evaluate and monitor the progress and success of students receiving special education services so that students attain those goals set forth in the Individualized Education Program (IEP)?~~
- 5. ~~How will the school ensure that students receiving special education services participate in the state testing system as mandated by state law?~~

~~G. Academic Intervention & Acceleration~~

1. ~~How will the school's assessment system enable the school to identify students in need of academic intervention or acceleration? What process will be used to identify those students? Which staff members will be involved?~~
2. ~~Will the school use a response to intervention (RTI) process for students?~~
3. ~~For students identified as in need of accelerated learning opportunities what is the school's plan to address those needs?~~
4. ~~For High Schools Only: Describes the opportunities that students will have for dual enrollment, dual credit, AP, IB, or other advanced academic courses.~~
5. ~~For High Schools Only: Explain what systems and structures the school will implement for students at risk of dropping out of high school and/or not meeting the proposed graduation criteria (i.e., credit recovery, etc.).~~

~~H. Gifted and Talented Students~~

1. ~~Explain how the school will identify gifted/talented and academically advanced students in accordance with Mississippi Code § 37-23-171-181...~~
 - a. ~~Identify the testing protocol, assessments to be used, and proposed timeline for the testing and identification of gifted and talented students.~~
2. ~~What methods will the school use to improve the representation of traditionally under-represented student cohorts in its gifted and talented programs?~~
3. ~~Describe the instructional programs and strategies that the school will use to appropriately address the educational needs of gifted students in accordance with Mississippi Code § 37-23-171-181.~~
 - a. ~~Will the programs require additional instructional materials?~~
4. ~~How will the school adjust its schedule, if necessary, to meet the needs of G&T students?~~
5. ~~How will the assessment system described earlier support the ongoing tracking of progress for students who may be above grade level?~~
6. ~~How will the school provide professional development and train both G&T and general education teachers to serve the needs of G&T students?~~

~~I. Co-curricular or Extracurricular Programming~~

1. ~~Describe any unique or supplementary programs students (and families) will be offered to promote improved mental, emotional and physical health.~~
 - a. ~~Who will conduct these programs?~~
 - b. ~~Will they be optional?~~
 - c. ~~What community resources will be leveraged to offer these programs?~~
2. ~~Describe the extra or co-curricular activities or programming the school will offer.~~
 - a. ~~What are the activities, how often will they occur, who will manage or oversee the activities and how will they be funded (including, will there be a fee for student participation?~~

- ~~i. Please describe any fees for student participation. As Attachment R, provide a copy of the school's policy for fees and hardship waivers in accordance with Mississippi Code § 37-7-335.~~
 - ~~b. Include a description of sports to be offered.~~
 - ~~c. Will the charter school join the Mississippi High School Activities Association?~~
 - ~~i. If not, what leagues or other associations will the charter school join for the purposes of competitions?~~
- ~~3. Describe any volunteer or service programs for students, if these have not already been addressed elsewhere in the application.~~
- ~~4. For schools offering summer school: Describe the summer school program to be proposed.~~
 - ~~a. How many students are expected to attend summer school?~~
 - ~~b. How will they be selected for participation?~~
 - ~~c. How many hours and weeks of summer school will be provided?~~
 - ~~d. How will it be funded?~~
 - ~~e. What specific student needs will the summer school address?~~

J. Performance Framework

- ~~1. Outline the measurable annual goals on each item in the Performance Framework (see the Application Toolkit) that the school will set during the first three years.~~
 - ~~a. Attach a completed Performance Framework as Attachment S.~~
 - ~~b. Elementary and K-8 schools that are phasing in one grade at a time will not receive a state level rating until their third graders have taken the state assessment. If the school will be an elementary or K-8 school, describe specific performance targets on progress monitoring assessments described above that you will use to measure the success of the school.~~
- ~~2. Describe the corrective actions the school will take if it falls short of student academic achievement expectations or goals at the school-wide, classroom or individual student level.~~
 - ~~a. Explain what would trigger such corrective actions and who would be responsible for implementing them. Please make specific reference to Mississippi's third grade gate law.~~

Source: Miss. Code Ann. § 37-28-15.

Section V: INSTRUCTIONAL STAFF

(10-page limit)

Rule 1.8 Instructional Staff

This section will describe the systems in place to promote teacher quality, beginning with a rigorous hiring process and including coaching, evaluation, and professional development.

A. Teacher Recruitment, Hiring, & Retention

1. Describe the protocol that will be used in hiring teachers. Describe the professional backgrounds, depth of experience, and personal qualities that will be sought in teachers and other school staff and how those qualities will help the school achieve its goals.
2. What will be done to ensure that all staff hired is “Highly Qualified” in accordance with the Elementary and Secondary Education Act (ESEA) by the timeline designated in the Mississippi Public Charter Schools Act of 2013. Explain other key selection criteria and any special considerations relevant to the school design. Note whether there is a plan to request a waiver for licensed instructional staff.
3. What will be done to ensure that all hired staff have received and passed criminal background checks, in accordance with the law?
4. Describe the timeline for interviewing and selecting teachers. How will the school publicize open positions? Who will make hiring decisions for teachers? How will the school team assess whether good hiring decisions are made on an annual basis?
5. Explain what cultural competencies will be required of key staff positions in order to appropriately serve the proposed target population.
6. What strategies will be deployed in order to promote retention of the school’s best performing teachers? Is there a target retention rate? Is retention part of the annual goal setting process? Does staff retention factor into the school leader’s evaluation?

B. Teacher Coaching

1. What are the primary goals for teacher coaching in the proposed school? Are there specific areas on which the instructional leaders expect to focus? What criteria will be used to establish coaching feedback?
2. Describe the school’s plan to coach teachers. Which personnel will be involved in teacher coaching? Will teachers receive feedback from non-supervisory coaches or peers?
3. What research basis is being used to create classroom observation protocols and feedback instruments? What methodologies will teacher coaches employ to ensure they are delivering relevant and differentiated feedback to drive improved student outcomes? How will the teachers receive coaching and feedback on their instructional planning?

C. Teacher Evaluation

1. Will the MSTAR framework be a part of the teacher evaluation system?
 - a. If not, what are the standards that will be used to evaluate teachers? How will these standards be developed?

- b. ~~Explain the protocol the school will use to evaluate the performance of the teachers. Who will have primary responsibility to evaluate teachers?~~
 - c. ~~Specifically address what role student progress and achievement will play in teachers' evaluations.~~
2. ~~What steps or actions will the school take when teacher performance is unsatisfactory?~~

D. Professional Development

- 1. ~~Describe the professional development standards and opportunities that will be offered to the teaching staff, and identify who will be responsible for developing, leading and evaluating professional development at the school. Provide the professional development plan as Attachment T.~~
- 2. ~~As a part of Attachment T, provide a scope and sequence, along with an explanation of professional development that will take place prior to school opening. Explain what will be covered during this induction period and how teachers will be prepared to deliver any unique or particularly challenging aspects of the curriculum and instructional methods.~~
- 3. ~~Identify the expected number of days/hours for professional development throughout the school year and explain how the school's calendar, daily schedule, and staffing plan will be structured to accommodate this plan. Note whether teachers will have time for common planning or collaboration, and how such time will typically be used.~~
- 4. ~~Explain how the professional development program will support staff in the cultural competencies necessary to effectively serve linguistically and culturally diverse students.~~
- 5. ~~Explain how the professional development program will be evaluated to assess its effectiveness and success.~~

E. Pedagogy

- 1. ~~Describe the expected instructional methodology and strategies that teachers will employ in order to effectively deliver the school's curriculum. Include strategies teachers will use to differentiate instruction to meet the needs of the targeted student population, students with disabilities, students requiring intervention and students needing accelerated curriculum.~~
- 2. ~~What planning tools will teachers use to prepare lessons? How will students' formative assessment data be used to influence teachers' instruction?~~
- 3. ~~How will teachers ensure that each student masters content objectives and develops related skills to demonstrate proficiency across all standards?~~
- 4. ~~Describe the investment strategies to be implemented to involve students in the school and their academics including any school specific routines and rituals.~~

Source: Miss. Code Ann. § 37-28-15.

~~Section VI: GOVERNANCE~~

~~(15 page limit)~~

Rule 1.9 Governance

The Governing Board is the entity legally responsible for holding the charter, entering into the contract with Mississippi Charter School Authorizer Board and overseeing the operation and academic performance of the charter school. Governance includes all financial planning, budgeting and oversight. Below is the budget narrative, where applicants are asked to describe in detail the fiscal plan for the proposed school. The specifics of this plan are requested in the budget form. The two should sync.

A. Governance Philosophy

- ~~1. Explain the general philosophy of governance that will guide the proposed school.~~
- ~~2. What are the roles and responsibilities of the school's board in regards to the school operation? Please make sure that within the answer, management is clearly distinguished from governance responsibilities.~~
- ~~3. How will the board interact with the principal or head of school?~~

B. Board Capacity and Structure

- ~~1. **School Oversight** As Attachment U, provide an organizational chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, education service provider (if applicable), staff, related bodies (such as advisory bodies or committees), and any other external organizations that will play a role in managing the school.~~
- ~~2. Outline the key expectations for board members.~~
 - ~~a. What actions would trigger removal from the board and under what process?~~
 - ~~b. What are the attendance and committee service requirements for board members?~~
- ~~3. Describe the size and composition of the governing board, both in the present and future.~~
 - ~~a. Identify key skills, areas of expertise, and constituencies that will be represented on the governing board, as well as their involvement with the school's target population.~~
 - ~~b. List all current board members and their roles, and summarize their interests in and qualifications for serving on the school's board.~~
 - ~~c. How will the proposed composition ensure that: (a) the school is an educational and operational success and (b) that key stakeholders and community members will be active in the governance of the school?~~
 - ~~d. As Attachment V, provide a completed Charter School Board Member Questionnaire for each listed board member. The Questionnaire can be found in the Application Toolkit.~~
- ~~4. Explain the criteria and procedure by which board members have been and/or will be selected.~~
- ~~5. Identify your timeline to recruit additional members and the skill sets you plan to add to the board.~~
- ~~6. Explain the board development plan for increasing the capacity of the governing board.~~
 - ~~a. What kinds of orientation or training will new board members receive, and what kinds of ongoing development or training will existing board members receive?~~
 - ~~b. When will this training occur and what topics will be addressed?~~
- ~~7. How frequently will the board meet?~~

~~8. How will board agendas, minutes and decisions be reported to stakeholders?~~

C. Board Oversight

- ~~1. How will the board approach its oversight role? Describe the metrics or progress indicators that the board will consider in its analysis of the school, as well as how the board will receive this information (i.e., dashboard.) Be sure to include both the academic and financial metrics, and the frequency with which the board will review these metrics. These metrics will likely inform any contractual agreements subsequent to application approval.~~
- ~~2. How will the board oversee and implement the school's grievance process and policy?~~
 - ~~a. What is the role of the board when a staff member or a family member has a grievance?~~
 - ~~b. What are the goals of the board in terms of monitoring and resolving staff and family complaints?~~

D. Board Status and Compliance

- ~~1. Describe the proposed school's legal status, including whether Articles of Incorporation have been filed and whether the school has obtained federal tax-exempt status.~~
- ~~2. Describe the process by which the proposed school board developed its Articles of Incorporation and Bylaws.~~
- ~~3. Provide as Attachment W the proposed or filed Articles of Incorporation, the governing board's Bylaws, and the board's Conflict of Interest Policy.~~
- ~~4. Describe how the school and governing board will comply with Mississippi Code § 25-41-1 et seq and Mississippi Code § 25-61-1 et seq, which pertain to open meetings and open records laws.~~

E. Budget and Policy Narrative

~~When developing the budget, applicants should become familiar with Mississippi Code § 37-28-55, where details regarding state, local, and federal funding sources can be found. Also, remember to withhold the 3% authorizer fee from state and local dollars to support the Authorizer Board. As a general recommendation, applicants should do their due diligence in ensuring that the budget and budget narrative are consistent with other sections of the application. All applicants are required to submit a complete charter application budget as a separate electronic document in Microsoft Excel. Applicants do not need to submit a hard copy of the budget form.~~

- ~~1. In the budget file submitted, detail a proposed budget for the start-up year and subsequent five years.~~
 - ~~a. Budget should provide reviewers with good visibility to clear assumptions around funding rates and drivers. Applicants should include any notes within the budget file to substantiate source behind key assumptions.~~
 - ~~b. Any increase to revenues, expenses, funding rates, from year to year, should also be noted and substantiated.~~
 - ~~c. File should also include start-up and first year cash flow projections with clearly stated~~

- assumptions regarding timing of revenue and expenses.
2. Additionally, submit a budget narrative that provides additional information around budget decisions and line items within the budget file. Be sure to include a statement of how each line item helps the school to meet its vision and goals. There should be a discussion of the broader financial outlook of the proposed school, foreseeable risks, and efforts towards sustainability and solvency.
 3. Describe the anticipated private revenue sources including contributions and grants.
 - a. Note which are secured and which are anticipated. Provide evidence of secured and anticipated fundraising contributions in Attachment X.
 - b. Describe how each revenue stream will be used in support of non-core operational expenses.
 - c. Disclose all sources of private funding and all funds from foreign sources, including gifts from foreign governments, foreign legal entities and domestic entities affiliated with either foreign governance or foreign legal entities. Provide evidence of secured funds as part of Attachment X.
 - d. Detail any contingency plans should these anticipated private revenue sources not be secured.
 4. Describe the fundraising plan for the first year, as well as any additional fundraising that will need to occur over the next five years.
 - a. Detail who will be involved with fundraising, and any contingency plans should anticipated funds not be secured.
 5. Describe any services to be contracted, such as business services payroll and auditing services, including costs and criteria for selecting such services.
 - a. Which services, if any, will be contracted out with the local education agency?
 - b. How will the board avoid any conflicts of interest in the awarding of services and contracts?
 6. Please provide the costs associated with the facility plan presented earlier in the application. If the facility plan included any renovation or construction plans, please details the estimated costs, timeline, and financing associated with the proposed plan.
 7. If anticipated revenues are not received or are lower than expected, what specific changes will be made to ensure the school meets its financial obligations (explain in narrative format)?
 - a. What are the established benchmarks the board will use for financial performance?
 - b. In addition, is there a contingency set aside in this budget?
 8. If there are any anticipated cash shortages, please identify those and describe how the proposed school will meet its cash obligations. If there is a plan for the proposed school to take on any short-term or long-term debt, please provide an overview of amount, assumed borrowing costs, and anticipated term.
 9. Describe the systems, policies and procedures, including internal controls, which will be in place to responsibly manage accounting, purchasing, payroll, and financial reporting requirements including a year-end audit.
 - a. Provide copies of the school's financial policies in Attachment Y. These policies must include an audit policy that complies with Mississippi Code § 37-28-57.

Source: Miss. Code Ann. § 37-28-15.

~~Section VII: WAIVERS (as needed)~~

Rule 1.10 Waivers

Request for Waiver from Mississippi Code § 37-28-47, relating to employment of a nonimmigrant foreign worker	
Rationale for Waiver Request, including efforts to recruit lawful permanent residents of the United States for the relevant position(s)	
How will a waiver of this statute help student achievement?	

Source: Miss. Code Ann. § 37-28-15.

Section VIII (if applicable): Conversion Charter Schools
(6-page limit)

Rule 1.11 Conversion Charter Schools

The Mississippi Charter School Authorizer Board also welcomes conversion school applicants who specifically wish to provide a high quality option for students where a majority of parents and/or teachers and/or school board members of the existing school wish to convert the existing noncharter public school, or where the existing school is undergoing State or District turnaround efforts. Conversion charter schools must have a clear plan for dramatically improving persistently underperforming school cultures, significantly raising student achievement and effectively meeting the needs of at risk populations, especially students with disabilities. These conversion school applicants are expected to establish strong partnerships with the school community.

Please address the following questions if a conversion school is being proposed.

~~A. Petition.~~

- ~~1. As Attachment Z, provide the 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.~~

~~B. Community Need & Support.~~

- ~~1. Why is the noncharter public school being proposed for conversion into a charter school?~~
- ~~2. What specifically will be done to seek parent and community support?~~

~~C. Student Recruitment & Enrollment.~~

- ~~1. Describe the plan for successfully recruiting, transitioning, and retaining students who are in the existing school or who would be going to the existing school.~~
- ~~2. As part of Attachment I, provide the school's policy for giving enrollment preferences to students who reside within the former attendance area of the converted public school. This policy should also provide for the enrollment of students outside of the former attendance zone but within the school district in the event that the school has excess capacity after enrolling resident students. The policy should state lottery procedures for students seeking excess capacity seats if these seats become oversubscribed.~~

~~D. Addressing the Needs of a Turnaround~~

- ~~1. Describe how the proposed school will meet the needs of the student population currently attending the underperforming school.~~
 - ~~a. How will a strong school culture be built?~~
 - ~~b. How will the proposed educational model ensure the school significantly raises student achievement?~~
- ~~2. Provide an accelerated phase in plan that details how the proposed school would take responsibility for all grades and all existing programs of a school, including programs for students with severe disabilities, English Language Learner programs, and any early childhood education programs.~~
- ~~3. Please describe the plan to work with the existing school during the transition.~~

Section IX (if applicable): Education Service Provider Relationship

(11 page limit)

Rule 1.12 Education Service Provider Relationship

If the proposed school intends to contract with an education service provider (ESP) — such as a charter management organization — provide the following additional information:

A. ~~ESP Selection~~

- ~~1. Explain how and why the ESP was selected.~~

B. ~~Background Information~~

- ~~1. As Attachment AA, provide background information, including proof of United States citizenship, on the principal individuals affiliated with the ESP. Background information should include a resume for each of the principal individuals.~~
- ~~2. As part of Attachment AA, provide evidence that the ESP is a nonprofit organization. This evidence should include an IRS tax exempt determination letter.~~

C. ~~ESP Track Record~~

- ~~1. List of all schools operated by the ESP that serve the same grade levels as and student populations demographically similar to the anticipated population of the proposed school. Include name, year opened, contact information, location, number of students, and contact information for the authorizer for each currently operating school.~~
- ~~2. Explain the ESP's success in serving student populations similar to the target population of the school. Describe the ESP's demonstrated academic track record as well as successful management of non-academic school functions (e.g., back-office services, school operations, extracurricular programs).~~
- ~~3. As Attachment AA, provide student performance data, including disaggregated student performance data (growth data where possible), for all schools operated by the ESP that serve the same grade levels as and student populations demographically similar to the anticipated population of the proposed school.~~
- ~~4. Provide evidence of the financial health of the ESP in Attachment T.~~

D. ~~Legal Relationships~~

- ~~1. As a part of Attachment U, provide evidence that the board is independent from the ESP and self-governing, including separate legal representation of each and arms-length negotiating.~~
- ~~2. Disclose and discuss any existing or potential conflicts of interest between the ESP or any affiliated business entities and the school governing board.~~
- ~~3. If the charter school intends to enter into a lease, execute promissory notes or other negotiable instruments, or enter into a lease-purchase agreement or other financing~~

relationships with the ESP, the applicant must provide evidence that such agreements are separately documented and not a part of or incorporated in the ESP agreement as part of Attachment BB.

~~E. Contract~~

- ~~1. As Attachment BB, provide the term sheet for the ESP which must include the following:~~
 - ~~a. The proposed duration of the service contract;~~
 - ~~b. Roles and responsibilities of the governing board, school staff, and the ESP;~~
 - ~~c. The scope of services and resources to be provided by the ESP;~~
 - ~~d. Performance evaluation measures and timelines;~~
 - ~~e. The compensation structure, including clear identification of all fees to be paid to the ESP;~~
 - ~~f. Methods of contract oversight and enforcement;~~
 - ~~g. Investment disclosure; and~~
 - ~~h. Conditions for renewal and termination of the contract.~~
- ~~2. Provide a detailed description of the roles and responsibilities of the ESP in contrast with the roles and responsibilities of the governing board and school staff.~~
- ~~3. Describe the scope of services and all resources to be provided by the ESP.~~
- ~~4. Describe the oversight and evaluation methods that the Board will use to oversee the ESP.~~
 - ~~a. What are the school wide and student achievement results that the management organization is responsible for achieving?~~
 - ~~b. How often, and in what ways, will the board review and evaluate the ESP's progress toward achieving agreed-upon goals?~~
 - ~~c. Will there be an external evaluator to assess the ESP's performance?~~
 - ~~d. What are the conditions, standards, and procedures for board intervention, if the management organization's performance is deemed unsatisfactory?~~
- ~~5. Describe the compensation structure, including clear identification of all fees to be paid to the ESP.~~
 - ~~a. What is the schedule on which the ESP will receive compensation?~~
- ~~6. Describe the financial responsibilities of the ESP, including the ownership of items purchased with public funds.~~
 - ~~a. Which operating and capital expenditures will each party be responsible for?~~
 - ~~b. What types of spending decisions can the management organization make without obtaining board approval?~~
 - ~~c. What reports must the management organization submit to the board on financial performance, and on what schedule?~~
- ~~7. Explain the duration, renewal, and termination of the management agreement.~~
 - ~~a. How often will the management agreement be renewed?~~

- b. ~~Describe the conditions that both the ESP and the school must satisfy for the management agreement to be renewed.~~
- c. ~~Describe the procedures for determining whether the management agreement will be renewed.~~
- d. ~~On what grounds can the ESP or the school terminate the management agreement for cause (including provisions for notice to the other party)?~~
- e. ~~What are any conditions under which either party may terminate the management agreement without cause?~~
- f. ~~List any indemnification provisions in the event of default or breach by either party.~~

Source: Miss. Code Ann. § 37-28-15.

~~Section X (if applicable): Applicants Currently Operating One or More Schools in Any State or Nation~~

~~Rule 1.13 Applicants Currently Operating One or More Schools in Any State or Nation~~

- 1. ~~Discuss and provide evidence of past performance.~~
- 2. ~~Discuss and provide evidence of current capacity for growth.~~
- 3. ~~Provide evidence of statistically significant gains in student achievement or consistently produced proficiency levels as measured on state achievement tests. Ensure that this data is disaggregated by student subgroup, highlighting the performance of students who are of a similar demographic of those the applicant is seeking to serve in the proposed charter school. This will be Attachment CC.~~

Source: Miss. Code Ann. § 37-28-15.

Part 402 Chapter 2: Application Toolkit 2013

Mississippi Charter School Authorizer Board Application Toolkit 2013

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Rule 2.1 Introduction

Introduction

This application toolkit is designed to provide guidance and assistance to applicants for public charter schools in Mississippi. It also includes templates for certain documents, which will be required in any applications submitted in response to the Charter Schools Request for Proposals 2013.

Definitions

- (a) ~~"Applicant" means any person or group that develops and submits an application for a charter school to the authorizer.~~
- (b) ~~"Application" means a proposal from an applicant to the authorizer to enter into a charter contract whereby the proposed school obtains charter school status.~~
- (c) ~~"Authorizer" means the Mississippi Charter School Authorizer Board established under Section 37-28-7 to review applications, decide whether to approve or reject applications, enter into charter contracts with applicants, oversee charter schools, and decide whether to renew, not renew, or revoke charter contracts.~~
- (d) ~~"Charter contract" means a fixed term, renewable contract between a charter school and the authorizer, which outlines the roles, powers, responsibilities and performance expectations for each party to the contract.~~
- (e) ~~"Charter school" means a public school that is established and operating under the terms of charter contract between the school's governing board and the authorizer. The term "charter school" includes a conversion charter school and start-up charter school.~~
- (f) ~~"Conversion charter school" means a charter school that existed as a noncharter public school before becoming a charter school.~~
- (g) ~~"Education service provider" means a charter management organization, school design provider or any other partner entity with which a charter school intends to contract for educational design, implementation or comprehensive management.~~
- (h) ~~"Governing board" means the independent board of a charter school which is party to the charter contract with the authorizer and whose members have been elected or selected pursuant to the school's application.~~
- (i) ~~"Noncharter public school" means a public school that is under the direct management, governance and control of a school board or the state.~~
- (j) ~~"Parent" means a parent, guardian or other person or entity having legal custody of a child.~~
- (k) ~~"School board" means a school board exercising management and control over a local school district and the schools of that district pursuant to the State Constitution and state statutes.~~
- (l) ~~"School district" means a governmental entity that establishes and supervises one or more public schools within its geographical limits pursuant to state statutes.~~
- (m) ~~"Start-up charter school" means a charter school that did not exist as a noncharter public school before becoming a charter school.~~

- ~~(n) "Student" means any child who is eligible for attendance in a public school in the state.~~
~~(o) "Underserved students" means students participating in the federal free lunch program who qualify for at risk student funding under the Mississippi Adequate Education Program and students who are identified as having special educational needs.~~

Source: Miss. Code Ann. § 37-28-15

Rule 2.2 Guidance

Guidance

The 80% Rule

The Rule and Definitions

One of the important aspects of Mississippi's charter school law is its sensitivity to concerns that charters will under-enroll students with the greatest need to be served. As a result, the legislature added the 80% rule to the law. Mississippi Code § 37-28-23(5) reads, "The underserved student composition of a charter school's enrollment collectively must reflect that of students of all ages attending the school district in which the charter school is located, to be defined for the purposes of this chapter as being at least eighty percent (80%) of that population."

The term "underserved" is defined in Mississippi Code § 37-28-5 as "students participating in the federal free lunch program who qualify for at risk student funding under the Mississippi Adequate Education Program and students who are identified as having special educational needs."

What does this mean?

Essentially, a charter school's percentage of underserved students (students qualifying for free lunch and/or special education services) must be at least 80% of the percent of underserved students of every age within the traditional school district in which the charter resides.

For example, if 60% of students in a district are underserved, a charter school's enrollment of underserved students must equal $60\% \times 80\%$, or 48%.

Calculating a Proposed Charter School's 80% Target of Underserved Students

Step 1: Gather the appropriate data:

- Publicly available data does not differentiate between students who are only receiving free lunch or special education services versus students who receive both. You will need to know these exact percentages in order to correctly calculate the 80% target. The Mississippi Charter School Authorizer Board will provide the correct data to all applicants who have properly completed a Letter of Intent by the deadline.

Step 2: Find the district's total population of underserved students.

- Complete the chart below to correctly calculate the district's total underserved population.

% of students qualifying for FREE LUNCH ONLY	% of students qualifying for SPECIAL EDUCATION ONLY	% of students qualifying for BOTH FREE LUNCH AND SPECIAL EDUCATION	Add boxes 1-3 together to find the TOTAL % of underserved students

~~Step 3: Calculate the charter school's minimum percentage of underserved students.~~

- ~~• Total District % of Underserved Students:~~
- ~~• Multiply the number above by 80% (remember to move decimal places since you are finding a percent of a percent):~~

~~Step 4: In the application, project the demographics of your proposed school.~~

- ~~• Make sure that the projected demographics satisfy the 80% rule.~~

Does a charter school's free lunch percentage and special education percentage separately have to equal 80% of the district's population of both of these groups?

~~No. The legislation requires that the underserved population at the charter school collectively reflect that of the district's. Therefore, a charter could serve a population of students receiving special education services that is exactly equal to that of the district's while serving a smaller percentage of students who qualify for free lunch, as long as the total underserved population is at least 80% of the district's underserved population. However, if the percentage of students in either category is very different from that of the district, a charter school could be investigated to determine if it engaged in any unlawful practice to bring about that result.~~

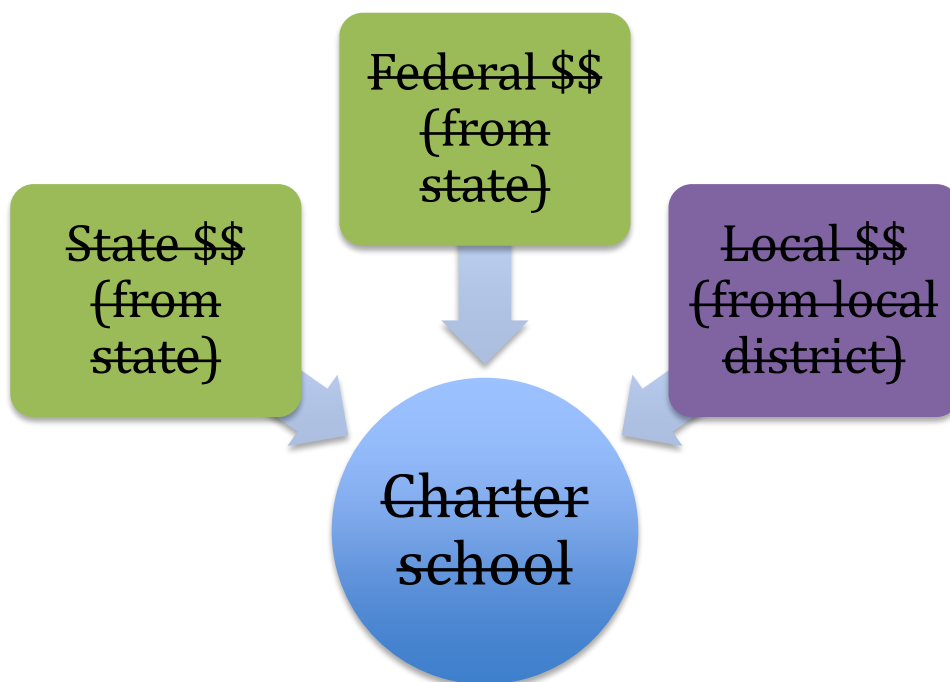
What happens if a charter school does not enroll an appropriate underserved population?

~~Mississippi Code § 37-28-5 states, "If the underserved student composition of an applicant's or charter school's enrollment is less than eighty percent (80%) of the enrollment of students of all ages in the school district in which the charter school is located, despite the school's best efforts, the authorizer must consider the applicant's or charter school's recruitment efforts and the underserved student composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. A finding by the authorizer that a charter school is operating in a discriminatory manner justifies the revocation of a charter."~~

Source: Miss. Code Ann. § 37-28-15

Rule 2.3 Understanding Funding for Charter Schools for Budgeting

Understanding Funding for Charter Schools for Budgeting



BALLPARKING A PER-PUPIL AMOUNT

The fastest way to ballpark a per-pupil amount for budgeting purposes is to look at the most recent per-pupil amount spent by the district in which your charter will reside. Look at pages 31-35 of the 2011-2012 Superintendent's Report to get an idea of this figure:

<http://ors.mde.k12.ms.us/pdf/a/2013%20Superintendent's%20Annual%20Report%20for%20SY%202011-2012%20version12.pdf>. The information below will help you gain a more precise estimate as well as an understanding of where the dollars come from and how your school will receive them.

STATE DOLLARS

All state dollars that support education, with the exception of any state facilities funds, will flow directly to approved charter schools. There are two main categories of relevant state funds: Mississippi Adequate Education Program (MAEP) funds and state categorical funding. In 2011-2012, state funds averaged approximately 50% of a school district's total revenue.

MAEP and how to use it for budgeting

MAEP is the state funding formula for K-12 education. The purpose of MAEP is to guarantee a minimum amount of funding for every public school child in the state. The share of MAEP dollars that a school district gets is based on a formula in law. Because charter schools are their own local educational agencies (LEAs), MAEP will be calculated for you separately from the

district in which you reside. Your school's share of MAEP will flow directly from the Mississippi Department of Education to your school in the same manner in which school funding is distributed to traditional public schools.

The formula is as follows:

$$\text{Average Daily Attendance} \times \text{Base Student Cost} + \text{At-Risk Component} - \text{Local Contribution} + 8\% \text{ Guarantee} = \text{MAEP Formula Allocation}$$

- ~~Average Daily Attendance (ADA)~~ is the number of student who, on average, attend your school every day. For MAEP, this number excludes students who are in self-contained special education classes. ADA is different than a school's enrollment, which is the number of children signed up to attend your school. Since MAEP is lagged a year, your ADA for the previous school year will be used for your current year calculation. *However, in the first year, your projected enrollment will be used initially and then your second year payments will reflect a reconciliation up or down between the projected enrollment and your first year ADA. For a conservative budgeting estimate for your first year, you may want to assume your first year ADA will be 10% lower from your projected enrollment. For a conservative budgeting estimate for each year thereafter, estimate that 95% of your enrollment excluding estimated self-contained special education students will attend your school everyday.*
 - Note: There is a special "high-growth component" to ADA for districts with rapidly expanding enrollments. This may apply to many charter schools. However, the current law requires that a district have rapidly expanding enrollments for the three preceding years in order to qualify. In the first three years, there is no provision for charters to qualify for the high-growth component.
- ~~Base student cost~~ is the number calculated by the Mississippi Department of Education (MDE) to reflect the minimum amount of money required to adequately educate a child in the state of Mississippi. MDE has a formula it uses to determine the base student cost each year. For the 2014-2015 school year, the base student cost is preliminarily calculated to be \$5,054.97. However, the legislature rarely appropriates enough money to meet the full estimate of the base student cost. *For a conservative budgeting estimate, you should estimate that the appropriated base student cost will be at least 12% lower than the calculation, which is approximately how much lower the base student cost appropriation was from the calculated base student cost in FY2014. For future budget years, you should estimate that the base student cost will not increase by more than 1-2%.*
- The ~~At Risk Component~~ is additional 5% of base student cost funding for each child a district serves who qualifies for free lunch. A school's free lunch count on October 31 of the preceding year is used. For a charter school's first year, the projected free lunch count would be used. *For a conservative budgeting estimate, you should estimate that you will serve at least 80% of the percent of students qualifying for free lunch in the district in which your charter resides.*

- The Local Contribution is the amount of local tax dollars a district must pay towards the guaranteed state minimum per pupil expense. This money is not transferred to the state, only taken into account when calculating the state's share of the minimum per pupil amount. The local contribution is somewhat tricky to calculate because it includes a few different types of local funding sources: ad valorem tax reduction grants, in lieu payments, and the value of 28 mills. It also looks at data from the second preceding year rather than the prior year like other components of MAEP. Furthermore, the local contribution is capped at 27% of program costs. This means that in school districts where the value of 28 mills is very high, the local contribution will be a maximum of 27% of the total base student cost and at-risk component. Most districts are not at the 27% cap. Every year, the Mississippi Department of Education calculates what the local contribution is that each district must make towards MAEP based on all of these rules. It then tells each district how much its local contribution will be. A charter school's local contribution will be equal, on a per pupil basis, to that of the district in which the charter resides. *For a conservative budgeting estimate, you should use the most recent local contribution for your first year budget and then use the percent of the contribution in future budget years.* The Charter School Authorizer Board will provide you with the most recent local contribution per pupil for the relevant district once you turn in a letter of intent.
- The 8% Guarantee is a provision added by the legislature to guarantee that all districts receive at least as much MAEP funding as they did in 2002 plus 8%. This provision impacts very, very few districts. The Charter School Authorizer Board will alert you as to whether the district in which your school will reside will receive 8% Guarantee funds.

State Categorical Funds

Charter schools are entitled to state categorical funds as are traditional school districts. There are five categorical funds: transportation, special education, gifted education, alternative education, and vocational education.

- Transportation—If a charter school chooses to take state transportation funds, it must abide by the reporting requirements for the program. For those rules, see <http://www.mde.k12.ms.us/safe-and-orderly-schools/pupil-transportation>.
- Special education—In order to receive federal special education funds, a charter school must accept state funds for special education and follow the rules and regulations for both. To learn more about special education, refer to the Special Education Office at MDE: <http://www.mde.k12.ms.us/special-education>.
- Gifted education—If a charter school chooses to take gifted education funds, it must abide by the reporting requirements for the program. For more information, see <http://www.mde.k12.ms.us/curriculum-and-instruction/advanced>.
- Alternative education—If a charter school provides alternative education and accepts alternative education dollars, it must abide by the reporting requirements for the program. For more information, see <http://www.mde.k12.ms.us/dropout-prevention-and-compulsory-school-attendance/alternative-education-ged>.

- ~~Vocational education—If a charter school chooses to offer vocational education courses and take vocational education dollars, it must abide by the reporting requirements for the program. For more information, see <http://www.mde.k12.ms.us/career-and-technical-education>.~~

Note on Lump Sum MAEP Allocations

~~In years in which the state legislature does not fully fund the MAEP formula (which is nearly every year), school districts are given their dollars in a “lump sum” to be used as they see fit, within the law. The one exception is that school districts must still spend an appropriate amount of state funds on special education, as this is required to receive federal dollars and to maintain compliance with federal law.~~

FEDERAL DOLLARS

Federal dollars flow directly from the state to the charter school based on the eligibility of children enrolled in the charter school for the various federal programs. These federal funds would include, for example, Title I and IDEA. The Mississippi Department of Education administers all federal funding sources based on the rules attached to each program. *Since charter schools are their own local educational agencies (LEAs), they will need to apply for federal funds in the same way that traditional school districts do.* Please refer to the Mississippi Department of Education’s Office of Federal Programs for more information:

<http://www.mde.k12.ms.us/federal-programs>. In 2011–2012, an average of approximately 18% of a school district’s total revenue came from federal sources. Please note that this number could be a lot higher for school districts with very high populations of economically disadvantaged students.

LOCAL DOLLARS

~~For each student enrolled in a charter from a local district, the legislature intended for money to follow the child from the local school district to the charter. This means that the local district will divert to the charter a proportionate share of the local funding. Charter schools will not receive any amount of the local taxes that were levied for bonded indebtedness, short-term notes, or vocational-technical programs. In 2011–2012, an average of approximately 31% of a school district’s total revenue came from local sources.~~

~~Only the local school board will make a request to the appropriate municipal or county board for an amount to fund all public school students (traditional and charter) in that district. The local board can only ask for the amount of last year’s aggregate receipts plus the allowable percentage increase already in state law; it will not be able to ask for an additional percentage increase due to the presence of a charter in the district. The district will transfer to the charter a proportionate share of the actual receipts each month.~~

~~Since the school district typically bases its request to the taxing authority on its previous budget, it does not necessarily calculate a local “per pupil” amount each year. To estimate how much local funds a charter may receive, you can estimate a per pupil amount based on the district’s~~

enrollment and its local revenue (see pages 37-39 in the Superintendent's Report: <http://ors.mde.k12.ms.us/pdf/a/2013%20Superintendent's%20Annual%20Report%20for%20SY%202011-2012%20version12.pdf>). Remember that this figure will include not only the local contribution to MAEP but also the operational taxes levied above 28 mills. It may also include revenue resulting from taxes for short-term notes, bonded indebtedness, or vocational-technical programs to which a charter is not entitled. To determine whether a school district may be taxing its residents for these additional expenses, refer to pages 45-49 of the Superintendent's Report to see if additional mills are being levied: <http://ors.mde.k12.ms.us/pdf/a/2013%20Superintendent's%20Annual%20Report%20for%20SY%202011-2012%20version12.pdf>. *For a conservative budgeting estimate, you should determine whether your local school district raises revenue that charters are not entitled to before using the most current local revenue per pupil estimate in your budget.*

Source: Miss. Code Ann. § 37-28-15.

Rule 2.4 Performance Framework

Performance Framework

~~Applicants must create a performance framework that represents the measures, metrics and indicators of success for the proposed school. The format in which the applicant presents this data is flexible. However, the performance framework must include goals for two areas. The performance framework must contain academic program and governance goals. Include the framework as Attachment S.~~

~~Academic goals:~~

- ~~a. student academic proficiency (for all major content areas)~~
- ~~b. student academic growth (for all major content areas)~~
- ~~c. achievement gaps in (major content areas)~~
 - ~~a. proficiency and~~
 - ~~b. growth between major student subgroups~~
- ~~d. attendance~~
- ~~e. recurrent enrollment from year to year~~
- ~~f. in-school suspension rates (if applicable)~~
- ~~g. out-of-school suspension rates (if applicable)~~
- ~~h. expulsion rates~~
- ~~i. post-secondary readiness (for high schools) that will include the percentage of graduates:~~
 - ~~a. submitting applications to post-secondary institutions~~
 - ~~b. high school completion~~
 - ~~c. postsecondary admission~~
 - ~~d. postsecondary enrollment and/ or~~
 - ~~e. postsecondary employment~~

~~Governance Goals~~

- ~~f. financial performance~~
- ~~g. sustainability~~

~~h. board performance~~

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

~~All data concerning student populations must be disaggregated by major student subgroups (gender, race, poverty status, special education status, ELL status, and gifted).~~

~~Source: Miss. Code Ann. §§ 37-28-29~~

Resources

School Culture

- **Strategic School Design (SSD):** New school applications may find it helpful to incorporate elements of SSD into their applications. For more information on SSD, consult the book The Strategic School: Making the Most of People, Time and Money by Karen Hawley Miles and Stephen Frank.
- **Student Attendance:** Refer to Mississippi's compulsory school attendance law, which can be accessed here: <http://www.mde.k12.ms.us/dropout-prevention-and-compulsory-school-attendance/compulsory-attendance>.

Education Program

- **Mississippi Academic Standards:** All schools must employ standards that meet or exceed Mississippi's Academic Standards. Charter schools must use the Common Core State Standards. Review the standards at: <http://www.mde.k12.ms.us/curriculum-and-instruction>
- **Graduation Requirements:** High schools approved by the MS Charter Schools Authorizer Board will be expected to meet or exceed the same graduation requirements as all other MS traditional public high schools, set forth at <http://www.mde.k12.ms.us/docs/2012-board-agenda/tab-16-appendix-a-and-standard-20-rev.pdf?sfvrsn=2h>
- **Mississippi Standardized Tests:** All schools in Mississippi must administer (at a minimum) the correct, state-mandated assessments to monitor student progress. Review information about these standardized assessments at: <http://www.mde.k12.ms.us/student-assessment>
- **Mississippi Third Grade Reading Gate:** Review information at <http://www.mde.k12.ms.us/docs/sped-powerpoints-page/3rd-Grade-Reading-Gate.pdf?sfvrsn=2>
- **Gifted education:** Review the regulations for a Gifted Education Program using state add-on funds here: <https://districtaccess.mde.k12.ms.us/curriculumandInstruction/Advanced-Learning-and-Gifted-Programs/2013-Regulations-for-the-Gifted-Education-Programs-in-Mississippi-Board-Approved-2013.05.17.pdf>
- **Mississippi High School Activities Association:** Information about the MHSAA for charter schools that want to join can be found here: <http://www.misshsaa.com/>

Governance

- **Training modules for governing board members** of Mississippi charter schools can be found at: <http://www.msbaonline.org/AboutMSBA/tabid/387/Default.aspx>
- **MDE Resources on Funding:**
 - General explanation of Mississippi Adequate Education Program funding: <http://www.mde.k12.ms.us/docs/school-financial-services-library/maep-explanation-2010C2281CA29877.pdf?sfvrsn=2>
 - Worksheet to calculate charter at risk funding: <http://www.mde.k12.ms.us/school-financial-services/school-financial-services-fets-formulas>
 - Financial Policies and Procedures: <http://www.mde.k12.ms.us/school-financial-services>
- **For information on Title I, II, and III grants**, refer to: <http://www.mde.k12.ms.us/federal->

programs

- ~~NACSA's Issue Brief *Good to Govern* on charter governing boards:~~
~~<http://naesa.mycrowdwisdom.com/diweb/catalog/item/id/77222/q/q=boards&c=82>~~
- ~~**Facilities:** Refer to Mississippi Code § 37-28-61, regarding a charter school's "right of first refusal" to facilities.~~

Education Service Providers

- ~~*Charting a Clear Course: A Resource Guide for Building Successful Relationships between Charter Schools and School Management Organizations*, available at:~~
~~<http://www.publiccharters.org/publication/?id=393>.~~

~~Source: Miss. Code Ann. § 37-28-15~~

Rule 2.6 Letter of Intent

Letter of Intent

This letter of intent (LOI) serves to provide a formal notice to the Mississippi Charter School Authorizer Board regarding an applicant's intention to submit a proposal for opening a charter school.

The information presented in the Letter of Intent is non-binding.

Name of Proposed School	
Grade Configuration	
Model or Focus	
Primary Contact Person	
Phone	
Email	
District	
Proposed Leader (if known)	
Replication?	
Contract with ESP?	

Enrollment Projections: *Provide additional rows and columns if necessary. Replace "Year 1" with the academic year the applicant plans to begin operating and the four subsequent academic years.*

Grade	Year 1	Year 2	Year 3	Year 4	Year 5
X					
X					
X					
Total # of students					

Mission of School:

Provide a brief overview of the education program of the school:

Complete the following table to list Board members for the school at this time. Add rows as is necessary.

Name	Current Professional Title and Organization	Board Role	Focus/Expertise
------	---------------------------------------------	------------	-----------------

--	--	--	--

~~Source: Miss. Code Ann. § 37-28-15~~

Rule 2.7 Sample Intent to Enroll Form

Sample Intent to Enroll Form

This confidential Intent to Enroll Form is used to demonstrate interest in having your child(ren) enroll at _____. Signing this Intent to Enroll does not obligate the student to attend _____ nor does it guarantee admission. However, parents/legal guardians who sign this Intent to Enroll are indicating a sincere desire to enroll their child(ren) in this school in the event that the Mississippi Charter School Authorizer Board approves the applicant's proposal to open.

Parents and guardians should understand that the Mississippi Charter School Authorizer Board must vote to approve any new charter school, whether a conversion or a start-up, and such vote has not yet occurred for the school referenced herein.

School Information		
School Name:		
Grades Served:		
Proposed District Location:		
Anticipated Opening Date:		
School Leader/Contact:		
Parent/Legal Guardian Information		
Parent/Legal Guardian's Name(s):		
Primary Phone:		
Email:		
Student's Home Address		
Street Address:		
City:	State: MS	Zip Code:
Student Information		
Please list each child whom you are interested in enrolling in the school.		
Student's Name:	Age:	Grade:
Student's Name:	Age:	Grade:
Student's Name:	Age:	Grade:

Parent/Legal Guardian Name (Print)

Parent/Legal Guardian (Signature)

Date _____/_____/_____

Source: Miss. Code Ann. § 37-28-15

Rule 2.8 Charter School Board Member Questionnaire

Charter School Board Member Questionnaire

(To be completed individually by each proposed board member for the Charter School)

The purposes of this survey are: 1) to supply pertinent information to the application review team; 2) to encourage board members to reflect individually as well as collectively on their common mission, purposes, and obligations at the earliest stage of school development; and 3) to identify any potential conflict of interest you may have as a board member.

Conflict of Interest

The information requested below is being requested to identify any potential conflicts of interest that you may have as a board member. This is in alignment with best practices in non-profit and charter school governance and is also DPS policy for its board members. If the charter school is approved, any conflict of interest that is identified must be addressed by the charter school in alignment with its board conflict of interest policy.

Background/Criminal History Checks

Background checks are an important volunteer management tool for charter schools. The safety of students, employees, and board members is of utmost importance. Moreover, the judicious oversight of the school's finances and operations is among the governing board's main responsibilities. Accordingly, applicant is to submit criminal background checks on all Charter School Board Members.

Contact Information

Name of charter school	
Your name	
Home address	
City/State/Zip	
Telephone	
Email	
Employer Address	
Employer City/State/Zip	

Are you a Mississippi resident? ☐ Yes. ☐ No.

Are you a United States citizen? (Please provide proof as an attachment to this document.)

☐ Yes. ☐ No.

~~Will any of your children attend this public charter school?~~ ☐ Yes. ☐ No.

~~If yes, how many?~~

~~Will you be able to attend regularly scheduled board meetings?~~ ☐ Yes. ☐ No.

~~Check your highest education level:~~

☐ High School/GED ☐ Associate's Degree ☐ Trade/Business School
☐ BA or BS Degree ☐ Master's Degree ☐ MD, DO, JD, Ph.D., etc.

~~Please check each area of expertise you would contribute to the board:~~

Community Service	Education	Finance	Fundraising	Law
Management	Marketing	Parental Involvement	Personnel	Public Relations

~~Board members' resumes should be attached to this questionnaire.~~

~~Have you ever managed a school?~~ ☐ Yes. ☐ No.

~~If yes, provide as an attachment to this document annual student achievement data, disaggregated by subgroup, for every school under your current or prior management.~~

~~Conflict of Interest~~

- ~~1. Indicate whether you currently or have previously served on a board of a school district or another Charter School.~~ ☐ Yes. ☐ No.

~~If yes please list the board(s) and date(s) of service.~~

- ~~2. Have you been cited for a breach of ethics for unprofessional conduct, or been named in a complaint to a court, administrative agency, professional association, disciplinary committee, or other professional group?~~ ☐ Yes. ☐ No.

~~If yes, please explain.~~

- ~~3. Do you or an immediate family member have a close personal relationship with the School or any individual(s) associated with the School that would make it difficult for you to execute your duties as a board member in an independent manner?~~
☐ Yes. ☐ No.

~~If yes, please describe.~~

4. ~~Do you or any immediate family members have any contractual agreements with the School?~~
~~_____ ☐ Yes. ☐ No.~~

~~If yes, please describe.~~

5. ~~Have or will you or any member of your immediate family receive funds, gifts, loans, services or any other consideration for any purpose from the School or any other company contracting or providing service to the School?~~ ~~_____ ☐ Yes. _____ ☐ No.~~

~~If yes, please describe.~~

6. ~~Will you or any member of your immediate family be leasing or selling any real estate property to the School?~~ ~~_____ ☐ Yes. _____ ☐ No.~~

~~If yes, please explain the arrangement in detail.~~

7. ~~Have or will you or any immediate family members be guaranteeing or granting any loans or services — at no charge or for charge — to the School or any other company contracting or providing service to the School?~~ ~~_____ ☐ Yes. _____ ☐ No.~~

~~If yes, please describe.~~

8. ~~Are or will you or any immediate family members be employed at the School (either directly or as an employee of the educational service provider or any other company contracting or providing service to the School?~~ ~~_____ ☐ Yes. _____ ☐ No.~~

~~If yes, please describe.~~

9. ~~Are or will you or any immediate family member be serving as an officer, director, trustee, sole proprietor, employee, sales representative, agent, consultant, independent contractor, or advisory board member to the educational service provider or any other company, organization or agency funding projects, goods or service to the School?~~
~~☐ Yes. ☐ No.~~

~~If yes, please describe.~~

10. Do you or an immediate family member own stock or have direct or indirect financial interest in any contract where the financial interest amounts to \$250 or 5% or more of the contract costs to the School, or the financial interest amounts to \$5000.00 or more in any corporation, partnership, association or joint venture involving the School, educational service provider, or any other company or entity contracting with the School?

☐ Yes. ☐ No.

~~If yes, please describe.~~

11. Do you or an immediate family member know any individual(s) or entity(ies) that does or plans in the next year to engage in business or any exchange of services with the School?

☐ Yes. ☐ No.

~~If yes, please describe.~~

12. Other than your current board position, do you currently serve as an elected or appointed public official? ☐ Yes. ☐ No.

~~If yes, please describe.~~

13. Do you currently serve with any other board, group or corporation that has an interest in the actions you would take as a member of the board? ☐ Yes. ☐ No.

~~If yes, please explain.~~

14. Do you foresee any potential ethical or legal conflicts of interest if you serve on the School Board? ☐ Yes. ☐ No.

~~If yes, please explain.~~

15. To the best of your knowledge, are there situations not described in this questionnaire which may give the appearance of a conflict of interest between you or a member of your immediate family, or would make it difficult for you to execute the duties of your office in an independent manner?

☐ Yes. ☐ No.

~~If yes, please describe.~~

~~School Mission and Program:~~

- ~~1. —What is your understanding of the school's mission and guiding beliefs?~~
- ~~2. —What is your understanding of the school's proposed educational program?~~
- ~~3. —What do you believe to be the characteristics of a successful school?~~

~~Governance:~~

- ~~1. Why do you wish to serve on the board?~~
- ~~2. What is your understanding of the appropriate role of a public charter school board member?~~
- ~~3. Describe any previous experience you have that is relevant to serving on the charter school's board (e.g., other board service). If you have not had previous experience of this nature, explain why you have the capability to be an effective board member.~~
- ~~4. Provide a forecast of where you see the school after its first year of operation and then again in four years. Please be sure to include high level academic and financial components.~~
- ~~5. What specific steps do you think the charter school board will need to take to ensure that the school is successful?~~
- ~~6. How would you handle a situation in which you believe one or more members of the school's board was acting unethically or not in the best interests of the school?~~

~~Certification~~

~~I recognize that all information submitted with this conflict of interest disclosure (with the exception of the background check) becomes a matter of public record, subject by law to disclosure upon request to members of the general public. I will hold the Mississippi Charter School Authorizer Board, its trustees, officers, employees or authorized agents harmless from liability for the disclosure of any information it reasonably believes is true based upon my representations.~~

~~I hereby certify that the information contained in this document is true and complete to the best of my knowledge and, if the proposed charter school is approved, agree to notify the chair of the board at the charter school at which I will serve of any change that may create a conflict of interest. Further, if the proposed charter school is approved, I recognize that falsification or~~

~~failure to submit a complete annual conflict of disclosure becomes justification for removal.~~

~~**Board Member's Signature**_____ **Date**~~

~~**Board Member's Typed Name**_____ **Date**~~

~~*Source: Miss. Code Ann. § 37-28-15*~~

Rule 2.9 School Facility Questionnaire

School Facility Questionnaire

School Name:					
Primary Contact for Facility Planning:					
Telephone:			Email:		
Provide grade levels and student enrollment estimates for the first five years. Replace "Year 1" with the academic year the applicant plans to open, and then "Years 2-5" with the subsequent years.					
	Year 1	Year 2	Year 3	Year 4	Year 5
Grades					
Enrollment					
School District in which charter school will be located:					
Description of the facility/ies under consideration including available square footage and quotes (for years 1-5) from property owners: (Note: Charter school has right of first refusal for vacant school facility.)					
Facility #1:					
Facility #2					
Are you interested in investigating the possibility of occupying a district owned facility should a district owned facility be available?					

Core Classroom Requirements Years 1-3:		
Baseline assumption for number of students per classroom:		
Year 1	Year 2	Year 3
Administrative/Support Spaces		
Main Office	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, list number of private offices needed (e.g., principal, AP, etc.):		
Satellite Office	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Work Room/Copy Room	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Supplies Storage	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Teacher Work Room(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, list number of work/planning rooms needed:		
Number of art rooms (with or without kiln)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Number of computer labs	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Library Media Center (LMC)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Performance/Dance Room	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Auditorium	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other (list room type and number)		
Physical Education/Athletic Requirements		
Locker Rooms	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Weight Room	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Field(s) — soccer, football, multipurpose	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Baseball Field	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Softball Field	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other (please list):		
Other Needs		
Large space for class/school assemblies (e.g., morning meeting, cafeteria)		
Spaces not addressed and/or special considerations:		
School Lunch Requirements		
Food Preparation/Distribution Center		
Eating Area		

Source: Miss. Code Ann. § 37-28-15

Rule 2.10 Attachment Checklist

Attachment Checklist

- ~~A. Evidence of support from community partners~~
- ~~B. Evidence of support from prospective families/stakeholders/ community members~~
- ~~C. School Discipline Policy~~
- ~~D. School Leader job description~~
- ~~E. Identified school leader resume and evidence of capacity to lead, proof of US Citizenship~~
- ~~F. Leadership team job descriptions, resumes, proof of US Citizenship and evidence of capacity to lead~~
- ~~G. Organizational chart for school personnel~~
- ~~H. Personnel roster~~
- ~~I. Enrollment policy~~
- ~~J. Lottery policy~~
- ~~K. Transportation plan~~
- ~~L. School facilities questionnaire~~
- ~~M. Facilities floor plan~~
- ~~N. Start up plan~~
- ~~O. School calendar~~
- ~~P. Daily schedule samples~~
- ~~Q. Policy for students with disabilities~~
- ~~R. School policy for fees and hardship waivers~~
- ~~S. Performance framework~~
- ~~T. Professional development scope and sequence~~
- ~~U. Organizational chart with lines of authority for governing board~~
- ~~V. Completed board member questionnaires~~
- ~~W. Articles of incorporation~~
- ~~X. Fundraising plan and evidence~~
- ~~Y. Financial policies~~
- ~~Z. Petition for conversion~~
- ~~AA. ——— Education service provider background information~~
- ~~BB. ——— Education service provider contract information~~
- ~~CC. ——— Evidence for Applicants with schools currently open~~

Source: Miss. Code Ann. § 37-28-15

Assurances

1. ~~The applicant shall be an equal opportunity employer and shall perform to all other applicable requirements; accordingly, the applicant shall neither discriminate nor permit discrimination in its operation or employment practices against any person or group of persons on the grounds of race, color, religion, national origin, disability, or sex in any manner prohibited by law. Further, the applicant agrees to comply with the Civil Rights Acts of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and the No Child Left Behind Act of 2001.~~
2. ~~The applicant shall not limit admission based on ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability, except as otherwise provided by Mississippi Code § 37-28-23.~~
3. ~~The underserved student composition of the proposed charter school's enrollment collectively will reflect that of students of all ages attending the school district in which the charter school is located, to be defined as being at least eighty percent (80%) of that population.~~
4. ~~The applicant 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.~~
5. ~~The applicant will not engage in any sectarian practices in its educational program, admissions, or employment policies or operations.~~
6. ~~The applicant may not discriminate against any student on the basis of national origin, minority status, or limited proficiency in English. Consistent with federal civil rights laws, the applicant must provide limited English proficient students with appropriate services designed to teach English and the general curriculum.~~
7. ~~The applicant will not charge tuition.~~
8. ~~The applicant will provide a transportation plan for students attending the proposed charter school.~~
9. ~~The applicant will abide by all civil rights and health and safety requirements applicable to noncharter public schools, except as otherwise provided by Mississippi Code § 37-28-1 et seq.~~
10. ~~The proposed charter school will be subject to, at a minimum, the student assessment and accountability requirements applicable to noncharter public schools in the state.~~
11. ~~The applicant agrees to abide by the following state statutes:~~
 - a. ~~Mississippi Code § 25-41-1 et seq;~~
 - b. ~~Mississippi Code § 25-61-1 et seq;~~
 - c. ~~Mississippi Code § 37-3-51;~~
 - d. ~~Mississippi Code § 37-3-53;~~
 - e. ~~Mississippi Code § 37-11-18;~~
 - f. ~~Mississippi Code § 37-11-18.1;~~
 - g. ~~Mississippi Code § 37-11-19;~~
 - h. ~~Mississippi Code § 37-11-20;~~
 - i. ~~Mississippi Code § 37-11-21;~~
 - j. ~~Mississippi Code § 37-11-23;~~
 - k. ~~Mississippi Code § 37-11-29 and 37-11-31;~~
 - l. ~~Mississippi Code § 37-11-67;~~
 - m. ~~Mississippi Code § 37-13-3;~~
 - n. ~~Mississippi Code § 37-13-5 and 37-13-6;~~
 - o. ~~Mississippi Code § 37-13-63(1);~~
 - p. ~~Mississippi Code § 37-13-91;~~

- ~~q. Mississippi Code § 37-13-171(2) and (4);~~
 - ~~r. Mississippi Code § 37-13-173;~~
 - ~~s. Mississippi Code § 37-13-193;~~
 - ~~t. Mississippi Code § 37-15-1 and 37-15-3;~~
 - ~~u. Mississippi Code § 37-15-6;~~
 - ~~v. Mississippi Code § 37-15-9;~~
 - ~~w. Mississippi Code § 37-15-11;~~
 - ~~x. Mississippi Code § 37-16-1, 37-16-3, 37-16-4, and 37-16-9; and~~
 - ~~y. Mississippi Code § 37-18-1.~~
- ~~12. The applicant will comply with all applicable federal laws, rules, and regulations regarding qualification of teachers and other instructional staff.~~
 - ~~13. The applicant will abide by criminal history record checks and fingerprinting requirements applicable to employees of other public schools for teachers and other school personnel, members of the governing board, and education service provider employees. The applicant further agrees that the criminal record information and child abuse registry checks will be on file at the proposed charter school for any new hires applying for employment.~~
 - ~~14. The applicant agrees to 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 Mississippi Code § 97-5-23 or engaging in any type of sexual involvement with a student as described in Mississippi Code § 97-3-95; or~~
 - ~~c. Failure to report sexual involvement of a charter school employee with a student as required by Mississippi Code § 97-5-24.~~~~
 - ~~15. The applicant agrees that it shall certify its student enrollment to the Mississippi Department of Education for the purpose of state funding in the same manner as school districts.~~
 - ~~16. The applicant agrees to adhere to generally accepted accounting principles.~~
 - ~~17. The applicant agrees to disclose publicly all sources of private funding and all funds received from foreign sources, including gifts from foreign governments, foreign legal entities and domestic entities affiliated with either foreign governments or foreign legal entities. The term "foreign" means a country or jurisdiction outside of any state or territory of the United States.~~
 - ~~18. The applicant assures that it possesses legal authority to apply for and to receive a charter.~~

I, the undersigned, am an authorized representative of the charter school applicant and do hereby certify that the information submitted in this application is accurate and true to the best of my knowledge and belief. In addition, I do hereby certify to the assurances contained above.

Authorized Official's Signature _____ **Date** _____

Authorized Official's Typed Name _____ **Date** _____

Authorized Official's Signature _____ **Date** _____

Authorized Official's Typed Name _____ **Date** _____

~~The authorized official signatures lines may be duplicated as needed.~~

Source: Miss. Code Ann. §§ 37-28-15 et seq.

Part 402 Chapter 3: Applicant Evaluation Ratings and Sample Scoring Criteria

Mississippi Charter School Application Evaluation Ratings and Sample Scoring Criteria

Rule 3.1 Ratings and Criteria

Ratings and Criteria

Evaluators will use the following criteria to rate applications. Within each section, specific criteria define the expectations for a well thought out response that “Meets the Standard.” Evaluators will rate the responses by applying the following guidance:

Rating	Characteristics
---------------	------------------------

Meets or Exceeds the Standard (3)	The response reflects a thorough understanding of key issues. It clearly aligns with the mission and goals of the school. The response includes specific and accurate information that shows thorough preparation.
------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Partially Meets Standard (2)	The response meets the criteria in some aspects, but lacks sufficient detail and/or requires additional information in one or more areas.
-------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------

Does Not Meet Standard (1)	The response is significantly incomplete; demonstrates lack of preparation; is unsuited to the mission and vision of the district or otherwise raises significant concerns about the viability of the plan or the applicant’s ability to carry it out.
-----------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

An application that merits a recommendation for approval should present a clear, realistic picture of how the school expects to operate; be detailed in how this school will raise student achievement; and inspire confidence in the applicant’s capacity to successfully implement the proposed academic and operational plans. In addition to meeting the criteria that are specific to that section, each part of the proposal should align with the overall mission, budget, and goals of the application.

Recommendations for approval or denial will be based on the written application (narrative and attachments) and applicant capacity interviews. On each bulleted criterion, indicate a numerical score in the right hand column indicating your impression of the applicant’s response based on the rating system that has been provided. Provide brief comments to support your ratings in the far right column and enter page numbers from the full PDF document to support your comments. In the “Additional Comments” box

~~at the end of each section, please list one or more suggested interview questions. Finally, please tally a composite score for each section of the proposal.~~

~~Sections for Conversion Charter Schools and Education Service Providers are specific to only those applicants. Although the same rating system will be used, the points from these sections will not be aggregated with points from other sections.~~

~~If the application meets or exceeds the standard in four of five criteria, the team will proceed to the capacity interview. Those applications deemed substantially incomplete or failing to meet the standard in four of five criteria will be cut. Mississippi law states, “The authorizer must (a) Grant charters only to applicants that have provided evidence of competence in each element of the authorizer’s published approval criteria, and in the case of an applicant that currently operates one or more schools in any state or nation, clear evidence that the management or leadership team of the charter school or schools currently operated by the applicant has produced statistically significant gains in student achievement or consistently produced proficiency levels as measured on state achievement test; (b) base decisions on documented evidence collected through the application review process; and (c) follow charter granting policies and practices that are transparent, based on merit and avoid conflicts of interest or any appearance thereof.” Mississippi Code Section 37-28-19”2” Thus, an initial or amended charter application, to be approved, must be ready to be incorporated into a charter agreement.~~

~~Qualifying Checklist~~

~~*To be completed prior to applications being submitted for full proposal review*~~

~~-~~

~~_____ Applicant met application due date and time~~

~~_____ Applicant is NOT a private school seeking conversion into a charter school~~

~~_____ Applicant provided proof of United States citizenship for all governing board members and school leadership team members~~

~~_____ Applicant is a nonprofit organization~~

~~_____ Applicant is contracting with an Education Service Provider that is a nonprofit organization~~

~~-~~

Recommendation Summary

Complete this page last

OVERALL SCORE & RECOMMENDATION: _____

Would you recommend that the MS Charter School Authorizer Board approve this application for a public charter school:

Explain your recommendation in the Summary Comments section below.

Check one (required)

_____ **Deny**

_____ **Approve with Appropriate Amendments**

_____ **Approve**

SUMMARY COMMENTS (1,200 character maximum)

Summarize your assessment of the application focusing on key strengths and concerns, as applicable.

Evaluator Signature: _____ Date: _____ Printed Name: _____

Source: Miss. Code Ann. § 37-28-15.

Section I CULTURE

(12-page limit)

Evaluation Detail

A. Mission, Vision and Educational Philosophy

Check one (required)

_____ Meets the Standard (3)

_____ Partially Meets the Standard (2)

_____ Does Not Meet the Standard (1)

EVALUATION CRITERIA	RATING	COMMENTS
A response that meets the standard will: _____		
Include an executive summary		
State the school's mission and briefly describe the vision for how the school will operate. Describe the school's educational foundation and culture (reflective of the school's discipline philosophy). Include an overview of how students will be recruited and plans for ensuring ongoing community engagement.		
Include evidence that the school will ensure a safe environment conducive to learning.		
Present a coherent and concise summary of the evidence of community support and need for the school		
Present a plan to ensure ongoing stakeholder involvement in the school's operations and governance structure.		
Present a coherent plan of student recruitment and enrollment, student and community engagement. This plan must include the plans and timelines for student recruitment and enrollment, including lottery policies and procedures that ensure that		

every student has an equal opportunity to be considered in the lottery and that the lottery is equitable, randomized, transparent and impartial so that students are accepted in a charter school without regard to disability, income level, race, religion or national origin. Must also satisfy 80% rule.		
Present the plan for establishing a positive culture that reflects the school's discipline philosophy. This plan must include the school's student discipline policies, including those for special education students.		

Total points for this section: _____

Strengths

Concerns and Suggested Interview Questions

Source: Miss. Code Ann. § 37-28-15.

Rule 3.3 Leadership

Section II LEADERSHIP

(10-page limit)

Evaluation Detail

A. Leadership

Check one (required)

_____ Meets the Standard (3)

_____ Partially Meets the Standard (2)

_____ Does Not Meet the Standard (1)

EVALUATION CRITERIA _____ RATING _____ COMMENTS _____

<i>A response that meets the standard will: _____</i>		
Describe the essential responsibilities of the school's leader and leadership team.		
Provide a detailed description of the recruiting, hiring and selection process for the school leader.		
If the leader has been already selected, the response addresses the specific evidence that demonstrates the leader's capacity to design, launch, and manage a high performing school.		
Include background information, which must include student achievement data, disaggregated by subgroup, for every school under the current or prior management of each board member and leadership team member.		
Describe the school's plan for recruiting and developing school leadership and staff, which may not include utilization on nonimmigrant foreign worker visa programs.		
Describe how the Board will monitor the leader's performance and plans for assistance if needed.		
Describe the leadership team structure of the school.		

Describe how the school will support the school leader through coaching or other prescribed professional development.		
-----------------------------------------------------------------------------------------------------------------------	--	--

Total points for this section: _____

~~Required Exhibits:~~

~~Resumes of Selected Leadership Members and/or Job Descriptions~~

~~Organizational Chart~~

~~Leadership Proposed salary ranges (w/benefits and performance bonuses)~~

~~Strengths~~

~~Concerns and Suggested Interview Questions~~

~~Source: Miss. Code Ann. § 37-28-15.~~

Section III: SCHOOL STRUCTURE AND OPERATIONS

(10-page limit)

Evaluation Detail

A. School Structure and Operations

Check one (required)

_____ Meets the Standard (3)

_____ Partially Meets the Standard (2)

_____ Does Not Meet the Standard (1)

EVALUATION CRITERIA _____ RATING _____ COMMENTS _____

A response that meets the standard will: _____		
Provide an outline of staff positions and salary ranges/benefits		
Describe the plan to recruit students in the pre-opening year and the metrics that will be monitored in order to demonstrate progress in this area.		
Outline the enrollment process according to requirements stated in the RFP		
Outline the lottery procedures according to requirements stated in the RFP		
Describe the transportation plan for the school according to requirements stated in the RFP		
Describe the food service plan for the school according to requirements stated in the RFP		
Provide required proofs of required insurance coverage.		
Describe the process for securing a facility that will meet the basic requirements of the school.		
Provide a detailed start-up plan with tasks identified according to person responsible.		

Total points for this section: _____

Required Exhibits:

Staff Roster that details positions

Proposed salary ranges (w/benefits and performance bonuses)

Strengths

Concerns and Suggested Interview Questions

Source: Miss. Code Ann. § 37-28-15.

Section IV EDUCATION PROGRAM

(30-page limit)

Evaluation Detail

A. Education Program
Check one (required)

- ☐ Meets the Standard (3)
☐ Partially Meets the Standard (2)
☐ Does Not Meet the Standard (1)

EVALUATION CRITERIA	RATING	COMMENTS
<i>A response that meets the standard will:</i>		
State if the school intends to use a curriculum that has already been developed or if the school intends to develop core curriculum.		
Describe the proposed curriculum and the evidence basis for the selection of this curriculum. Describe the framework for a rigorous, quality academic plan that reflects the needs of the targeted student population and will ensure all students meet or exceed the expectations of the Mississippi Curriculum Standards aligned with the Common Core State Standards.		
Describe how the standards will be addressed by providing an overview of the course scope and sequence for every grade that the school would serve. Special attention should be given to secondary programs to ensure that comprehensive explanations of how courses will ensure students are career and college ready upon exiting the school.		

For each core subject area, unique focus area, and performance level (grade level, age grouping, etc.) for the first five years of operation, present the resources and instructional materials to be used to aid in the transference of information (trade books, multimedia aids, science kits, etc.) and that are aligned with the mission and philosophy of the school and the proposed learning standards.		
Describe the pedagogy that will be employed to effectively deliver the school's curriculum.		
Present the school calendar showing the number of days the school will be in session and sample daily class schedules showing hours of operation and allocation of time for core instruction, supplemental instruction, extra curriculum and after school activities, if applicable. The school must be kept in session no less than the minimum number of school days established for all public schools in Section 37-13-63.		
Describe the school's approach to assessment. Explain how the school will evaluate progress of individual students, cohorts over time, and the school as a whole toward meeting the statewide requirements. In particular, describe how the school will determine proficiency (by grade) for core subjects and report data to the school community.		
Demonstrate an understanding of and commitment to comply with assessment requirements applicable to Mississippi schools consistent with state and federal law.		
List high school graduation requirements.		
Describe how the school will offer unique supplementary programs and how community resources will be leveraged to accomplish this objective.		
Describe the school's approach to educating students with varying needs students with disabilities, ELL students, gifted and talented students and those who are academically behind grade level expectations.		
Describe the school's academic intervention and acceleration systems with special emphasis to RTI and high school requirements listed in the RFP.		
Describe the school's plan to identify and serve gifted and talented students.		

Describe the school's plan for identifying and successfully serving students with disabilities (including all of the school's proposed policies pursuant to the Individuals with Disabilities Education Improvement Act of 2004, and the school's procedures for securing and providing evaluations and related services pursuant to federal law).		
A description of co-curricular or extracurricular programs and how those programs will be funded and delivered.		
Outline the measurable annual goals on each item in the Performance Framework		

Total points for this section: _____

Required Exhibits:

Sample daily schedule for each grade at which the school intends to operate

Annual calendar for the first year of operation

Annual goals for the Performance Framework

Strengths

Concerns and Suggested Interview Questions

Source: Miss. Code Ann. § 37-28-15.

Section V INSTRUCTIONAL STAFF

(10-page limit)

Evaluation Detail

A. Instructional Staff
Check one (required)

- ☐ Meets the Standard (3)
☐ Partially Meets the Standard (2)
☐ Does Not Meet the Standard (1)

EVALUATION CRITERIA	RATING	COMMENTS
<i>A response that meets the standard will:</i>		
Discuss the staffing plan for the term of the charter including anticipated staffing needs and recruitment strategies. Discuss how the plan supports sound operation and successful implementation of the school's educational program.		
Describe the instructional skills, experience, qualifications and development that teachers will need in order for the school to be successful. How are those needs reflected in the plan for teacher recruitment?		
Describe the teacher coaching process and the tools that will be used to monitor teacher performance.		
Describe the standards and tools that will be utilized to evaluate teachers.		
Describe how the school will approach professional development as an important element in the school's design.		
Identify the research, experience or theoretical base and foundational materials that will guide		

curriculum development and implementation.		
--------------------------------------------	--	--

Total points for this section:_____

Strengths

Concerns and Suggested Interview Questions

Source: Miss. Code Ann. § 37-28-15.

Section VI GOVERNANCE

(15-page limit)

Evaluation Detail

A. Governance

Check one (required)

_____ Meets the Standard (3)

_____ Partially Meets the Standard (2)

_____ Does Not Meet the Standard (1)

EVALUATION CRITERIA	RATING	COMMENTS
A response that meets the standard will: _____		
Describe the entity that will hold the charter and be responsible for governing the school. Provide documentation of the entity's legal status including Articles of Incorporation, Bylaws and documentation of legal non-profit status.		
List the members of the proposed governing board including their names, current employment, and experience or qualifications for serving on the board including, but not limited to, their relationship to the community in which the school will be located.		
Explain the general philosophy of governance of the proposed school. Include the key expectations of board members, the board's roles and responsibilities and how the board will interact with the principal/head of school.		
Explain how the board will approach its oversight role and implement a grievance process.		
Describe the proposed school's legal status as described in the RFP.		
Present a detailed budget for the start up year and subsequent five years.		
Describe the fundraising plan for the first year, contingency plans if funds are not secured and what services will be contracted if any.		
Describes the systems and procedures for managing the school's finances and identify the staff positions that will		

be responsibilities for financial oversight and management.		
-------------------------------------------------------------	--	--

Total points for this section: _____

Required Exhibits:

Prospective Board Member Resumes

Governing Bylaws

Budgetary Documents

Fundraising Plan

Strengths

Concerns and Suggested Interview Questions

Source: Miss. Code Ann. § 37-28-15.

Rule 3.8 Conversion Charter Schools

Optional Section
Conversion Charter Schools

Evaluation Detail

Check one (required)

~~_____ Meets the Standard (3)~~

~~_____ Partially Meets the Standard (2)~~

~~_____ Does Not Meet the Standard (1)~~

~~_____ EVALUATION CRITERIA _____ RATING _____~~
~~_____ COMMENTS _____~~

<i>A response that meets the standard will: _____</i>		
The request for proposals additionally shall require the applicant to demonstrate support for the proposed charter school conversion by a petition signed by a majority of teachers and a majority of parents of students in the existing non charter 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. This documentation must be provided in the application.		
Describe how the proposed school will meet the needs of the student population currently attending the underperforming school. How will a strong school culture be built? How will the proposed educational model ensure the school significantly raises student achievement?		
Explains a compelling case for converting a noncharter public school into a public charter school.		
Provide an accelerated phase in plan that details how the proposed school would take responsibility for all grades and all existing programs of a school, including center programs for students with severe disabilities, English Language Learner programs, and any early childhood education programs.		

Describe the plan for successfully recruiting, transitioning, and retaining students who are in the school being replaced or who would be going to the school that is being replaced. What specifically will be done to seek parent and community support?		
Please describe the plan to work with the existing school during the transition.		

Total points for this section: _____

Strengths

Concerns and Suggested Interview Questions

Source: Miss. Code Ann. § 37-28-15.

Rule 3.9 Education Service Providers

Optional Section
Education Service Providers (ESP)

Evaluation Detail

Check one (required)

~~_____ Meets the Standard (3)~~

~~_____ Partially Meets the Standard (2)~~

~~_____ Does Not Meet the Standard (1)~~

EVALUATION CRITERIA	RATING	COMMENTS
<i>A response that meets the standard will: _____</i>		
Explain how and why the ESP was selected		
List of all schools operated by the ESP that serve the same grade levels as and student populations demographically similar to the anticipated population of the proposed school. Include name, year opened, contact information, location, number of students, and contact information for the authorizer for each currently operating school.		
Explain the ESP's success in serving student populations similar to the target population of the school. Describe the ESP's demonstrated academic track record as well as successful management of non-academic school functions (e.g., back office services, school operations, extracurricular programs).		
Provide student performance data, including disaggregated student performance data (growth data where possible) for all schools operated by the ESP that serve the same grade levels as and student populations demographically similar to the anticipated population of the proposed school. <i>The applicant is required to submit clear evidence that it has produced statistically significant gains in student achievement or consistently produced proficiency levels as measured on state achievement tests see RFP for specific required</i>		

data.		
Provide evidence of the financial condition of the ESP.		
Provide evidence that the board is independent from the ESP and self governing, including separate legal representation of each and arms-length negotiating.		
Discuss any potential conflicts of interest between the ESP and the school.		
If the charter school intends to enter into a lease, execute promissory notes or other negotiable instruments, or enter into a lease purchase agreement of other financing relationships with the ESP, the applicant must provide evidence that such agreements are separately documented and not be a part of or incorporated in the ESP agreement		
Provide a detailed description of the roles and responsibilities of the ESP.		
Describe the scope of services and costs of all resources to be provided by the ESP.		
Describe the oversight and evaluation methods that the Board will use to oversee the ESP. What are the school wide and student achievement results which the management organization is responsible for achieving? How often, and in what ways, will the board review and evaluate the ESP's progress toward achieving agreed upon goals? Will there be an external evaluator to assess the ESP's performance? What are the conditions, standards, and procedures for board intervention, if the management organization's performance is deemed unsatisfactory?		
Describe the compensation structure, including clear identification of all fees to be paid to the ESP. What is the schedule on which the ESP will receive compensation?		
Describe the financial responsibilities of the ESP, including the ownership of items purchased with public funds. Which operating and capital expenditures will each party be responsible for? What types of spending decisions can the management organization make without obtaining board approval? What reports must the management organization submit to the board on financial performance, and on what schedule?		

<p>Explain the duration, renewal and termination of the management agreement. How often will the management agreement be renewed? Describe the conditions that both the ESP and the school must satisfy for the management agreement to be renewed. Describe the procedures for determining whether the management agreement will be renewed. On what grounds can the ESP or the school terminate the management agreement for cause (including provisions for notice to the other party)? What are any conditions under which either party may terminate the management agreement without cause? List any indemnification provisions in the event of default or breach by either party.</p>		
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

Total points for this section: _____

Strengths

Concerns and Suggested Interview Questions

Source: Miss. Code Ann. § 37-28-15.

Title 10: Education Institutions and Agencies

Part 4023: Board Policies

Part 4023 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 4023 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 4023 Chapter 3: Public Records Requests 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 and the Mississippi Ethics Commission's Model for Public Records Rules.~~ All records and portions of records not exempt from disclosure will be made available in accordance with the procedures outlined below.

A. 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."

B. REQUEST:

Requests for ~~information~~ public records 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, telephone number, 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.

Requests may be emailed to charterschoolsupport@mcsab.ms.gov, mailed, or hand delivered to the physical address listed below. No verbal or telephone requests can be accepted without written request received.

Requests should be submitted to:

Mississippi Charter School Authorizer Board
ATTN: PUBLIC RECORDS REQUEST

239 N. Lamar Street, Suite 207
Jackson, MS 39201
charterschoolsupport@mcsab.ms.gov

C. RESPONSE:

The MCSAB will strive to respond to each request within seven (7) working days after the request is received. Acknowledgement of the request will be made in one or more of the following ways: 1) make the records available for inspection or copying during regular working hours, 2) if copies are requested and payment of the cost estimate for the copies, if any, is made, send the copies to the requestor, 3) provide a reasonable estimate of when records will be available, 4) if the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone and may delay production beyond seven (7) working days, or 5) deny the request. In the event of a denial, MCSAB will provide an explanation of the denial to the requestor in writing. 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.

The day the request was initially received by the MCSAB will not be included in the seven (7) working day response period referenced above. The first day of the response period will begin on the next working day. If the requested information is unable to be produced by the seventh (7th) working day after the request is made, the MCSAB will provide a written explanation (which may be provided by email) to the requestor indicating why the document cannot be produced during that timeframe. Compilation of documents will not begin until timely payment is received. Delay by the requestor in the payment of an estimated fee may result in the delay of delivery of the requested documents. The MCSAB will provide assistance to the requestor to the best of its ability; to ensure that public records are protected from damage or disorganization; and to prevent the fulfillment of requests from causing excessive interference with essential functions of the MCSAB.

During an emergency or in the case of a disruption in services, the timetable for processing may be reasonably delayed. In that instance, notice will be given to the requestor, if possible, and public records requests will be handled as soon as practically possible.

~~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.~~

D. FEES:

Payment for information requested must be made in advance of receipt of documents and must be sufficient to cover the actual costs for the MCSAB to furnish the information. Such costs include, but are not limited to, staff time to evaluate the request (including costs associated with legal advice by in-house and outside attorneys), to retrieve any relevant files, to organize the information, to notify any third parties, to develop a cost estimate and schedule, to monitor and/or assist inspection of records, to reproduce the material, if necessary, and to deliver the responsive records.

No cash can be accepted. Money orders, certified checks, personal checks, and corporate checks are accepted by this office.

The MCSAB will notify the requestor of the costs to obtain the information prior to processing the request. Compilation of documents will not begin until timely payment is received. By delaying the payment of the estimated fee, the requestor acknowledges there may be a delay in the delivery of the requested documents. If timely payment is not received within thirty (30) days, the MCSAB will proceed no further with the request. If, at a later date, the requestor decides to proceed with the request, he/she should submit a new request. No request will be processed until after payment is received and funds are verified.

If the actual cost is higher than the estimate, the requestor will be required to pay the difference before receiving the records. If the actual cost is lower than the estimate, the MCSAB will refund the difference.

~~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.~~

E. RECORDS EXEMPT FROM DISCLOSURE

Some records are exempt from disclosure, in whole or in part. If the MCSAB believes that a record is exempt from disclosure and should be withheld, staff will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the MCSAB will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

The Public Records Act, as well as other statutes and court decisions, provide that a number of types of documents are exempt from public inspection and copying. In addition, other statutes or rules of law, such as various privacy restrictions, may prohibit disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by MCSAB for inspection (this is not intended to be an exhaustive list):

- a. Attorney work product, and attorney-client privilege, examination, exemption, see § 25-1-102.
- b. Personnel files exempt from examination, see § 25-1-100.
- c. Public records and trade secrets, proprietary commercial and financial information, exemption from public access, see § 79-23-1.
- d. Social security numbers, disclosure safeguards, see § 25-1-111.

Any person filing documents with the MCSAB shall, prior to filing, redact from the documents any social security numbers, account numbers or dates of birth not required to be listed. The MCSAB shall determine on a case-by-case basis whether similar information may be redacted by the filer to prevent identity theft. In no event will the MCSAB bear any responsibility for a filer's failure to redact such information which leads to or may lead to identity theft or other crime or loss.

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.~~

F. PUBLIC INFORMATION VIA THE INTERNET:

Some information pertaining to the MCSAB is available free of charge on the MCSAB website at www.charterschoolboard.ms.gov. Requestors are encouraged to view the documents available on the MCSAB website prior to submitting a public records request.

G. CLOSURE OF A REQUEST:

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit/cost estimate or payment in full for the requested records within thirty (30) calendar days of the submission of the request, the MCSAB will close the request and notify such requestor of such closure via email.

H. LATER DISCOVERED DOCUMENTS:

If, after the MCSAB has informed the requestor that it has provided all available records, the MCSAB becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and will provide them to the requestor.

I. RECORDS OF OTHER GOVERNMENTAL AGENCIES OR ENTITIES:

In instances when a public records request is submitted to the MCSAB seeking records that are primarily in possession of another governmental agency/entity, the MCSAB will notify the requestor which government body has primary possession of the responsive records, and the MCSAB will furnish what records are in its possession provided the requestor desires to move forward with the original request.

J. REVIEW OF DENIALS

Review by the Ethics Commission. Pursuant to Miss. Code Ann. § 25-61-13, if the MCSAB denies a requestor access to public records, the requestor may ask the Ethics Commission to review the matter. The Ethics Commission has adopted rules on such requests. They may be found at www.ethics.state.ms.us.

Judicial Review. Any person whose request for public records was denied may institute a suit in the chancery court of Hinds County, seeking to reverse the denial, as set forth in Miss. Code Ann. § 25-61-13.

Source: Miss. Code Ann., § 37-28-9 and § 25-61-1, *et seq.*

Part 402, Chapter 4: Records Received by Board

Rule 4.1 Records Received by Board. All records received by MCSAB will be considered public records unless the sending party requests in writing at the time the document is received that a specific document or a specific part(s) of a document be considered trade secrets or confidential commercial or financial information under Miss. Code Ann. § 24-61-9. If any documents that have been deemed by any third party to be considered trade secrets or confidential commercial or financial information be requested as a public record under the Mississippi Public Records Act, Miss. Code Ann. § 24-61-1, *et seq.*, MCSAB will notify the third party of their opportunity under Miss. Code Ann. § 24-61-9 to seek a protective order. Any documents that have not been

deemed by any third party to be considered trade secrets or confidential commercial or financial information will be produced according to the Mississippi Public Records Act.

Source: Miss. Code Ann. § 37-28-9.

Part 402, Chapter 5: Administrative Hearing Procedures

Rule 5.1 Hearing Procedure Variance. The Mississippi Charter School Authorizer Board (“MCSAB” or “Board”) may grant variances from these rules if it is determined that application of the rules would, in the particular case, be unnecessarily burdensome, and such variance would not be inconsistent with the public policy purposes of the Mississippi Charter Schools Act of 2013 (“Act”).

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.2 Severability. If any one or more of these rules, or any part of any rule is found to be invalid by any court of competent jurisdiction, such finding shall not affect the validity of any other rule or the remaining content of any part of a rule that is not found to be invalid. Further, if any one or more of these rules, or any part of any rule, is superseded, amended, or contradicted by subsequent legislations, such amendment or change by subsequent legislation in no way invalidates any other part of a rule or any other rules not addressed or impacted by subsequent legislative action.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.3 Oral opinions. Oral or informal opinions by members or staff of the Board as to the applicability of the Act and oral or informal representations by members or staff of the Board concerning the status of filings and applications made with the Board are not binding upon the Board. Requestors can obtain a written declaratory opinion from the Board by following the procedures described in the Board’s rule on Declaratory Opinions.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.4 Notice of Hearing. Written notice shall be provided to any charter school governing board or other person against whom the Board intends to institute an administrative hearing pursuant to the Act or these rules. At least thirty (30) calendar days of notice shall be given to the charter school governing board or other person prior to the hearing unless the charter school governing board or other person notified consents or the Board has authority to do so under applicable statute. Notice is effective on date of issue.

Such notice shall be made by certified mail, return receipt requested, and shall set forth the date, time and place for the administrative hearing and shall also designate a hearing officer.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.5 Appointment and Authority of Hearing Officer. The Board hereby appoints a designee chosen by the Executive Director from a list preapproved by the Board as hearing officer for all hearings held under this chapter.

The hearing officer has and shall exercise the power to regulate all proceedings in every hearing before him or her and to do all acts and take all measures necessary or proper for the efficient performance of his or her duties under these rules. The hearing officer may require production, through order or subpoena, of evidence upon all matters in the hearing, including the production of all books, papers, vouchers, documents, and writings applicable thereto. The hearing officer shall have the power to administer oaths and affirmations, examine witnesses, examine and report upon all matters referred to him or her. The hearing officer shall have the power to enter protective orders.

The hearing officer shall have the power to direct the issuance of subpoenas for witnesses to attend before him or her to testify in the cause. If any witness shall fail to appear, the hearing officer shall proceed by process to compel the witness to attend and give evidence. The hearing officer may direct the parties to participate in a conference or conferences prior to the hearing on the merits, for such purposes of expediting the disposition of the action and facilitating resolution of the case.

The hearing officer shall have the authority to admit into the record any evidence which, in his or her judgment, has a reasonable degree of probative value and trustworthiness. The hearing officer shall have the authority to exclude evidence which is irrelevant, immaterial, lacking in probative value, untrustworthy, or unduly cumulative.

The hearing officer may issue rulings on scheduling matters, protective orders, admissibility of evidence, and other procedural or pre-hearing matters. The hearing officer may alter any of the time periods provided by these regulations, upon his or her own initiative or upon a motion by a party or other person affected for good cause shown.

The hearing officer may clear the hearing room of witnesses not under examination. The hearing officer shall have the authority to maintain the decorum of the hearing and shall take reasonable steps to do so when necessary, including clearing the hearing room of any person who is disruptive.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.6 Appearance through Counsel. Parties to proceedings governed by this chapter may appear personally or through an attorney, except that a party must personally attend any hearing on the merits unless his attendance has been waived, in writing, by the hearing officer. When a party has appeared through an attorney, service of all notices, motions, orders, decisions, and other papers shall thereafter be made upon the attorney, unless the party requests otherwise in writing. When a party is represented by an attorney, the attorney shall sign all motions, oppositions, notices, requests, and other papers on behalf of the party, including any request for issuance of subpoena.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.7 Pre-Hearing Conference/Scheduling. The hearing officer may enter a scheduling order, or any such other order, that sets deadlines, conferences, or hearings deemed necessary or appropriate by the hearing officer. Oral argument will not normally be granted. However, the hearing officer may grant oral argument on any motion in his or her sole discretion.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.8 Subpoenas requested by parties. The hearing officer shall have the power to issue subpoenas for testimony or documents. Subpoenas may be issued to parties upon request, but only for the following purposes:

- A. To compel a non-party witness to appear and give testimony at any hearing scheduled under these rules; or
- B. To compel any person to appear at the hearing on the merits of the case, to give testimony, or to produce documents or other tangible things.

Subpoenas requested by a party shall be submitted to the hearing officer on a form approved by the Board. Concurrently with the submission of the subpoena to the hearing officer, the requesting party shall serve a copy on all of the parties to the proceeding and shall file proof of such service with the Board and the hearing officer.

Subpoenas shall not be issued in blank. A subpoena submitted for issuance must contain the title and number of the case, the name of the person to whom it will be directed, the date, time and place of hearing, and the name and signature of the requesting party or his or her attorney. A subpoena duces tecum must in addition, contain a complete description of specific documents or other tangible things that the witness will be required to produce at the hearing.

Unless the witness agrees otherwise, a subpoena issued for the purposes provided in these rules must be served by the requesting party at least ten (10) calendar days prior to the hearing. A subpoena will be issued during the hearing or on less than ten (10) days' notice only upon order of the hearing officer for reasonable cause shown by the requesting party.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.9 Conduct of Hearings. Hearings shall be informal, and the Miss. Rules of Evidence, while applicable, shall be relaxed. All witnesses who appear and testify under oath shall be subject to cross-examination.

Documents received into evidence by the hearing officer shall be marked by him or her, or under his or her direction, entered into evidence, and made a part of the record in the cause.

Rebuttal or surrebuttal evidence may be heard at the discretion of the hearing officer.

At the hearing, the Board shall be the first to present evidence.

The Board shall have the burden of proving its assertions by a preponderance of the evidence. Fraud must be proven by clear and convincing evidence.

A record of testimony at the hearing shall be made. A true and correct copy of said stenographic recording shall be made available to any party to the hearing requesting it, provided such party agrees to pay the expense of such copy.

Nothing contained herein shall prohibit the hearing officer from entering orders or making rulings which provide for the orderly conduct of said hearings. The hearing officer may limit the issues to be heard during any hearing. The hearing officer may also make rulings concerning any matters which do not involve a disputed issue of fact without setting a hearing concerning same. Continuances will not be granted except for good cause shown.

In computing any period of time prescribed or allowed under these rules, the hearing officer and all parties shall be guided by the Mississippi Rules of Civil Procedure.

Source: Miss. Code Ann. § 37-28-9 and 33(8).

Rule 5.10 Recommendation of the Hearing Officer and Decision of the Board. All findings of fact and conclusions of law made by the hearing officer or the Board shall be based upon the preponderance of the evidence. The hearing officer shall reduce all recommendations to writing and submit those recommendations to the Board as described herein.

After all evidence is heard or received and the hearing is completed, the hearing officer shall, within a reasonable time thereafter, issue a report and recommendation that details his or her findings of fact and conclusions of law. All parties (including the Board) shall be served with the hearing officer's report and recommendation. Within fourteen (14) calendar days following service of the findings, either party may present a written response to these findings to the Board. The Board will review the hearing officer's report and recommendations, all exhibits entered into evidence, all written responses to the Report and Recommendations and, if desired, order a transcript of the hearing.

Thereupon, the Board may issue a final order adopting and accepting the hearing officer's report and recommendations, rejecting the report and recommendations in whole or in part and issuing findings of fact and conclusions of law with a final order; or remand the case to the hearing officer for additional findings or clarification of key issues. A case is not concluded until issuance of a final order by the Board. All reports and recommendations and final orders shall be sent via certified mail, return receipt requested, to all parties who appeared at the administrative hearing or their attorney or authorized representative.

Source: Miss. Code Ann. § 37-28-9 and 33(8).