



Report to the Mississippi Legislature

# FY 2020 Annual Report: Analysis of Funding for Mississippi Charter Schools and the Charter School Authorizer Board

#645  
November 17, 2020



## **PEER: The Mississippi Legislature's Oversight Agency**

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The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

PEER Committee  
Post Office Box 1204  
Jackson, MS 39215-1204

(Tel.) 601-359-1226  
(Fax) 601-359-1420  
(Website) [www.peer.ms.gov](http://www.peer.ms.gov)

The Mississippi Legislature

**Joint Committee on Performance Evaluation and Expenditure Review**  
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JERRY TURNER  
PERCY WATSON

**TELEPHONE:**  
(601) 359-1226

**FAX:**  
(601) 359-1420

Post Office Box 1204  
Jackson, Mississippi 39215-1204

James A. Barber  
Executive Director

[www.peer.ms.gov](http://www.peer.ms.gov)

**OFFICES:**  
Woolfolk Building, Suite 301-A  
501 North West Street  
Jackson, Mississippi 39201

November 17, 2020

Honorable Tate Reeves, Governor  
Honorable Delbert Hosemann, Lieutenant Governor  
Honorable Philip Gunn, Speaker of the House  
Members of the Mississippi State Legislature

On November 17, 2020, the PEER Committee authorized release of the report titled ***FY 2020 Annual Report: Analysis of Funding for Mississippi Charter Schools and the Charter School Authorizer Board.***

A handwritten signature in cursive script that reads "Lydia Chassaniol".

Senator Lydia Chassaniol, Chair

**This report does not recommend increased funding or additional staff.**



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**CONCLUSION:** The Mississippi Charter School Authorizer Board (MCSAB) currently has two vacant positions on its board, potentially impacting its quorum requirement. Funding from state, local, federal, and other sources was sufficient for charter schools in FY 2020. However, the local ad valorem pro rata calculation required by state law provides for unequal shares between charter schools and the school districts. FY 2020 was the second year the state funding formula, in which each charter school provides 3% of its state and local per pupil revenue to MCSAB, generated sufficient funding to support the board’s activities that year. The board reimbursed the state general fund for an unallowable expense from FY 2019, but paid two contractors without a contract in FY 2020. The board made improvements to its oversight of its federal Charter Schools Program grant and made progress in developing a solid board infrastructure. The board did, however, grant renewal to a charter school although the school did not meet the renewal requirements.

### Background

The Mississippi Charter School Authorizer Board (MCSAB), a state agency of seven appointed members, is the sole authorizing body for charter schools in the state and is responsible for oversight of the schools’ operations. As of October 2020, the board has three staff members.

During the FY 2020 application cycle, MCSAB, with assistance from a team of independent evaluators, approved one application and denied two. SR1 College Preparatory and STEM Academy was approved to open a Kindergarten through 1<sup>st</sup> grade school in Canton for the 2022-2023 school year.

During the 2019-2020 school year, six charter schools (five located within the boundaries of JPS, and one located within the boundaries of the Clarksdale Municipal School District) served 1,992 students.

In February 2020, MCSAB contracted with the National Association of Charter School Authorizers (NACSA) to conduct an evaluation of MCSAB’s authorizing practices.

In September 2017, the U.S. Department of Education awarded a five-year, \$15 million Charter Schools Program (CSP) grant to the MCSAB to help expand the state’s charter school sector. The MCSAB has spent \$1.75 million from the grant funds from FY 2018 through FY 2020, which is significantly less than what it had projected to spend by this time.

### Charter Schools Operating in Mississippi in FY 20

Charter School	Grades Served
Midtown Public	Grades 5 through 8
Reimagine Prep	Grades 5 through 8
Smilow Prep	Grades 5 through 8
Smilow Collegiate	Grades K through 2
Clarksdale Collegiate	Grades K through 3
Ambition Prep	Grades K through 1

### Academic Performance Results, FY 16-FY 20

Charter School	FY 16	FY 17	FY 18	FY 19	FY 20
Midtown Public	F	F	F	D	D
Reimagine Prep	D	D	C	B	B
Smilow Prep	n/a	D	D	C	C

NOTE: Smilow Collegiate, Clarksdale Collegiate, and Ambition Prep did not receive academic letter grades in FY 2020 because each school has yet to serve students at grade levels for which MDE applies annual accountability grades. These grades are not applied until 4<sup>th</sup> grade.



## Report Conclusions

1

The current constitution of board members' staggered terms results in three board members rolling off at one time, potentially impacting the board's quorum requirement.

2

MDE distributed MAEP funding to charter schools at the same amounts it provided MAEP funding to the school districts in which those charter schools were located (before add-on program costs), in accordance with statute.

3

The local ad valorem pro rata calculation required by statute provides unequal shares between charter schools and the school districts.

4

FY 2020 was the second year the state funding formula for MCSAB provided enough funds to cover the operations of the board.

5

MCSAB's 3% fee revenues have increased at a greater rate than its expenditures. Therefore, PEER believes MCSAB may have achieved the financial stability to operate on less revenue.

6

MCSAB reimbursed the state general fund \$1,069 for an unallowable travel expense PEER noted in last year's report. However, MCSAB paid two contractors without a contract in FY 2020.

7

MCSAB made improvements to its oversight of its federal Charter Schools Program grant and made progress in developing a solid board infrastructure.

8

MCSAB granted renewal to Midtown Public although it did not meet the performance framework requirements for renewal.

## Recommendations

1. MCSAB should implement each of the recommendations NACSA provided in the NACSA Authorizer Evaluation Tool.
2. MCSAB should formally require all charter schools to adopt MDE's accounting manual for public schools.
3. MCSAB should, in order to protect its own interests regarding the expenditure of public funds, enter into personal services contracts with any individuals performing work for MCSAB, regardless of the amount.
4. MCSAB should continue its efforts to develop a solid infrastructure in which it can more effectively operate.
5. The Legislature should consider amending MISS. CODE ANN. § 37-28-11 (1) (1972) to replace the 3% authorizer fee with funding from available funds; or, if the legislature chooses to keep the 3% fee, consider amending § 37-28-11 (1) to allow MCSAB to receive up to 3% of annual per pupil allocations.
6. The Legislature should, because MCSAB is defined as a state agency, consider enacting a separate appropriations bill for the board. Such a bill should contain the total amount of funds appropriated for the operations of the board and a total number of authorized full- and part-time positions.
7. MCSAB in consultation with MDE should, in order to make the pro rata distribution of local ad valorem funds equitable between school districts and charter schools, submit to the Senate and House Education committees by January 1, 2021, a proposed amendment to MISS. CODE ANN. Sections 37-28-55 (2) and (3) (1972) revising the calculation such that traditional public school students and charter school students in those districts receive equal per pupil local ad valorem funding.
8. a) The Legislature should consider reconstituting the board to establish terms of office that, when concluded, minimize the impact on the board's operations. b) The State Superintendent of Education should, after each appointment made to MCSAB, submit an appointment letter to the Senate so that the appointee can be confirmed.



# FY 2020 Annual Report: Analysis of Funding for Mississippi Charter Schools and the Charter School Authorizer Board

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## Introduction

### Authority, Scope, and Purpose

In 2013 the Mississippi Legislature enacted the “Mississippi Charter Schools Act of 2013” (Chapter 497, *Laws of 2013*), which repealed the “Conversion Charter School Act of 2010”<sup>1</sup> (MISS. CODE ANN. Sections 37-165-1 et seq. (1972)) and provided authorization for a charter school oversight board and guidance for the formation of charter schools in Mississippi.

As stated in MISS. CODE ANN. Section 37-28-37(2) (1972):

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

PEER conducted this review in accordance with MISS. CODE ANN. Section 5-3-51 et seq. (1972).

This annual report on charter schools, the fifth conducted by PEER, addresses the three mandates in state law: sufficiency of funding for charter schools; the efficacy of the state formula for authorizer funding; and to make suggested changes in state law or policy to strengthen the state’s charter schools. PEER notes that the Legislature made significant changes to the “Mississippi Charter Schools Act” in 2016<sup>2</sup> in an effort to strengthen the act.

The scope of this review includes the six charter schools that served students during the 2019–2020 school year: Midtown Public Charter School, Reimagine Prep, Joel E. Smilow Prep, Joel E. Smilow Collegiate, Ambition Prep, all of which are located in

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<sup>1</sup>The “Conversion Charter School Act of 2010” provided a means whereby the parents or guardians of students enrolled in a chronically underperforming local public school could petition the Mississippi State Board of Education to convert the public school to a conversion charter school. This conversion status would have required a contract issued by the State Board of Education.

<sup>2</sup>Most notably, the legislation expanded access to charter schools by allowing students in school districts rated “C,” “D,” or “F” to cross district lines to attend those schools.

Jackson; and Clarksdale Collegiate, which is located in Clarksdale.

Additionally, the scope includes how the Mississippi Charter School Authorizer Board (MCSAB) has managed a \$15 million federal Charter Schools Program (CSP) grant from the United States Department of Education.

## Method

In conducting this review, PEER:

- reviewed relevant sections of state law;
- interviewed staff members of the Mississippi Charter School Authorizer Board (MCSAB), Midtown Public Charter School, Reimagine Prep, Joel E. Smilow Prep, Joel E. Smilow Collegiate, Clarksdale Collegiate, Ambition Prep, Leflore Legacy Academy, and the Mississippi Department of Education (MDE); and,
- reviewed federal, state, and local funding information provided by charter schools, MCSAB, MDE, Institutions of Higher Learning (IHL), and the Mississippi Department of Finance and Administration (DFA).

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## Background

A comprehensive description and history of charter schools in Mississippi may be found in PEER's four previous charter school annual reports on the analysis of funding for Mississippi charter schools and the Charter School Authorizer Board (Reports #637,<sup>3</sup> #629,<sup>4</sup> #615,<sup>5</sup> and #606<sup>6</sup>). This chapter serves as an update on the following information:

- the membership and staff of the Mississippi Charter School Authorizer Board;
- charter school applicants in the board's 2020 application cycle;
- charter schools serving students in the 2019–2020 school year;
- update on MCSAB's evaluation of charter school performance; and,
- a description of the charter school landscape.

### Membership and Staff of the Board

The Mississippi Charter School Authorizer Board is a state agency of seven appointed members. However, the current constitution of the board members' staggered terms results in three board members rolling off in the same year, potentially impacting the board's quorum requirement. MCSAB is the sole authorizing body for charter schools in the state and is responsible for oversight of the schools' operations. As of August 2020, the board had three staff members.

#### Membership of the Board

*The current constitution of board members' staggered terms results in three board members rolling off in the same year, potentially impacting the board's quorum requirement.*

MISS. CODE ANN. Section 37-28-7(3) (1972) outlines the composition of the Mississippi Charter School Authorizer Board. The appointment of the board is as follows:

- The Governor appoints three members, with one member being from each of the Mississippi Supreme Court districts.
- The Lieutenant Governor appoints three members, one member each from the Mississippi Supreme Court districts.

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<sup>3</sup><https://www.peer.ms.gov/Reports/reports/rpt637.pdf>.

<sup>4</sup><https://www.peer.ms.gov/Reports/reports/rpt629.pdf>.

<sup>5</sup><https://www.peer.ms.gov/Reports/reports/rpt615.pdf>.

<sup>6</sup><https://www.peer.ms.gov/Reports/reports/rpt606.pdf>.

- The State Superintendent of Public Education appoints one member.

All appointments must be made with the advice and consent of the Senate. See Exhibit 1, below, for a list of current board members and their terms. See Appendix A, page 58, for a list of board members in FY 2019 and FY 2020.

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**Exhibit 1: Mississippi Charter School Authorizer Board, Current Members and Terms of Service, September 2020**

Board Member	Appointed By	Term Begin Date	Term End Date
Leland Speed	Governor	July 1, 2017	June 30, 2021
Vacant	Governor	September 1, 2017	August 31, 2020
Carolyn Willis	Governor	February 20, 2019	August 31, 2021
Bill Billingsley	Lt. Governor	September 1, 2019	August 31, 2022
Jennifer Jackson Whittier	Lt. Governor	June 19, 2020	June 30, 2022
Vacant	Lt. Governor	September 1, 2019	August 31, 2022
Jean Cook	State Superintendent	Not provided*	Not provided*

\*The appointment letter MDE provided to MCSAB did not include appointment dates for Jean Cook. Also, Jean Cook has not been confirmed by the Senate.

SOURCE: PEER analysis of data from the Mississippi Secretary of State, the Mississippi Legislature’s website, and the Mississippi Charter School Authorizer Board website.

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As PEER noted in its FY 2019 annual report on charter schools, although MISS. CODE ANN. Section 37-28-7(5) (1972) established staggered terms of office for MCSAB, this has resulted in three of the board members rotating off in the same year and could impact the board’s quorum requirement.

As shown in Exhibit 1, as of August 2020, the board had two vacant positions, leaving it with only five members. According to MCSAB staff, new appointees have not been named for the vacant positions. The “Mississippi Charter Schools Act” was written such that the Governor’s three appointments roll off at

the same time and the Lieutenant Governor's three appointments roll off at the same time.

As PEER noted in its FY 2019 report on charter schools, two of the Governor's appointments are serving terms that are one year longer than the statute permits. In accordance with MISS. CODE ANN. Section 37-28-7 (3), Leland Speed and Carolyn Willis should be serving three-year terms ending in 2020. However, their appointment letters indicate that their terms are for four years, ending in 2021. (Carolyn Willis replaced Krystal Cormack, whose term began on September 1, 2017.)<sup>7</sup>

## **MCSAB Staff**

***MCSAB's staff currently includes an Executive Director, a Director of Schools and Accountability, and an Administrative Assistant.***

As of August 2020, MCSAB staff included an Executive Director, a Director of Schools and Accountability, and an Administrative Assistant. The Director of Schools and Accountability was hired in July 2019 to be responsible for the planning, monitoring, improvement, and supervision of MCSAB's operations.

As PEER noted in its FY 2019 report, the Grants Coordinator was no longer employed by MCSAB as of August 2019. Therefore, the Director of Schools and Accountability took over the work of the federal Charter Schools Program (CSP) grant in September 2019.

MCSAB employs contractors to satisfy its mandate to authorize and oversee charter schools. For example, in FY 2020 MCSAB contracted with a team of independent evaluators to evaluate charter school applications and with a private business to perform accounting services. For more information on contract expenditures, see pages 35-36.

## **Charter School Applicants in the Board's 2020 Application Cycle**

**The Mississippi Charter School Authorizer Board received three applications for charter schools in its 2020 application cycle. Of those, the board, with assistance from a review team of three independent evaluators, approved one application (for a school to be located in Canton) and denied two.**

Any party seeking to open a charter school in Mississippi must submit an application to the authorizer board. MCSAB contracted with the National Association of Charter School Authorizers (NACSA) from 2014 to 2018 to manage the application process and to provide independent recommendations of approval or denial for each charter school application. However, beginning in 2019, MCSAB ceased

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<sup>7</sup> Although the terms of Leland Speed and Carolyn Willis should have ended June 30, 2020, they may legally continue to act as members of MCSAB. Executive Order 1499, (2020) executed as part of the Governor's COVID-19 emergency response, suspends the operation of any provision of law that would result in the terms of office for certain appointees ending, and allows incumbents to hold over in office until the Legislature adjourns Sine Die in 2021. Members of MCSAB are included in this order.

contracting with NACSA because, according to MCSAB staff, NACSA no longer engages in this type of evaluation work. Therefore, MCSAB began contracting with an independent evaluator to manage the application process and provide recommendations. In March 2020, MCSAB contracted with School Works for this task.

As in previous years, the application process includes three stages of review: the completeness check, the threshold quality review, and the capacity review. In the FY 2020 completeness check (Stage 1) conducted by School Works, one member of the review team reviewed applications for completeness<sup>8</sup> and applicants' eligibility.<sup>9</sup> If the independent evaluator deemed an application incomplete or deemed the application ineligible, the application was not qualified to proceed to the threshold quality review (Stage 2).

In the FY 2020 threshold quality review (Stage 2), two members of the review team comprised of a primary reviewer and a financial reviewer assessed each proposal based on Stage 2 evaluation criteria and identified whether the minimum content was present. If an application failed to meet the minimum quality threshold, it was deemed substantially inadequate and ineligible to proceed to the capacity review (Stage 3).

In the FY 2020 capacity review (Stage 3), two members of the review team evaluated the application and then conducted an in-person interview to assess the applicant's overall capacity to implement the plans in the application.

Two members of the review team then prepared an evaluation report to submit to MCSAB. The board typically makes final charter school authorization decisions during the September regularly scheduled board meeting, however, because of delays due to the coronavirus, this decision was made in October 2020.

In the 2020 application cycle, MCSAB received seven letters of intent for seven schools. Of those seven, three submitted a complete application and therefore advanced to Stage 2. Of those three, two applicants advanced to Stage 3; and of those two, one was approved on October 12, 2020. Of those that were denied, four were denied at Stage 1 of the process (i.e., the completeness check), one was denied at the Stage 2 threshold quality review, and one was denied at the Stage 3 capacity interview.

The application that was approved was SR1, which was approved to open SR1 College Preparatory and STEM Academy, a kindergarten through 1<sup>st</sup> grade school scheduled to open in 2022 in the Canton School District. It will serve students in kindergarten through 5<sup>th</sup> grades at capacity.

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<sup>8</sup>*Completeness* refers to the elements that an application must contain to qualify as a finished response based upon the requirements set forth in the request for proposals (e.g., a complete budget).

<sup>9</sup>*Eligibility* refers to the statutory requirements that a group must meet to qualify to submit an application (e.g., group must be a nonprofit education organization).

## List of Mississippi's Approved Charter Schools

Exhibit 2 lists the charter school applications MCSAB has approved to date (from its 2014 application cycle through its 2020 application cycle), the operational school years, and contract terms.

### Exhibit 2: Approved Mississippi Charter Schools through the 2020 Application Cycle

Charter School	School District	Charter Operator	School Year <sup>a</sup>	Contract Term <sup>b</sup>
Midtown Public*	Jackson Public	Midtown Partners, Inc.	2015-2016	FY 2016-FY 2020 FY 2021-FY 2023
Reimagine Prep*	Jackson Public	RePublic Schools, Inc.	2015-2016	FY 2016-FY 2020 FY 2021-FY 2025
Joel E. Smilow Prep*	Jackson Public	RePublic Schools, Inc.	2016-2017	FY 2017-FY 2021
Joel E. Smilow Collegiate*	Jackson Public	RePublic Schools, Inc.	2018-2019	FY 2019-FY 2023
Clarksdale Collegiate*	Clarksdale Municipal	Clarksdale Collegiate, Inc.	2018-2019	FY 2019-FY 2023
Ambition Preparatory*	Jackson Public	Ambition Preparatory Charter School	2019-2020	FY 2020-FY 2024
Leflore Legacy Academy	Greenwood Public	Mississippi Delta Academies	2020-2021	FY 2021-FY 2025
Revive Prep	Jackson Public	RePublic Schools, Inc.	2021-2022	TBD <sup>c</sup>
RePublic High School	Jackson Public	RePublic Schools, Inc.	2021-2022	TBD <sup>c</sup>
SR1 College Preparatory and STEM Academy	Canton Public	SR1	2022—2023	TBD <sup>c</sup>

\*Charter schools that were in operation during the 2019-2020 school year are indicated with an asterisk.

- The year in which the school began serving students or is expected to serve students.
- Per MISS. CODE ANN. Section 37-28-21(1) (1972), the authorizer board must grant an initial charter to each qualified applicant for a term of five operating years. Midtown Public was renewed for a three-year term and Reimagine Prep was renewed for a five-year term.
- As of October 12, 2020, MCSAB had not generated contracts with Revive Prep, RePublic High School, or SR1 College Preparatory and STEM Academy.

SOURCE: PEER analysis of Mississippi Charter School Authorizer Board documents.



## Charter Schools Serving Students During the 2019–2020 School Year

**During the 2019–2020 school year, six charter schools (five located in Jackson and one located in Clarksdale) served 1,992 students.<sup>10</sup>**

The following two charter schools began serving students in the 2015–2016 school year, thus have completed five full school years:

- Midtown Public Charter School, operated by Midtown Partners, Inc., with headquarters in Jackson, served 5<sup>th</sup> through 8<sup>th</sup> grade with an average daily attendance (ADA) of 240 students.
- Reimagine Prep, operated by RePublic Schools, Inc., with headquarters in Nashville, served 5<sup>th</sup> through 8<sup>th</sup> grade with an average daily attendance of 535 students.

Joel E. Smilow Prep (Smilow Prep), also operated by RePublic Schools, Inc., began serving students in the 2016–2017 school year. Smilow Prep completed its fourth year in the 2019–2020 school year, serving 5<sup>th</sup> through 8<sup>th</sup> grade, with an average daily attendance of 522 students.

The following two charter schools began serving students in the 2018–2019 school year, thus having completed their second year:

- Joel E. Smilow Collegiate (Smilow Collegiate), operated by RePublic Schools, Inc., served kindergarten through 2<sup>nd</sup> grade with an average daily attendance of 335 students.
- Clarksdale Collegiate, operated by Clarksdale Collegiate, Inc., served kindergarten through 3<sup>rd</sup> grade with an average daily attendance of 235 students.

Ambition Prep, operated by Ambition Preparatory Charter School, began serving students in the 2019–2020 school year. Ambition Prep served kindergarten through 1<sup>st</sup> grade with an average daily attendance of 125 students.

Five schools are located in Jackson within the geographical boundaries of Jackson Public School District (JPSD), whereas Clarksdale Collegiate is located in Clarksdale within the geographical boundaries of Clarksdale Municipal School District. Average daily attendance of months two and three of the school year for all six schools totaled 1,992 students in the 2019–20 school year.

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<sup>10</sup>This was the total average daily attendance (ADA) for months two and three of the 2019–2020 school year, according to MDE.

## Update on MCSAB's Evaluation of Charter School Performance

**During the 2018-19 school year, three charter schools administered state assessments (i.e., the Mississippi Academic Assessment Program) to students in grades 3 through 8, which measures student achievement in English language arts, math, and science. Two charter schools performed at higher levels in math and science than JPSD; however, all three charter schools performed at a lower level in English language arts than JPSD.**

According to MISS. CODE ANN. Section 37-28-29 (1972), charter contracts must include a performance framework that outlines academic and operational performance indicators as well as measures and metrics that will guide MCSAB's evaluations of the charter school (e.g., student academic proficiency, financial performance, and sustainability).

Also, MCSAB must annually assess each charter school's performance on the indicators listed in the performance framework. MISS CODE. ANN. Section 37-28-31 (1972) requires that MCSAB submit a performance report to the Legislature for each charter school it oversees. If a charter school's performance is unsatisfactory, MCSAB must notify the charter school and provide a reasonable opportunity for the school to remedy the problem unless the problem warrants revocation of the charter. FY 2020 was the first year MCSAB provided such a report. Exhibit 3 shows the results of each charter school's academic performance on the Mississippi Academic Assessment Program (MAAP) during the 2018-2019 school year.

**Exhibit 3: Percentage of Charter School Students Scoring Proficient or Advanced on the Mississippi Academic Assessment Program (MAAP), Compared to JPSD and Statewide Students, School Year 2018-2019**

Charter School	MAAP English Language Arts	MAAP Math	MAAP Science
Midtown	14.9%	15.0%	39.6%
Reimagine Prep	24.3%	41.7%	65.4%
Smilow Prep	13.5%	29.6%	57.5%
Jackson Public School District	32.5%	27.9%	53.5%
State of Mississippi	41.3%	45.1%	64.3%

NOTE: The Mississippi Academic Assessment Program (MAAP) is a state assessment that measures students' knowledge, skills, and academic growth in grades 3-8. During the 2018-2019 school year (the most recent school year for which student assessment data is available), only Midtown, Reimagine Prep, and Smilow Prep—all three of which are located within the geographical boundaries of JPSD—served students in grade levels for which the MAAP measures student progress. The data shown for JPSD and Mississippi reflects only elementary and middle schools. MDE's performance data shown in Exhibit 3 differs from that shown in the MCSAB 2019 Annual Report because the latter utilized a specific methodology that follows a particular cohort of students.

SOURCE: PEER analysis of Mississippi Department of Education data.

**Charter School Renewals in FY 2020**

**At its April 2020 board meeting, MCSAB approved a five-year renewal contract for Reimagine Prep and a three-year renewal contract with conditions for Midtown Public Charter School.**

As stated in MISS. CODE ANN. Section 37-28-33 (1972):

*A charter may be renewed for successive five-year terms of duration. The authorizer may grant renewal with specific conditions for necessary improvements to a charter school and may lessen the renewal term based on the performance, demonstrated capacities and particular circumstances of each charter school.*

As part of its FY 2019 contract, Mississippi First<sup>11</sup> was charged with developing policies and procedures for MCSAB, which included the development of a policy for charter school renewals.

According to MISS. CODE ANN. Section 37-28-33 (1972), MCSAB is required to issue charter renewal application guidance each year before September 30 to any charter school whose term will expire the following year.

At its September 2019 board meeting, MCSAB approved the establishment of a policy for charter school renewal. According to MCSAB staff, this policy was provided to MCSAB shortly before its September 9, 2019, board meeting. Because state law requires that MCSAB issue charter renewal application guidance before September 30, MCSAB approved the guidance despite the short time frame available to review the guidance in detail.

Midtown and Reimagine Prep were the two schools whose charter terms were set to expire the following year. Therefore, on October 15, 2019, MCSAB staff provided training on the renewal process to the leaders from those two schools. MCSAB then contracted with two independent evaluators to develop renewal recommendation reports for each of the two schools. In addition to the two independent evaluators, two individuals on MCSAB staff also served as un-paid evaluators.

MCSAB approved draft recommendations in March 2020 and approved final recommendations on April 20, 2020.

At its April 20, 2020, board meeting, MCSAB approved a five-year renewal contract with Reimagine Prep through FY 2025. Also, MCSAB approved a three-year<sup>12</sup> renewal contract with Midtown Public Charter School through FY 2023 with conditions including, but not limited to, the following:

- Midtown must establish performance targets in partnership with MCSAB;
- Midtown must be rated a “D” or higher in 2021, a “C” or higher in 2022, and a “C” or higher in 2023;
- Midtown must enroll the required number of underserved students in accordance with MISS. CODE ANN. Section 37-28-23(5) (1972);
- Midtown must restructure its governance plan to ensure all board members are knowledgeable in the contract terms between MCSAB and Midtown Public Charter School, and in the Mississippi Public Charter School Performance Framework; and,
- Midtown must align its future fiscal plan to improving student outcomes.

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<sup>11</sup> Mississippi First is a nonprofit organization located in Jackson specializing in education policy.

<sup>12</sup> According to MCSAB’s *Charter School Application and Guidance 2019-2020*, a charter school that was rated “D” in its fourth year of operation can be renewed for a maximum of three years.

For more discussion on MCSAB’s approval of Midtown’s renewal, refer to page 52.

## National Charter School Landscape

According to the National Alliance for Public Charter Schools, an average of 6% of public school students were enrolled in the 7,534 charter schools operating nationwide in 2018. Mississippi lags behind southeastern states, with only 0.34% of public-school students enrolled in charter schools. Much of the difference may be accounted for due to Mississippi passing its charter school law in 2013, approximately two decades after most of the other southeastern states.

As of 2018, there were 7,534 charter schools, according to the National Alliance for Public Charter Schools (NAPCS). Nationally, 6% of public-school students are enrolled in a charter school. Comparatively, Mississippi has a low percentage of charter school students as a share of total public school students, with only 0.34% of Mississippi public school students being enrolled in a charter school. Exhibit 4 demonstrates Mississippi’s charter school statistics in comparison with those of surrounding states.

### Exhibit 4: Southeastern United States Charter School Statistics

State	Charter Law Since	Charter Schools Operating in 2018-19	Charter School Students	Total Public-School Students	Charter School Students as a Percent of Total Public-School Students
Alabama	2015	2	598	724,178	0.08%
Arkansas	1995	86	35,432	479,432	7.39%
Georgia	1994	94	69,855	1,717,887	4.07%
Louisiana*	1995	156	86,437	716,416	12.07%
Mississippi	2013	5	1,607	465,913	0.34%
Tennessee	2002	115	42,678	1,947,457	2.19%

\* After Hurricane Katrina struck New Orleans in 2005, the state of Louisiana took control of almost all public schools from the local Orleans Parish School Board and transferred over 100 schools to the Louisiana Recovery School District, who handed them over to charter organizations.

SOURCES: National Alliance of Public Charter Schools (NAPCS); other states’ departments of education; Education Research Alliance for New Orleans, and NOLA.com.

As evidenced in Exhibit 4, Mississippi has a lower percentage of charter school students as a share of total public-school students than all surrounding states, except Alabama, which is the only surrounding state with a newer charter school law than Mississippi.

States allow a variety of entities to authorize charter schools. Mississippi allows only MCSAB to authorize new charter schools. Although Alabama's law has the capacity to allow local school districts to authorize charter schools, that function is not currently in operation; therefore, the Alabama Public Charter School Commission authorizes the state's charter schools. Arkansas differs from both Mississippi and Alabama in that the State Education Agency (SEA) (i.e., the state department of education) is the sole authority responsible for authorizing charters. Louisiana permits both local school districts, as well as the state department of education to authorize charter schools. Tennessee, different still, permits local school districts to authorize charter schools, but does provide some, limited authority to an independent chartering board. Georgia provides the broadest authority for charter authorization, as local school districts, an independent chartering board, and the state department of education are all permitted to authorize charter schools.

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# Sufficiency of Funding for Charter Schools

MISS. CODE ANN. Section 37-28-37(2) (1972) requires, in part, that the PEER Committee prepare an annual report assessing the sufficiency of funding for charter schools. This chapter addresses the following issues regarding the sufficiency of charter school funding from:

- state sources;
- local ad valorem taxes;
- federal funds; and,
- other sources, such as grants and gifts.

## Sufficiency of State-Level Funding

**For FY 2020, the Mississippi Department of Education distributed Mississippi Adequate Education Program funding to charter schools in the same manner as the local public school districts in which they are located.<sup>13</sup>**

The Mississippi Legislature defines what constitutes adequate funding to public schools through a formula known as the Mississippi Adequate Education Program (MAEP). MISS. CODE ANN. Section 37-151-5(a) (1972) defines MAEP adequate funding as:

*“Adequate program” or “adequate education program” or “Mississippi Adequate Education Program (MAEP)” shall mean the program to establish adequate current operation funding levels necessary for the programs of such school district to meet at least a successful Level III rating of the accreditation system as established by the State Board of Education using current statistically relevant state assessment data.*

Different stakeholders may define “adequate funding” and “sufficient funding” in varying terms, but for purposes of this review to assess the sufficiency of funding for charter schools as required by statute, PEER equates the Legislature’s definition of adequate funding through the MAEP formula to constitute sufficient funding from the state for charter schools.

Under MAEP, the Legislature provides funding to school districts and charter schools to cover instruction, administration, plant and maintenance, and ancillary expenditures (e.g., librarians and counselors). Also under MAEP, the Legislature provides funding to each school district and charter school for add-ons, which are special education, gifted, alternative school, and transportation programs. Funding per

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<sup>13</sup> Charter schools and the school districts in which they are located received the same amount of per pupil MAEP before add-ons, but received different amounts of per pupil add-ons.



student for add-on programs is unique to each school district and charter school based on the criteria associated with each add-on program's funding formula and the district's or charter school's characteristics relative to the criteria (e.g., number of special education teacher units).

For FY 2020, MAEP formula calculations resulted in per-pupil amounts<sup>14</sup> for the charter schools, the Jackson Public School District, and the Clarksdale Municipal School District as presented in Exhibit 5, page 16. The difference in funding per pupil among the schools and the districts in which they are located is attributable to the amount each charter school and their respective districts received from the add-on program component of the MAEP formula.

Exhibit 5 also presents a comparison of the amounts of funding provided to the charter schools and their respective districts for fiscal years 2016 through 2020.

For FY 2020, the Mississippi Department of Education distributed MAEP funding to Midtown Public, Reimagine Prep, Smilow Prep, Smilow Collegiate, and Ambition Prep in a manner consistent with its provision of MAEP funds to the Jackson Public School District. It also provided MAEP funding to Clarksdale Collegiate in a manner consistent with its provision of MAEP funds to the Clarksdale Municipal School District.

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<sup>14</sup>For charter schools, the 2019-2020 school year per-pupil amounts are based on 2019-2020 school year enrollment projections for each charter school. MISS. CODE ANN. Section 37-28-55(1)(b) (1972) states that the enrollment figure used for Mississippi Adequate Education Program funding for charter schools is to be the projected enrollment stated in the charter school contract.

**Exhibit 5: FY 2020 MAEP Appropriation Amounts<sup>15</sup> Per Pupil by Charter School and Their Respective School Districts**

Charter School or School District	FY 2020			FY 2019	FY 2018	FY 2017	FY 2016
	Per-Pupil MAEP before Add-Ons	Per-Pupil Add-Ons	Total Per-Pupil MAEP	Total Per-Pupil MAEP	Total Per-Pupil MAEP	Total Per-Pupil MAEP	Total Per-Pupil MAEP
<b>Schools within the Geographical Boundaries of the Jackson Public School District</b>							
Midtown Public	\$4,146	\$834	\$4,980	\$4,860	\$4,904	\$5,117	\$5,998
Reimagine Prep	\$4,146	\$432	\$4,578	\$4,470	\$4,517	\$4,870	\$5,898
Smilow Prep	\$4,146	\$427	\$4,573	\$4,548	\$4,671	\$5,791	N/A
Smilow Collegiate	\$4,146	\$639	\$4,785	\$5,103	N/A	N/A	N/A
Ambition Prep	\$4,146	\$1,204	\$5,350	N/A	N/A	N/A	N/A
Jackson Public Schools	\$4,146	\$866	\$5,012	\$4,904	\$4,883	\$4,904	\$4,883
<b>Schools within the Geographical Boundaries of the Clarksdale Municipal School District</b>							
Clarksdale Collegiate	\$4,643	\$805	\$5,448	\$6,022	N/A	N/A	N/A
Clarksdale Municipal	\$4,643	\$996	\$5,639	\$5,417	N/A	N/A	N/A

NOTE: This exhibit does not reflect FY 2019 average daily attendance adjustments to FY 2020 MAEP, as explained in Exhibit 9, footnote b.

SOURCE: PEER analysis of Mississippi Department of Education documents.

<sup>15</sup> This reflects a reduction by the Legislature of 9.10%. There were no Governor’s cuts in FY 2020.

## Sufficiency of Funding from Local Ad Valorem Taxes

**For FY 2020, the six operating charter schools received local support payments from ad valorem taxes in a manner consistent with MISS. CODE ANN. Sections 37-28-55(2) and (3) (1972). However, the local ad valorem pro rata calculation required by the statute provides unequal shares between charter schools and the school districts.**

Under MISS. CODE ANN. Section 37-57-104 (1972), during the submission of its annual budget, the school board of each school district sets local funding for public school districts up to a maximum of fifty-five mills.<sup>16</sup> Further, MISS. CODE ANN. Section 37-28-55(2) (1972) requires each school district in which a charter school is located to distribute a pro rata share of local ad valorem funds to all charter schools in the district.<sup>17</sup> Under MISS. CODE ANN. Section 37-28-55(3) (1972), effective July 1, 2016, if a student who resides in one school district attends a charter school located in another school district, the district in which the student resides distributes its pro rata share of local ad valorem support funds to the charter school the student attends.

For purposes of this review, PEER equates the sufficiency of local funding levels for Midtown Public, Reimagine Prep, Smilow Prep, Smilow Collegiate, Clarksdale Collegiate, and Ambition Prep to the funding levels provided to other school districts in which charter school students reside.

The 2019-2020 school year was the fourth year that charter schools enrolled students from districts other than JPSD.<sup>18</sup> Therefore, for the six charter schools in operation in Mississippi that year, per-pupil local support payments were based on ad valorem tax receipts received by the student's district of residence for the previous fiscal year, as presented in Exhibit 6, page 18.

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<sup>16</sup>For the purpose of property tax assessment, one mill represents \$1 in property taxes for every \$1,000 in assessed property value.

<sup>17</sup>If the school district does not pay the required local amount to the charter school before January 16, the Mississippi Department of Education shall reduce the local school district's January transfer of MAEP funds by the amount owed to the charter school and shall redirect that amount to the charter school.

<sup>18</sup> In 2016, the Legislature amended the "Mississippi Charter Schools Act" to allow students in school districts rated "C," "D," or "F" to cross district lines to attend charter schools.

**Exhibit 6: FY 2020 Local Contributions to and Number\* of Students in Each Charter School, by Students' Districts of Residence**

District of Residence	Midtown Public	Reimagine Prep	Smilow Prep	Smilow Collegiate	Clarksdale Collegiate	Ambition Prep	Total
Hinds Co. \$3,897.24 per pupil**	\$7,794.48 (2 students)	\$85,739.28 (22 students)	\$15,588.96 (4 students)	\$42,869.64 (11 students)	----	\$7,794.48 (2 students)	\$159,786.84 (41 students)
Jackson Public \$3,011.84 per pupil**	\$783,078.40 (260 students)	\$1,620,369.92 (538 students)	\$1,677,594.88 (557 students)	\$1,036,072.96 (344 students)	----	\$397,562.88 (132 students)	\$5,514,679.04 (1,831 students)
Copiah Co. \$1,483.79 per pupil**	----	\$2,967.58 (2 students)	----	----	----	\$1,483.79 (1 student)	\$4,451.37 (3 students)
Hazlehurst \$2,732.83 per pupil**	----	\$2,732.83 (1 student)	----	----	----	----	\$2,732.83 (1 student)
Canton \$3,757.60 per pupil**	----	----	\$11,272.80 (3 students)	\$7,515.20 (2 students)	----	----	\$18,788.00 (5 students)
Clarksdale \$1,493.88 per pupil**	----	----	----	----	\$252,465.72 (169 students)	----	\$252,465.72 (169 students)
Cleveland \$3,056.23 per pupil**	----	----	----	----	\$6,112.46 (2 students)	----	\$6,112.46 (2 students)
Coahoma Co. \$4,349.20 per pupil**	----	----	----	----	\$273,999.60 (63 students)	----	\$273,999.60 (63 students)
N. Bolivar \$1,826.21 per pupil**	----	----	----	----	\$3,652.42 (2 students)	----	\$3,652.42 (2 students)
W.Tallahatchie \$3,294.25 per pupil**	----	----	----	----	\$23,059.75 (7 students)	----	\$23,059.75 (7 students)
S. Panola \$2,363.56 per pupil**	----	----	----	----	\$2,363.56 (1 student)	----	\$2,363.56 (1 student)
Tunica \$5,168.93 per pupil**	----	----	----	----	\$5,168.93 (1 student)	----	\$5,168.93 (1 student)
Sunflower \$2,751.43 per pupil**	----	----	----	----	\$5,502.86 (2 students)	----	\$5,502.86 (2 students)
<b>Total</b>	<b>\$790,872.88</b> (262 students)	<b>\$1,711,809.61</b> (563 students)	<b>\$1,704,456.64</b> (564 students)	<b>\$1,086,457.80</b> (357 students)	<b>\$572,325.30</b> (247 students)	<b>\$406,841.15</b> (135 students)	<b>\$6,272,763.38</b> (2,128 students)

\*For purposes of calculating the number of students for which local ad valorem contributions are made to charter schools, MISS. CODE ANN. Sections 37-28-55(2) and (3) (1972) require the use of the average daily membership for month one of the 2019–2020 school year. Because of this, the total number of students (2,128) using average daily membership (ADM) for month one differs from the total number of students referenced on page 8 (1,992), which was derived using average daily attendance (ADA) for months two and three of the 2019–2020 school year.

\*\*For purposes of calculating local ad valorem contributions per pupil made to charter schools for FY 2020, MISS. CODE ANN. Sections 37-28-55(2) and (3) require that total ad valorem receipts received by the student’s resident district in FY 2019 be divided by its average daily membership for months one through nine of the 2018-2019 school year.

SOURCE: PEER analysis of Mississippi Department of Education documents.

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## Pro Rata Share of Local Ad Valorem Taxes to Charter Schools

***Determining the pro rata share of local ad valorem taxes to be remitted to charter schools in accordance with the provisions of MISS. CODE ANN. Section 37-28-55(2) and (3) (1972) results in the charter schools receiving more funds per pupil than the school district in which the student resides.***

With regard to local ad valorem taxes to be paid to charter schools, MISS. CODE ANN. Section 37-28-55(2) (1972) requires the following:

*For students attending a charter school located in the school district in which the student resides, the school district in which a charter school is located shall pay directly to the charter school an amount for each student enrolled in the charter school equal to the ad valorem tax receipts and in-lieu payments received per pupil for the support of the local school district in which the student resides.*

Subsection (3) of Section 37-28-55 requires that the pro rata amount must be calculated by dividing the local school district’s months one through nine average daily membership of the previous year into the total amount of ad valorem receipts and in-lieu receipts.

For example, the total amount of ad valorem receipts collected by JPSD during the 2018-2019 school year was \$69,868,657.73. Months one through nine of average daily membership (ADM), not including students enrolled in charter schools was 23,198. During the 2018-2019 school year there were five charter schools with a total enrollment of 1,831 operating within the Jackson Public School District.

To determine the pro rata share of local ad valorem tax collections to be remitted to the charter schools, JPSD divided the total collections (\$69,868,657.73) by the district’s enrollment<sup>19</sup> (23,198 students), which resulted in a per pupil amount of \$3,011.84 for the charter schools. JPSD then multiplied the per pupil amount (\$3,011.84) by the charter schools’ student enrollment<sup>20</sup> (1,831) to determine the pro rata

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<sup>19</sup> Average daily membership (ADM) for months one through nine of the previous year.

<sup>20</sup> Average daily membership (ADM) for month one of the current year.

share of ad valorem tax collections to be remitted to the charter schools—i.e., \$5,514,679.04.

Because state law does not require a “home” district to calculate **total** enrollment to include all students living within the district by adding the enrollment of charter schools operating within a district to the enrollment for the district, the “home” district receives a lower per pupil pro rata share of local ad valorem collections. In the case of JPSD for school year 2019-2020, charter schools operating within the district received a per pupil local ad valorem amount of \$3,011.84 while JPSD received a per pupil local ad valorem amount of \$2,774.12, a difference of \$237.72 per pupil. Exhibit 7, page 21 presents the calculation of the local ad valorem distributions for JPSD for school year 2019-2020.

**Exhibit 7: Comparison of FY 2020 Charter Schools\* vs. JPSD Per Pupil Ad Valorem Funding**

	Charter Schools	Jackson Public School District
Ad valorem receipts collected in FY 2019		\$69,868,657.73
Net Ad Valorem receipts collected in FY 2019 <sup>c</sup>		\$64,353,978.69
Average Daily Membership (ADM) months 1-9 in FY 2019		23,198
Per pupil amount remitted to charter schools in FY 2020 <sup>a</sup>	\$3,011.84	
Per pupil amount retained by JPSD <sup>d</sup>		\$2,774.12
Charter school enrollment in FY 2020	1,831	
Total amount remitted to charter schools in FY 2020 <sup>b</sup>	\$5,514,679.04	
Total amount retained by JPSD in FY 2020 <sup>e</sup>		\$64,353,978.69

\* For this exhibit, the charter schools are those that are within the geographical boundaries of JPSD.

a.  $\$69,868,657.73 \div 23,198$

b.  $\$3,011.84 \times 1,831$

c.  $\$69,868,657.73 - \$5,514,679.04$

d.  $\$64,353,978.69 \div 23,198$

e.  $\$2,774.12 \times 23,198$

SOURCE: PEER analysis of Mississippi Department of Education documents.

Exhibit 8, page 22, illustrates how the difference in per pupil ad valorem funding between JPSD and the charter schools within the boundaries of JPSD has increased each year since FY 2017 in favor of the charter schools.



**Exhibit 8: Comparison of Charter School\* Per Pupil Ad Valorem Funding to JPSD Per Pupil Ad Valorem Funding, FY 2017 through FY 2020**

Fiscal Year	Charter School Per Pupil Ad Valorem Funding	JPSD Per Pupil Ad Valorem Funding	Per Pupil Difference
FY 2017	\$2,700.93	\$2,649.85	\$51.08
FY 2018	\$2,782.15	\$2,684.18	\$97.97
FY 2019	\$2,922.39	\$2,754.45	\$167.94
FY 2020	\$3,011.84	\$2,774.12	\$237.72

\* For this exhibit, the charter schools are those that are within the geographical boundaries of JPSD.

SOURCE: PEER Reports #615, #629, and #637; PEER analysis of Mississippi Department of Education documents.

### Sufficiency of Federal Funding

**Federal funds received by the Mississippi Department of Education are distributed to each public school district and charter school based on the school's ability to meet federal program requirements. In FY 2020, the charter schools that were operating that year received federal grant funds totaling \$4,506,552, including \$729,703 from the Charter Schools Program grant.**

MISS. CODE ANN. Section 37-28-55(4)(a) (1972) requires the Mississippi Department of Education to direct to each qualified charter school a proportional share of all monies generated under applicable federal programs and grants. MDE receives federal grant funds and distributes them to each qualified school based on the standards set forth in each grant's program and agreement and the school's ability to meet these specifications. The MDE must comply with the distribution requirements specified by each federal program or grant. The federal government audits the distribution of these funds for compliance with stated program and grant requirements.

Within this framework for the distribution of federal funds, charter schools have equal access to apply for and receive federal funds. Regarding sufficiency, the amount a charter school receives in federal funds depends on its characteristics related to meeting the requirements set forth by the federal program or grant.

In FY 2020, charter schools that were operating that year received federal grant funds totaling \$4,506,552, including \$729,703 from the Charter Schools Program (CSP) grant (see

pages 40 through 54). For a description of grant programs that provide funding to Mississippi's charter schools, see Appendix D, page 42, in the *FY 2017 Annual Report: Analysis of Funding for Mississippi Charter Schools and the Charter School Authorizer Board* (PEER Report #615).

### Sufficiency of Funding from Other Sources

**A charter school's ability to obtain funding from grants, gifts, and donations depends upon its success in applying for grants and attracting gifts and donations from other sources. In FY 2020, Mississippi's charter schools received \$1,957,590 from other sources.**

MISS. CODE ANN. Section 37-28-59(2) (1972) grants charter schools the authority to receive other forms of support (e.g., charitable contributions and private grants). Like federal funds, these other sources of revenue are variable and depend upon a charter school's ability to apply successfully for grants and to attract donations and gifts from other sources. Therefore, sufficiency of funding from these sources is unique to each charter school and the amount received from these sources will vary among charter schools.

In FY 2020, charter schools received \$1,957,590 from other sources that included contributions, grants, donations, and other miscellaneous revenue.

### Charter School Funding Received

**In FY 2020, the six operating charter schools received between \$2.4 million and \$5.3 million from Mississippi Adequate Education Program funding, local ad valorem taxes, federal funds, and other sources.**

Exhibit 9, page 24, details the amounts received by each charter school in FY 2020 and the funding sources.

## Exhibit 9: Charter School Revenues in FY 2020, by Funding Source

Source of Funds	Midtown Public	Reimagine Prep <sup>f</sup>	Smilow Prep <sup>f</sup>	Smilow Collegiate	Clarksdale Collegiate	Ambition Prep	TOTAL
MAEP <sup>a</sup>	\$1,215,246	\$2,747,117	\$2,743,709	\$1,650,793	\$1,362,027	\$802,534	\$10,521,426
FY 2019 ADA Adjustment <sup>b</sup>	\$19,976	\$(252,276)	\$(210,177)	\$(84,790)	\$(46,831)	N/A	\$(574,098)
Local Ad Valorem Taxes <sup>c</sup>	\$790,872	\$1,711,810	\$1,704,457	\$1,086,458	\$572,326	\$406,841	\$6,272,764
Federal Funds <sup>d</sup>	\$319,282	\$939,321	\$826,384	\$937,882	\$848,393	\$635,290	\$4,506,552
Other <sup>e</sup>	\$64,914	\$163,682	\$82,090	\$96,462	\$861,118	\$689,324	\$1,957,590
<b>Total<sup>f</sup></b>	<b>\$2,410,290</b>	<b>\$5,309,654</b>	<b>\$5,146,463</b>	<b>\$3,686,805</b>	<b>\$3,597,033</b>	<b>\$2,533,989</b>	<b>\$22,684,234</b>

- MAEP reflects amounts received by the charter schools after reductions for less than full MAEP funding. There were no budget cuts ordered by the Governor for FY 2020 MAEP. This amount does not include FY 2019 ADA adjustments to FY 2020 MAEP. (Source: MDE.)
- Senate Bill 2161, 2016 Regular Session, amended MISS. CODE ANN. Section 37-28-55(1)(b) (1972) to provide for a reconciliation of MAEP funds distributed to the charter schools using months two and three ADA for the current year, to be applied to the next school year's MAEP payments (for traditional school districts, FY 2020 per-pupil amounts are based on FY 2019 average daily attendance for months two and three). For this report, PEER has included the charter school FY 2019 ADA adjustment to FY 2020 MAEP as FY 2020 revenue for each charter school. PEER will include the FY 2020 ADA adjustment to FY 2021 MAEP in next year's report as FY 2021 revenue to the charter schools. (Source: MDE.)
- See Exhibit 6, page 18, for more detailed information on local ad valorem taxes.
- Federal funds reflect the amount received by the charter school from CSP grants (including the subgrants administered by MCSAB as well as CSP funds received by Republic Schools directly from the U.S. Dept. of Education); and other sources of federal funding such as Title I, II, and IV funding, school improvement funds, IDEA, Extended School Year (ESY), Elementary and Secondary School Emergency Relief Fund (ESSER), and federal food service funds. (Sources: DFA, and charter schools' unaudited financial statements). Clarksdale Collegiate's federal revenue includes \$319,852 in CSP subgrant revenue and \$528,541 in other federal revenue, totaling \$848,393; Ambition Prep's federal revenue includes \$409,851 in CSP subgrant revenue and \$225,439 in other federal revenue, totaling \$635,290.
- Other sources of funds include contributions, grants, donations, rebates, state food service supplement revenue, teacher pay raise, school recognition program, and miscellaneous revenue. (Source: charter schools' unaudited financial statements.)
- The totals do not include a FY 2020 ADA adjustment to FY 2021 MAEP for each charter school. These ADA adjustments will be reflected in the FY 2021 MAEP.

SOURCE: PEER analysis of financial records from the Mississippi Department of Education, the Department of Finance and Administration, and charter schools' unaudited financial statements.

## Charter School Revenue Versus Expenditures

*All charter schools in Mississippi received revenues in FY 2020 that were sufficient to cover their expenditures that year.*

PEER reviewed each charter school's unaudited financial statements for FY 2020 to determine whether revenues were sufficient to provide for the schools' expenditures. See Exhibit 10 which shows that all six charter schools' revenues exceeded expenses.

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### Exhibit 10: FY 2020 Charter School Revenues versus Expenditures

	Midtown	Reimagine Prep	Smilow Prep	Smilow Collegiate	Clarksdale Collegiate	Ambition Prep
Revenues	\$2,410,290	\$5,405,272	\$5,301,859	\$3,932,140	\$3,619,329	\$2,491,168
Expenditures	\$2,331,033	\$4,797,698	\$4,687,426	\$3,561,369	\$3,050,427	\$2,300,470
Difference	\$79,257	\$607,574	\$614,433	\$370,771	\$568,902	\$190,698

NOTE: For this exhibit, PEER used total revenues reported by each charter school. In some instances, these revenues do not match the revenues for those schools shown in Exhibit 9, page 24, because after consulting with charter school staff, PEER maintains that these differences are due to the varying requirements of cash vs. accrual accounting methods.

SOURCE: PEER analysis of charter schools' FY 2020 unaudited financial statements.

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As shown in Exhibit 11, page 26, Reimagine Prep, Smilow Prep, and Smilow Collegiate were more financially healthy in FY 2020 than they were in FY 2019, whereas Midtown Public and Clarksdale Collegiate were less financially healthy in FY 2020 than they were in FY 2019. FY 2020 was the first year for which PEER had financial data for Ambition Prep.

**Exhibit 11: Financial Health of Mississippi Charter Schools, FY 2017 through FY 2020**

Charter School	Difference Between Revenues and Expenditures			
	FY 2017	FY 2018	FY 2019	FY 2020
Midtown Public	\$(133,206)	\$159,248	\$117,531	\$79,257
Reimagine Prep	\$140,046	\$420,945	\$132,047	\$607,574
Smilow Prep	\$498,712	\$423,721	\$(155,794)	\$614,433
Smilow Collegiate*	Not operating	\$225,144	\$95,858	\$370,771
Clarksdale Collegiate	Not operating	Not operating	\$578,347	\$568,902
Ambition Prep	Not operating	Not operating	Not operating	\$190,698

\* Although Smilow Collegiate was not operating in FY 2018, RePublic Schools, Inc., reported its revenues and expenditures to PEER for FY 2018.

SOURCE: PEER Reports #615, #629, #637, and PEER analysis of charter schools' FY 2020 unaudited financial statements.

As presented in Exhibit 12, page 27, the projected cost per student for public schools in the state of Mississippi in FY 2020 was \$9,918, according to the National Education Association. In comparison, the three charter schools that were in operation in FY 2017 and before (Midtown, Reimagine Prep, and Smilow Prep) plus one that began operating in FY 2019 (Smilow Collegiate) showed a cost per student that was lower than that of the state collectively; whereas the two schools whose first year of operation was FY 2019 and FY 2020 (Clarksdale Collegiate and Ambition Prep, respectively) showed a cost per student that was higher than that of the state collectively.

While Midtown, Reimagine Prep, and Smilow Prep were in their fourth and fifth years of operation in FY 2020 (and therefore had more students), Smilow Collegiate, although only in its second year in FY 2020, had the benefit of being part of a larger charter organization with access to more resources. Clarksdale Collegiate and Ambition Prep, in their first and second years of

operation in FY 2020, are still in their infancy and at present have fewer students than typical school districts. Therefore, without economies of scale, the cost per student for newer charter schools could be expected to be higher than that for schools or districts with larger student populations.

**Exhibit 12: FY 2020 Mississippi Charter School Cost Per Student Compared to Cost Per Student for Mississippi Public Schools, Excluding Capital and Interest Expenses**

	Net Expenditures <sup>a</sup>	Enrollment <sup>b</sup>	FY 2020 Cost Per Student	FY 2019 Cost Per Student	FY 2018 Cost Per Student
Midtown Public	\$2,327,892	240	\$9,700	\$9,409	\$8,535
Reimagine Prep	\$4,556,250	535	\$8,516	\$8,801	\$9,036
Smilow Prep	\$4,436,568	522	\$8,499	\$9,343	\$9,239
Smilow Collegiate	\$3,308,281	335	\$9,875	\$11,597	N/A
Clarksdale Collegiate	\$2,886,620	235	\$12,283	\$13,705	N/A
Ambition Prep	\$1,714,404	125	\$13,715	N/A	N/A
State of Mississippi <sup>c</sup>	\$4,415,107,000	445,151	\$9,918	\$10,082	\$9,808

- a. Net expenditures do not include an interest expense of \$3,141 for Midtown; depreciation and amortization expenses of \$241,448 for Reimagine Prep, \$250,858 for Smilow Prep, and \$253,088 for Smilow Collegiate; capitalized property of \$459,706, depreciation of \$101,419 and interest expense of \$24,941 for Ambition Prep; depreciation of \$163,807 for Clarksdale Collegiate; and capital expenditures of \$57.5 million and interest expense of \$63.4 million for Mississippi.
- b. School year 2019-2020 ADA, months two and three.
- c. 2019-2020 school year data from the National Education Association’s *Ranking of the States 2019 and Estimates of School Statistics 2020*,<sup>21</sup> pp. 42, 54, 57. Notably, page 42 shows a correction to FY 2019 ADA for Mississippi. Although the NEA reported FY 2019 ADA to be 434,355, its adjustment shows that FY 2019 ADA was 432,198. Therefore, PEER has recalculated Mississippi’s cost per student for FY 2019 to be \$10,082. PEER Report #637 shows this figure to be \$10,032.

SOURCE: National Education Association and PEER analysis of documents from charter schools and the Mississippi Department of Education.

<sup>21</sup><http://www.nea.org/assets/docs/2020%20Rankings%20and%20Estimates%20Report.pdf>

## Charter School Account Names and Titles

**MCSAB does not require all charter schools in Mississippi to report financial information in the format required by the Mississippi Department of Education's accounting manual for public school districts, which inhibits comparisons of charter schools' expenditures and public schools' expenditures.**

The Mississippi Department of Education requires local school districts to use a uniform chart of accounts to provide consistency in recording revenues and expenditures across school districts. As PEER noted in its four previous reports on charter schools, although the charter schools' accounting structure may be sufficient to meet their accounting needs, the use of different account names and titles inhibits future comparison of expenditures between charter schools and public schools, and among charter schools themselves. This disparity results in a more time-consuming process for PEER or any other entity attempting to make accurate comparisons in expenditure data.

During the FY 2018 review, MCSAB indicated that it was recommending that new charter schools align their coding with the MDE-mandated chart of accounts. As of the FY 2019 review, MCSAB had not made an effort to do this because the charter schools report as non-profits.

According to MCSAB staff, it proposed requiring all charter schools to follow MDE's chart of accounts for the FY 2020 school year but some schools requested time to work toward the change. Therefore, MCSAB has delayed this requirement for another year.



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# Efficacy of the State Formula for Authorizer Funding

MISS. CODE ANN. Section 37-28-37(2) (1972) requires that, as part of an annual report, the PEER Committee assess the efficacy of the state formula for funding the Mississippi Charter School Authorizer Board.

This chapter addresses:

- the efficacy of the MCSAB funding model;
- MCSAB expenditures; and,
- MCSAB's lack of agency independence.

## Efficacy of the MCSAB Funding Model

**Under MISS. CODE ANN. Section 37-28-11(1) (1972), the Mississippi Charter School Authorizer Board receives 3% of annual per-pupil allocations received by charter schools from state and local sources. FY 2020 was the second year this statutory formula generated sufficient funding to support the board's activities.**

The National Alliance for Public Charter Schools (NAPCS), a nonprofit organization committed to advancing the public charter school movement, states that adequate authorizer funding, including provisions for guaranteed funding from the state or authorizer fees, is an essential component of the model charter public school law.

Further, funding structures for charter authorizers generally fall into three categories: fees retained from authorized charter schools, budget allocation from a parent organization (such as a university), and state or local budget appropriation. There is no single formula for authorizer funding that is “the best” for every state. The determination of an adequate, efficient, and well-working formula for authorizer funding will depend upon conditions in each state.<sup>22</sup>

The National Association of Charter School Authorizers (NACSA) also comments on this issue, stating that when authorizers are a state entity (as is the case in Mississippi), they are most often funded through a state appropriation. Although this would make funding for the authorizer board subject to annual appropriations, it would eliminate the redirection of charter school operational funds to authorizers, remove the incentive for authorizers to approve and continue operating underperforming schools, and remove the potential for authorizers to be underfunded or overfunded.<sup>23</sup>

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<sup>22</sup>Information from the National Alliance for Public Charter Schools' 2016 publication *A New Model Law for Supporting the Growth of High-Quality Charter Schools (2nd Edition)*, <https://www.publiccharters.org/publications/model-law-supporting-high-quality-charter-public-schools>.

<sup>23</sup>Information from the National Association of Charter School Authorizers' 2009 policy guide, “Charter School Authorizer Funding,” <https://files.eric.ed.gov/fulltext/ED544285.pdf>.

As authorized under MISS. CODE ANN. Section 37-28-11(1) (1972), MCSAB receives 3% of annual per-pupil allocations received by charter schools from state and local sources. For purposes of this report, PEER equates efficacy<sup>24</sup> of the MCSAB funding model to provision of sufficient revenue from charter school fees to fully fund MCSAB operations.

Prior to the passage of Senate Bill 2161 during the 2016 Regular Session, MISS. CODE ANN. Section 37-28-7(10) (1972) directed the Board of Trustees of Institutions of Higher Learning (IHL) to provide offices and clerical support for the Mississippi Charter School Authorizer Board. Therefore, the Legislature appropriated funds to IHL for the support of the board. Although Senate Bill 2161 authorized the board to obtain its own suitable office space for administrative purposes, the Legislature continues to appropriate funds to IHL for MCSAB.

The board began operating in FY 2014 but did not receive any charter school fees until FY 2016 when charter schools became operational, as shown in Exhibit 13, page 31. In FY 2016, FY 2017, and FY 2018, the statutory formula failed to provide efficacy because the fees received from charter schools did not sufficiently fund MCSAB operations.

As it did in FY 2019, the Legislature appropriated \$237,000 in general funds to the authorizer board in FY 2020, which also received \$455,051 from the 3% fee from the charter schools, bringing total revenue received for FY 2020 to \$692,051.

Total expenditures for FY 2020 were \$435,926. FY 2020 was the second year that the statutory formula provided efficacy because the \$455,051 in fees received by MCSAB from the charter schools sufficiently funded MCSAB operations. Prior to FY 2019, fewer charter schools were operating in Mississippi and consequently enrolled fewer students. Because MAEP and local ad valorem funding to the charter schools are based on enrollment, the state paid a larger amount to the charter schools in FY 2019 and FY 2020 than it had in previous years. Because the 3% fees are applied to the MAEP and local ad valorem funding received by each charter school, each school paid a greater amount in those fees to MCSAB.

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<sup>24</sup>Merriam-Webster defines *efficacy* as “the power to produce the desired result or effect.”

**Exhibit 13: Sources of Revenues for the Mississippi Charter School Authorizer Board, FY 2014 through FY 2020**

Source of Funds	FY 2014 & FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
IHL Appropriation	\$250,000 <sup>a</sup>	\$250,000	\$236,547	\$237,000	\$237,000	\$237,000
3% Fee	\$0	\$56,078	\$119,314	\$212,918	\$361,178	\$455,051
<b>Total Revenues</b>	\$250,000	\$306,078	\$355,861	\$449,918	\$598,178	\$692,051
<b>Total Expenditures</b>	\$249,797 <sup>b</sup>	\$243,929	\$244,376	\$335,886	\$339,557	\$435,926
<b>Balance</b>	\$203	\$62,149	\$111,485	\$114,032	\$258,621	\$256,125

- a. H.B. 1440, Regular Session 2014, appropriated \$250,000 from the Capital Expense Fund to Institutions of Higher Learning to defray the costs of general operations of MCSAB. The board was allowed to carry forward to FY 2015 any funds not expended during FY 2014.
- b. MCSAB spent \$10,300 in FY 2014 and \$239,497 in FY 2015.

SOURCE: Mississippi Legislature, Mississippi Charter School Authorizer Board, Institutions of Higher Learning, and PEER analysis.

As PEER noted in its four previous reports on charter schools, under the current funding model, the Mississippi Charter School Authorizer Board receives 3% of the state and local funds that charter schools receive. Therefore, the total amount of funds from state and local sources available to charter schools on a per-pupil basis is less than the funds provided to public schools on a per-pupil basis.

In addition to charter school fees and legislative funding, under MISS. CODE ANN. Sections 37-28-11(2) and (3) (1972):

*(2) The authorizer may receive appropriate gifts, grants and donations of any kind from any public or private entity to carry out the purposes of this chapter, subject to all lawful terms and conditions under which the gifts, grants or donations are given.*

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

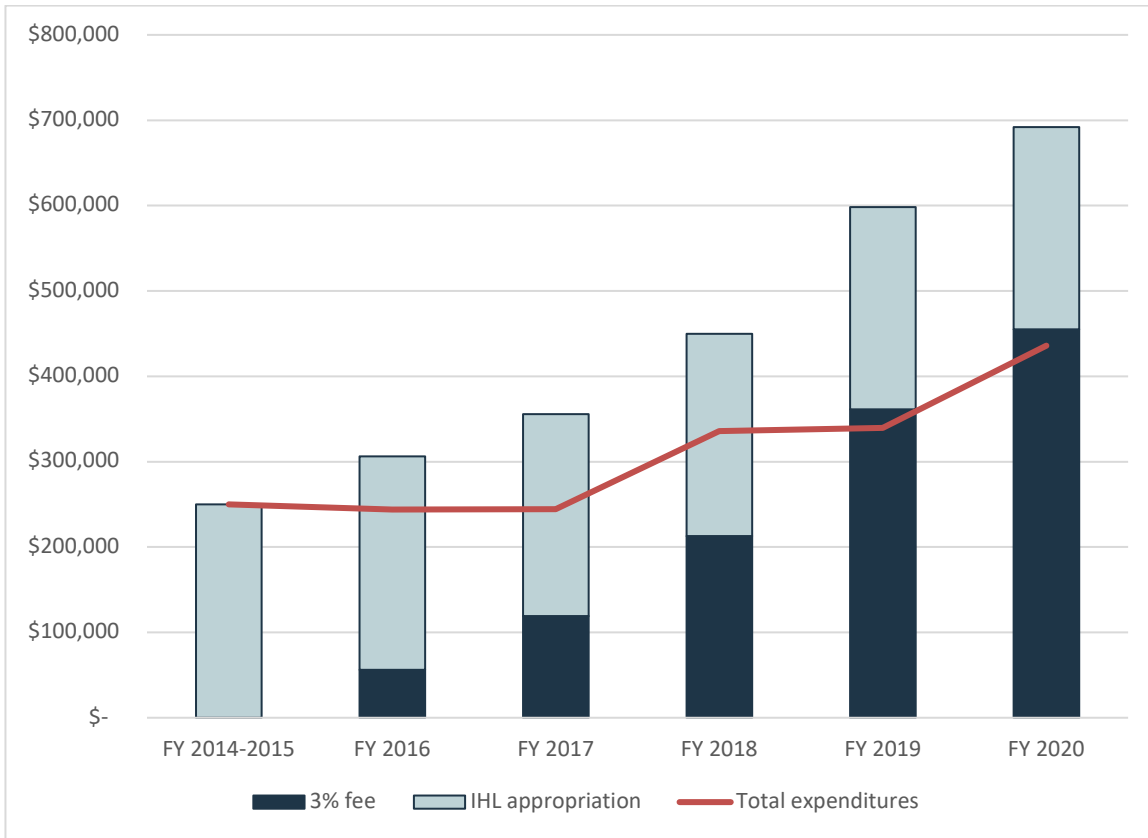
Notably, for FY 2020, MCSAB sought to provide financial relief to the charter schools by excluding EEF and Per Capita MAEP in its calculation of the 3% fees charged to the charter schools. On September 28, 2020, MCSAB staff provided PEER a copy of a letter it sent to the State Attorney General's Office requesting an official opinion as to whether certain funds should be included when calculating the 3% fees.

NAPCS comments that 3% fees generally are regarded as adequate funding for authorizers in most states, particularly where separate start-up funding is allocated for the establishment of a new authorizer. In addition, after an authorizer has chartered schools for a few years and oversees a "critical mass" of charters, it might be able to continue authorizing effectively with a lower percentage fee (because it is beyond the start-up stage and may have achieved some economies of scale) until the point at which the number of schools it authorizes increases costs on a per-school basis.

NAPCS also comments that the state's designated authorizer oversight body should make such a determination based on several consecutive years of financial data from all authorizers in the state. If the data warrants a change, the existing state entity tasked with authorizer oversight could, for example, establish a sliding scale that provides for authorizers to receive a higher percentage fee (not to exceed 3% of charter school per-pupil dollars) in their first three years of authorizing, with the percentage decreasing thereafter.

Exhibit 14 shows the revenues compared to the expenditures of MCSAB since FY 2014-FY 2015, with revenues broken out into MCSAB's legislative appropriation and its 3% fee revenue. As illustrated in the exhibit, annual appropriations have decreased slightly. On the other hand, the 3% fee revenues have increased at a greater rate than MCSAB's expenditures, leaving it with a larger balance each year. Therefore, having analyzed several consecutive years of financial data from MCSAB, PEER believes that MCSAB may have achieved the financial stability to operate on less revenue.

**Exhibit 14: MCSAB Appropriations and 3% Fee Revenues Compared to Expenditures, FY 2014 through FY 2020**



SOURCE: Mississippi Legislature, Mississippi Charter School Authorizer Board, Institutions of Higher Learning, and PEER analysis.

**Mississippi Charter School Authorizer Board Expenditures**

**From FY 2014 through FY 2020, the Mississippi Charter School Authorizer Board expended approximately \$1.85 million, with \$915,091 (49%) of this amount spent for personal services and \$679,211 (37%) spent for contractual services.**

During FY 2014 the Mississippi Charter School Authorizer Board began operating on a limited basis (e.g., conducted initial board meetings). During FY 2015 the authorizer board hired an Executive Director; in FY 2016 the first charter schools became operational in the state; in FY 2018 the board hired a Deputy Director; and in FY 2019 the board experienced a complete staff turnover, during which time expenditures for personal services decreased but contractual services increased. In FY 2020, contractual services decreased and personal services increased as the board employed three staff members. From FY 2014 through FY 2020, the board expended \$1,849,471 for total operations, with \$915,091 of this amount spent for personal services and \$679,211 spent for contractual services (see Exhibit 15, page 34).

PEER notes the following regarding MCSAB's FY 2020 expenditures.

## Description of FY 2020 Expenditures

### *Personal Services Expenditures*

MCSAB expended \$272,778 in personal services in FY 2020. These expenditures included salaries and benefits for the following individuals:

- current Executive Director—12 months of salary and benefits, with a salary of \$118,000;
- current Director of Schools—12 months of salary and benefits, with a salary of \$73,000, 80% of which was expended from state funds whereas 20% was expended from federal CSP funds;
- current Administrative Support—9 months of salary and benefits, with a salary of \$35,000; and,
- former Administrative Support—3 weeks of salary and benefits at \$35,000.

The board currently has three staff members.

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### Exhibit 15: Mississippi Charter School Authorizer Board Expenditures,\* by Major Category, FY 2014 through FY 2020

Major Categories	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	TOTAL
Personal Services	\$0	\$84,477	\$125,037	\$131,269	\$221,178	\$80,352	\$272,778	\$915,091
Travel	\$7,645	\$11,612	\$13,560	\$10,447	\$13,196	\$7,432	\$3,597	\$67,489
Contractual Services	\$2,655	\$84,079	\$42,603	\$69,468	\$89,238	\$239,417	\$151,751	\$679,211
Commodities	\$0	\$9,239	\$27,938	\$9,102	\$6,351	\$8,869	\$7,051	\$68,550
Equipment	\$0	\$4,290	\$10,049	\$24,090	\$5,923	\$3,487	\$749	\$48,588
Subsidies, Loans, and Grants	\$0	\$45,800	\$24,742	\$0	\$0	\$0	\$0	\$70,542
<b>Total Expenditures</b>	<b>\$10,300</b>	<b>\$239,497</b>	<b>\$243,929</b>	<b>\$244,376</b>	<b>\$335,886</b>	<b>\$339,557</b>	<b>\$435,926</b>	<b>\$1,849,471</b>

\*These expenditures do not include expenditures made with funds from the federal Charter Schools Program grant. Exhibit 15 shows expenditures made only with state dollars. For expenditures made with CSP funds, see Exhibit 16, page 42.

SOURCE: PEER analysis of financial records from the Mississippi Charter School Authorizer Board and the Department of Finance and Administration.

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### ***Travel Expenditures***

MCSAB expended \$3,597 in travel in FY 2020. These expenditures included \$326 for board member travel and \$3,271 for staff travel. Out of state staff travel amounted to \$3,156 and in-state staff travel amounted to \$115.

### ***Contractual Services Expenditures***

In FY 2020, MCSAB expended \$151,751 in contractual services, including \$143,538 to vendors with whom MCSAB had contracts. These expenditures and services are described below.

- \$29,544 to a contractor for work accomplished after June 30, 2019, evaluating charter school applications for the 2019 application cycle (an additional \$13,000 was paid before June 30, 2019, as noted in PEER Report #637);
- \$26,900 to a contractor to conduct Fall 2019 site visits of Midtown and Reimagine Prep;<sup>25</sup>
- \$22,206 to a contractor for accounting services, human resources, and personnel assistance;
- \$17,598 to a contractor for analysis of student achievement data and production of MCSAB's FY 2019 annual report;
- \$10,049 to a contractor to provide temporary staffing services for MCSAB; actual services provided to MCSAB totaled \$7,292. MCSAB paid the contractor an additional \$2,757 as part of the terms and conditions of the services when MCSAB employed the contractor's worker;
- \$10,080 to a contractor to provide part-time virtual chief of staff services including hiring, grants management, planning leadership development, planning leadership development scope and sequence, retreat planning, strategic planning, and project management;
- \$7,700 to a contractor<sup>26</sup> to monitor the current level of implementation of the CSP grant and provide feedback to staff; develop a timeline for reporting progress toward the grant objectives; work with MCSAB staff to create instruments to ensure effective implementation

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<sup>25</sup> \$1,100 of this amount was paid to the contractor as part of an extension of its FY 2019 contract with MCSAB, and therefore was not part of the FY 2020 contract.

<sup>26</sup> In the fall of 2019, MCSAB staff determined that this contract was potentially unallowable under the terms of MCSAB's grant agreement with the United States Department of Education, so MCSAB stopped spending federal funds on this contract and began spending state funds instead. Federal CSP funds in the amount of \$5,091 were spent. State funds in the amount of \$7,700 were spent for the remainder of this contract, with the contract total amounting to \$12,791.

for federal program compliance; work with MCSAB staff to implement a self-assessment of the grant implementation to ensure staff have a thorough understanding of the goals, objectives, and responsibilities for MCSAB under the CSP; review fiscal practices and revise and/or develop documents for ensuring fiscal procedures meet federal and state guidance; provide staff training related to federal grants management;

- \$5,500 to a contractor to evaluate charter school applications for the 2020 application cycle;
- \$5,000 annually to a contractor for a web-based software system to assist with document management, compliance, performance, and board governance; this includes consulting and technical support related to the software system;
- \$4,875 to a contractor to conduct site visits of Smilow Prep, Ambition Prep, and Smilow Collegiate;
- \$1,920 to a contractor to a contractor to develop a basic brand guide and design for MCSAB;
- \$1,790 to a contractor to provide IT consulting, IT equipment support, and onsite technical support at MCSAB board meetings as requested; and,
- \$376 to a contractor to provide temporary staffing services as request by MCSAB.

The remaining \$8,213 included costs for the following services:

- \$1,940 for advertising and public information;
- \$1,550 for membership dues;
- \$1,000 for charter school renewal evaluations;
- \$590 for travel for two contractors;
- \$739 for training;
- \$1,027 for subscriptions;
- \$564 for cell phone usage;
- \$116 information technology-related services;
- \$220 insurance fees and services;
- \$153 postage and transportation of goods; and,
- \$314 unemployment settlement for former grant coordinator.

PEER notes that, according to the Department of Finance and Administration, except for leasing, MCSAB is not under the purview of the Public Procurement Review Board (PPRB) because it employs only non-state-service employees.



### ***Commodities Expenditures***

During FY 2020, MCSAB expended \$7,051 on commodities. These expenditures included \$4,893 in office supplies, \$1,260 on office furniture and equipment, \$838 on food for meetings, and \$60 on postage.

### ***Equipment Expenditures***

During FY 2020, MCSAB expended \$749 on audio equipment for the board room.

### ***Subsidies, Loans, and Grants Expenditures***

During FY 2020, MCSAB had no expenditures in this category.

## **Notable FY 2020 Expenditures**

***PEER's 2019 charter school annual report included information on an improper payment of \$1,069 for travel expenses. MCSAB resolved this matter in a proactive manner. However, MCSAB paid \$500 each to two external evaluators, without a contract, to assess two charter school renewal applications.***

PEER determined two noteworthy expenditures made by MCSAB in FY 2020:

- In PEER's 2019 annual charter school report, PEER found that the board had made an improper payment of \$1,069 for the travel expenses of a job candidate for the executive director position. This expense is not allowable under the state's travel policies. PEER recommended that the board comply with state travel policies in the future and that the Office of the State Auditor should review the expenditure and determine an appropriate resolution. MCSAB proactively approved a resolution in its January 2020 board meeting to resolve the issue by accepting responsibility for the improper payment. MCSAB board members wrote personal checks totaling the \$1,069, and MCSAB made a payment to the state's general fund in February 2020. The Office of the State Auditor sent a letter to MCSAB on May 19, 2020, requesting information related to the improper expenditure. Upon receipt of MCSAB's documentation, the Office of the State Auditor wrote a letter to MCSAB indicating that the matter was resolved and closed in fulfillment of PEER's recommendation.
- As noted on page 36, MCSAB paid two external evaluators to assess the renewal applications for Midtown Public and Reimagine Prep. The board paid each evaluator \$500 for the work, however MCSAB did not enter into a contract with either evaluator. Although

not a state procurement requirement, having a contract in place for the expenditure of public funds provides clear expectations of the work product to be accomplished, the terms of payment, and the timeline by which the product will be completed.

## MCSAB's Lack of Agency Independence

**Despite MISS. CODE ANN. Section 37-28-7 (1) (1972) designating MCSAB as a “state agency,” MCSAB’s annual appropriation is included in the Institutions of Higher Learning (IHL) appropriation.**

Although MISS. CODE ANN. Section 37-28-7 (1) designates MCSAB as a “state agency,” the Legislature provides funding for MCSAB’s operations through an annual appropriation to the Institutions of Higher Learning (IHL).

With regard to the Mississippi Charter School Authorizer Board (MCSAB), MISS. CODE ANN. Section 37-28-7 (1) states the following:

*There is created the Mississippi Charter School Authorizer Board as a state agency with exclusive chartering jurisdiction in the State of Mississippi. Unless otherwise authorized by law, no other governmental agency or entity may assume any charter authorizing function or duty in any form.*

Section 4, subsection 10 of House Bill 369 (2013 Regular Session) that authorized charter schools in Mississippi and established MCSAB stated the following regarding the board’s organizational placement:

*The Mississippi Charter School Authorizer Board shall be located, for administrative purposes, within the offices of the State Institutions of Higher Learning, which shall provide meeting space and clerical support for the board.*

Following the passage of H.B. 369, the Legislature included funds within annual appropriations to the State Institutions of Higher Learning (IHL) to support the operations of the MCSAB.

Although MCSAB continued to be physically located within and supported by IHL during its initial years of operation, there is no such arrangement between IHL and the MCSAB currently. In 2016, the MCSAB moved its offices from the IHL central office complex to state-owned office space in the Capitol Complex. As stated on page 5, the MCSAB has a staff of three individuals who operate the agency independently of IHL.

Although the MCSAB is no longer co-located with or supported by IHL, the agency’s funding is an earmark within IHL’s annual appropriation. In the state’s accounting system—Mississippi’s Accountability System for Government Information and Collaboration (MAGIC)—the MCSAB is an appropriation unit within IHL with its own accounting fund. Except for receiving a

direct appropriation from the Legislature, the MCSAB has all of the attributes of a free-standing state agency.

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# MCSAB's Management of the Federal Charter Schools Program Grant

This chapter addresses:

- the purpose of the federal Charter Schools Program (CSP) grant;
- FY 2020 CSP grant expenditures;
- progress in meeting the goals of the grant;
- progress in establishing MCSAB infrastructure;
- improvements made to oversight of the grant; and,
- progress in establishing MCSAB infrastructure.

As noted in Exhibit 9, page 24, the CSP grant is a component of the federal funding received by two charter schools (Clarksdale Collegiate and Ambition Prep) that were operating in FY 2020. Leflore Legacy Academy, that was in pre-opening in FY 2020, also received CSP grant funding that year. CSP grant funding is in addition to the funding received by MCSAB as discussed on pages 29 through 39.

## Purpose of the Federal Charter Schools Program Grant

**The purpose of the Charter Schools Program (CSP) grant is to increase the number of charter schools, support charter schools in earning an “A” or “B” accountability grade, and advance MCSAB’s standing as a national leader in authorizing quality. The five-year grant period is from October 1, 2017, to September 30, 2022.**

In September 2017, the U.S. Department of Education’s (USDOE’s) Expanding Opportunity through Quality Charter Schools Program awarded new grants totaling \$253 million to nine states and seventeen charter management organizations to create and expand charter schools across the nation. The Mississippi Charter School Authorizer Board received a five-year, \$15 million grant to help expand the state’s charter school sector. The five-year grant period is from October 1, 2017, to September 30, 2022.

According to MCSAB’s application for the grant, it set out three main objectives:

- Increase the number of new, high-quality charter schools launching in Mississippi by at least 375% (from four to nineteen) over the next five years to create 15,000 new high-quality charter school seats.
- Support all charter schools in earning an “A” or “B” letter grade on Mississippi’s statewide accountability system or significantly improving by advancing two letter grades from their rating by their fourth year of operation.

- Advance MCSAB's standing as a national leader in authorizing quality, as demonstrated by NACSA's State Policy ranking.

To accomplish these objectives, MCSAB's application to the USDOE stated that it would use CSP grant funds to administer a subgrant program for charter schools to defray the costs of: (1) significant start-up expenses of hiring administrative staff and teachers during their planning years; (2) securing facilities; (3) conducting recruitment and enrollment activities; and (4) purchasing technology infrastructure, equipment, and curriculum.

### FY 2020 Federal Charter Schools Program Grant Expenditures

**MCSAB continues to be significantly behind in its projected grant expenditures, having spent only 12% of its grant funds at the end of the third year of the five-year grant. However, this is an improvement over FY 2019 expenditures. MCSAB expected to have expended 48% of its grant funds by this time.**

As shown in Exhibit 16, page 42, although MCSAB projected that it would spend \$15 million over the lifetime of the grant, with \$7,248,998 projected to be spent by the end of the third year, it had only spent \$1,750,533 by the end of FY 2020, which is 24% of its three-year projected budget and 12% of the grant's five-year budget. However, MCSAB spent 3% more of its total five year budget in FY 2020 than it did in FY 2019 (during which time it spent 4%). The board did not expend any grant funds in FY 2018.

As PEER noted in its FY 2019 charter schools annual report, the MCSAB Executive Director noted that there is no carryover limit on the CSP grant funds from year to year. In September 2020, USDOE stated to MCSAB that a no-cost extension could be requested in the final budget period of the grant, which would be during year five.

**Exhibit 16: MCSAB Expenditures from the Federal Charter Schools Program Grant, FY 2018 through FY 2020**

Budget Category	FY 2018	FY 2019	FY 2020	Expenditures through FY 20 (3 <sup>rd</sup> yr of CSP)	3-year Budget (FY18-FY20)	Balance Remaining of 3-year Budget	5-year Budget (FY18-FY22)	Balance Remaining of 5-year Budget
Administration	\$0	\$24,083	\$24,890	\$48,973	\$232,588	\$183,615	\$388,000	\$339,027
Contractual	\$0	\$240,406	\$63,014	\$303,420	\$716,410	\$412,990	\$1,112,000	\$808,580
Subgrants	\$0	\$371,357	\$1,026,783	\$1,398,140	\$6,300,000	\$4,901,860	\$13,500,000	\$12,101,860
<b>TOTAL</b>	<b>\$0</b>	<b>\$635,846</b>	<b>\$1,114,687</b>	<b>\$1,750,533</b>	<b>\$7,248,998</b>	<b>\$5,498,465</b>	<b>\$15,000,000</b>	<b>\$13,249,467</b>

SOURCE: PEER analysis of financial records from the Mississippi Charter School Authorizer Board and the Department of Finance and Administration.

**Administrative Expenditures**

***MCSAB has spent \$48,973 (21%) of its 3-year administrative budget. It spent \$24,890 of this amount in FY 2020.***

In FY 2020, the MCSAAB spent \$24,890 in administrative expenditures related to the CSP grant, as described below:

- \$22,360 on salaries and fringes for 20% of the Director of Schools and Accountability’s salary and benefits; and one month of salary and benefits, plus terminal leave pay for the former Grants Coordinator. As PEER noted in its FY 2019 report, in February 2019 the board hired a Grants Coordinator to manage MCSAB’s five-year, \$15 million U.S. Department of Education Charter Schools Program (CSP) grant. In August 2019 the Grants Coordinator was no longer employed by MCSAB. According to MCSAB staff, in September 2019, the Director of Schools and Accountability took over the work of the CSP grant;
- \$1,345 on staff travel, (\$1,285 out of state and \$60 in state);
- \$190 on office supplies; and,
- \$995 on computer equipment.

## Contractual Expenditures

***MCSAB has spent \$303,420 (42%) of its 3-year contractual budget. It spent \$63,014 of this amount in FY 2020.***

MCSAB spent \$63,014 in CSP grant funds for contractual services in FY 2020, including \$62,735 to vendors with whom MCSAB had contracts. These expenditures and services are described below.

- \$20,000 to the National Association of Charter School Authorizers (NACSA) to evaluate MCSAB's authorizing practices, provide recommendations for improvement, and design an in-person training that is aligned with the evaluation findings. For a discussion on the NACSA contract, refer to pages 50-52.
- \$17,094 to Mississippi First to sponsor an annual parent and general public survey assessing awareness, general sentiment, satisfaction levels, and concerns about charter schools.
- \$11,750 to Professional Polish, LLC (Professional Polish), to provide assistance to aspiring, approved, and existing charter leaders in developing and revising detailed technical assistance plans and conducting technical assistance to the schools.
- \$8,800 to Champe Carter Consulting, LLC, & Tandem Learning Partners (Champe Carter) to assess and analyze current technical assistance support tools utilized by MCSAB and existing partner organizations; develop a technical assistance tool development plan for aspiring, approved, and operating charter schools; create support tools for aspiring, approved, and operating charter schools; and develop a best practice toolkit.
- \$5,091 to an independent contractor<sup>27</sup> to monitor the current level of implementation of the CSP grant and provide feedback to staff; develop a timeline for reporting progress toward the grant objectives; work with MCSAB staff to create instruments to ensure effective implementation for federal program compliance; work with MCSAB staff to implement a self-assessment of the grant implementation to ensure staff have a thorough understanding of the goals, objectives, and responsibilities for MCSAB under the CSP; review fiscal practices and revise and/or develop documents for ensuring fiscal procedures meet federal

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<sup>27</sup> In the fall of 2019, MCSAB staff determined that this contract was potentially unallowable under the terms of MCSAB's grant agreement with the USDOE, so MCSAB stopped spending federal funds on this contract and began spending state funds instead. Federal CSP funds in the amount of \$5,091 were spent. State funds in the amount of \$7,700 were spent for the remainder of this contract, with the contract total amounting to \$12,791.

and state guidance; provide staff training related to federal grants management.

The remaining \$279 included costs for the following services:

- \$231 for information technology-related services; and,
- \$48 for postal services.

### Subgrant Expenditures

***MCSAB has spent \$1,398,140 (22%) of its 3-year subgrant budget. It spent \$1,026,783 of this amount in FY 2020.***

As shown in Exhibit 17, MCSAB has spent \$1,398,140 in CSP grant funds to three subgrantees (Clarksdale Collegiate, Ambition Prep, and Leflore Legacy Academy) during the CSP's first three years. MCSAB spent \$371,357 in subgrants in FY 2019 and \$1,026,783 in FY 2020.

**Exhibit 17: MCSAB Reimbursements to Subgrantees from the Federal Charter Schools Program Grant, FY 2018 through FY 2020**

Subgrantee	FY 2018	FY 2019	FY 2020	Total
Clarksdale Collegiate	\$0	\$190,949	\$319,852	\$510,801
Ambition Prep	n/a	\$180,408	\$409,851*	\$590,259
Leflore Legacy Academy	n/a	n/a	\$297,080	\$297,080
<b>Total</b>	<b>\$0</b>	<b>\$371,357</b>	<b>\$1,026,783</b>	<b>\$1,398,140</b>

\*This amount includes a reimbursement to Ambition Prep of \$38,564 on July 23, 2019.

SOURCE: Mississippi Charter School Authorizer Board and the Department of Finance and Administration.

PEER noted in its FY 2019 report that subgrantees would be required to forfeit unspent funds each year unless they provided a rationale for not spending the funds. However, MCSAB informed PEER that, although USDOE had previously informed MCSAB that carryover by subgrantees would be forfeited, USDOE subsequently informed MCSAB staff in December 2019 that carryover is allowable for the sub grantees.



### ***Clarksdale Collegiate***

Clarksdale Collegiate has spent \$510,801 in CSP funds through FY 2020. In FY 2018, MCSAB approved a three-year \$900,000 subgrant (at \$300,000 per year) to Clarksdale Collegiate to be used for Clarksdale Collegiate's planning year (Year 0), first year of operation (Year 1), and second year of operation (Year 2). MCSAB did not reimburse Clarksdale Collegiate for any CSP expenditures in FY 2018 due to the lack of staff at MCSAB. MCSAB reimbursed Clarksdale Collegiate \$190,949 in CSP expenses in FY 2019 and \$319,852 in FY 2020. At its July 27, 2020, board meeting, MCSAB granted Clarksdale Collegiate a one-year, no-cost extension of its CSP subgrant because Clarksdale Collegiate did not have any support from MCSAB during its planning year as a result of the departure of MCSAB staff.

### ***Ambition Prep***

Ambition Prep spent \$590,259 in CSP funds through FY 2020. In FY 2019, MCSAB approved a three-year \$900,000 subgrant (at \$300,000 per year) to be used for Ambition Prep's planning year, year one, and year two. MCSAB reimbursed Ambition Prep \$180,408 in CSP expenses in FY 2019 and \$409,851 in FY 2020.

### ***Leflore Legacy Academy***

At MCSAB's October 7, 2019, board meeting, it approved the release of the CSP Subgrant Request for Applications. At MCSAB's December 9, 2019, board meeting, it approved Leflore Legacy Academy's application for a CSP subgrant totaling \$900,000 (at \$300,000 per year for three years) to be used for its planning year, year one, and year two. MCSAB reimbursed Leflore Legacy Academy \$297,080 in CSP expenses in FY 2020.

## **Progress in Meeting the Goals of the CSP Grant**

**Goal 1: MCSAB does not anticipate reaching its CSP grant goal to increase the number of charter schools by 15 and charter school seats by 15,000 by the end of the grant period in 2022. However, MCSAB plans to request an extension to the grant so that it can continue to work towards that goal.**

**Goal 2: It is too early to measure progress on the goal to improve charter school letter grades according to the statewide accountability system. At the end of the CSP grant period, only two schools will have received multiple accountability grades.**

**Goal 3: MCSAB made progress on the CSP grant goal to advance its authorizer standing by contracting with NACSA in FY 2020 to conduct an evaluation of MCSAB's authorizing practices.**

The three goals of the CSP grant are to:

- increase the number of charter schools and charter school seats;

- increase charter school letter grades on Mississippi's statewide accountability system; and,
- advance MCSAB's standing as a national leader in authorizing quality.

This section addresses how MCSAB has progressed in its accomplishment of these goals and the actions that MCSAB took to accomplish the goals of the CSP grant.

## **Progress toward Goal 1: Increase the number of charter schools and charter school seats**

*As of the end of Year 3 of the CSP grant, MCSAB had not significantly increased the number of charter schools and charter school seats. The number of charter school applications in 2020 in Mississippi was the lowest it has been since the 2015 application cycle. However, MCSAB has recently contracted with two organizations to provide technical assistance to prospective and operating charter schools, which could increase the number of charter school approvals in the future.*

### ***Progress on Increasing the Number of Charter Schools***

As noted previously, one of the goals of the CSP grant is to increase the number of new, high-quality charter schools launching in Mississippi by at least 375% (from four to nineteen) from October 1, 2017, to September 30, 2022, to create 15,000 new high-quality charter school seats. MCSAB acknowledges that this goal is unrealistic, especially because of the turnover of staff and board members throughout the grant period. However, MCSAB plans to request a no-cost extension to the grant in 2022 so that it can continue to work towards that goal.

The number of charter school applications in 2020 in Mississippi was the lowest it has been since the 2015 application cycle. Since 2014, the number of applications each year has been as follows:

2014 application cycle = 18 applications  
 2015 application cycle = 2 applications  
 2016 application cycle = 4 applications  
 2017 application cycle = 6 applications  
 2018 application cycle = 9 applications  
 2019 application cycle = 9 applications  
 2020 application cycle = 3 applications

MCSAB has approved six additional charter schools since September 2017, when it was awarded the CSP grant, bringing the total number of approved charter schools to ten. To increase the total number of charter schools to nineteen by September 2022 (the end of the grant period), MCSAB would need to approve nine more schools over the next two years, averaging over four schools per year.

As PEER noted in its FY 2019 report, it will continually require more effort in recruiting and providing assistance to applicants to move closer to its goal by September 2022.

A consequence of the low number of charter school applications and approvals is that as of FY 2020, MCSAB had awarded CSP subgrants to only three charter schools.

MCSAB's application to the USDOE projected that it would award subgrants to two charter schools in FY 2018, two in FY 2019, three in FY 2020, four in FY 2021, and four in FY 2022, for a total of fifteen subgrants to charter schools during the five-year term of the grant. However, MCSAB awarded one subgrant in FY 2018, one subgrant in FY 2019, and one subgrant in FY 2020 to the only charter schools that were eligible for the subgrants at those times:<sup>28</sup> Clarksdale Collegiate, Ambition Prep, and Leflore Legacy Academy.

### ***Progress on Increasing the Number of Charter School Seats***

Since the award of the CSP grant to MCSAB, it has approved 4,540 charter school seats.<sup>29</sup> Therefore, in order to meet its goal of 15,000 additional charter school seats, MCSAB would need to approve 10,460 more seats by the end of the grant term.

### ***Contracts to Provide Technical Assistance to Prospective and Operating Charter Schools***

In 2018-19, efforts to recruit and assist prospective charter school operators were minimal. As PEER noted in its 2019 report, MCSAB contracted with Mississippi Education Accelerator from April 2018 through September 2019 to accelerate the growth of charter schools in Mississippi. MCSAB paid Mississippi Education Accelerator \$137,500 in CSP grant funds in FY 2019 while requiring only minimal documentation of its activities to recruit charter school operators and provide technical assistance to applicants and approved schools. The CSP grant application named Mississippi Education Accelerator as the contractor to recruit operators and provide technical assistance; however, the current Executive Director of MCSAB requested an amendment to the grant to allow the board to contract with other entities for these services.

After the approval of the amendment, MCSAB issued the following four RFPs in January 2020:

- to conduct charter school technical assistance as defined in the CSP grant;
- to conduct charter school technical assistance—support tools as defined in the CSP grant;

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<sup>28</sup> Only start-up charter schools are eligible for CSP subgrants.

<sup>29</sup> This number includes 1,600 projected seats for Clarksdale Collegiate through the 2022-2023 school year; 1,500 projected seats for Ambition Prep through the 2023-2024 school year; and 1,440 projected seats for Leflore Legacy Academy through the 2024-2025 school year. Although MCSAB has approved three additional schools (Revive Prep, RePublic High School, and SR1 College Preparatory and STEM Academy), because these three schools had not executed contracts with MCSAB as of October 2020, projected enrollment for these schools is not yet available.

- to conduct charter school operator recruitment; and,
- to conduct a survey to assess awareness, general sentiment, satisfaction levels and concerns about Mississippi’s public charter schools.

MCSAB received two responses to the RFPs for technical assistance—Professional Polish and Champe Carter. MCSAB entered into contracts with these companies in April 2020. MCSAB received no responses to the RFP for charter school operator recruitment, and this RFP was re-issued in September 2020. MCSAB received one response to the RFP to conduct a survey, and entered into a contract with Mississippi First in April 2020 to perform this work.

**Professional Polish**

MCSAB entered into a contract with Professional Polish for \$52,240 (for the period of April 15, 2020 through March 31, 2021). The purpose of the Professional Polish contract is rather extensive, but the main focus is to help identify, gather, and promote successful practices in application, start-up, and opening processes and help promote these practices to potential and currently operating charter applicants and schools. The contract specifies that Professional Polish is to work closely with Leflore Legacy Academy, a charter school approved during the 2019 cycle that opened August 2020.

**Champe Carter**

MCSAB entered into a contract with Champe Carter for \$33,300 (for the period of April 27, 2020 through September 30, 2020). The outcome of the contract between Champe Carter and MCSAB is an audit that expresses findings for a preliminary set of foundational tools for aspiring, approved, and operating charter schools. Ultimately, the Champe Carter contract will lead to a toolkit, based upon the audit findings that provides key resources for aspiring, approved, and operating charter schools. For example, Champe Carter may produce some of the items that follow:

- For aspiring operators—exemplar application narrative and application review rubric.
- For approved schools—pre-opening checklist, start-up budget template, and fundraising plan template.
- For operating schools—school self-evaluation tool, board report dashboard template, and CEO/Principal evaluation process.

Effectively, the contract between MCSAB and Champe Carter Consulting should lead to multiple guides to help assist charter applicants during the application process, as well as approved and operating charter schools.

### ***Lack of a Dedicated Recruitment Contract***

The one missing piece of the RFPs released in support of furthering the CSP grant goals is the lack of a dedicated recruitment contractor to encourage more charter applications. While the other two contractors appear to support prospective charter applicants within their contract goals and subsequent actions, according to MCSAB, the most effective method of recruiting prospective charter applicants is through a dedicated group.

As such, judging the successful attainment of the goals of the CSP grant at this time is neither feasible nor appropriate. Rather, after the resources are created and in place, stakeholders should be able to judge the efficacy of new support tools in guiding the school through the process from application to operation. By using grant resources to support high-quality charter schools, MCSAB can take a step towards pushing Mississippi's charter school landscape closer to its southeastern peer states.

### **Progress toward Goal 2: Improve charter school letter grades according to the statewide accountability system**

***It is too early to measure progress on the goal to improve charter school letter grades according to the statewide accountability system. Two of the operating charter schools that received CSP subgrant funds in FY 2020 do not yet serve students at grade levels for which MDE applies annual accountability grades. The other school is currently in its first year of operation and has not yet received a grade. At the end of the CSP grant period in September 2022, only two schools will have received multiple accountability grades.***

As noted previously, one of the goals of the grant is to support charter schools in earning an "A" or "B" letter grade on Mississippi's statewide accountability system or significantly improving by advancing two letter grades from their rating by their fourth year of operation.

The Mississippi Statewide Accountability System, administered by the Mississippi Department of Education, assigns a performance rating of A, B, C, D, and F for each school and district based on established criteria regarding student achievement, individual student growth, graduation rate, and participation rate.<sup>30</sup> The State Board of Education typically approves accountability grades in September for the previous school year.

Clarksdale Collegiate, Ambition Prep, and Leflore Legacy Academy were recipients of subgrants in FY 2020; therefore, this goal applies only to these three schools. However, none of

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<sup>30</sup> On March 19, 2020, the Mississippi State Board of Education approved the suspension of the Mississippi Statewide Accountability System for the 2019-20 school year due to COVID-19 school closures occurring during state testing windows. Therefore, all districts will maintain the same accountability designation in the 2020-21 school year as assigned in the 2019-20 school year.

the schools have had an opportunity to increase letter grades thus far. Specifically,

- Clarksdale Collegiate’s first year of operation was in FY 2019. In FY 2020, Clarksdale Collegiate served kindergarten through 3<sup>rd</sup> grade; however, because accountability grades are not applied until 4<sup>th</sup> grade, it did not receive an accountability grade in FY 2020. According to its contract, Clarksdale Collegiate’s first year to serve 4<sup>th</sup> grade is in FY 2021; therefore, Clarksdale Collegiate should receive its first accountability grade in September 2021 and its second accountability grade in September 2022, which is the end of the grant period.
- Ambition Prep’s first year of operation was in FY 2020. In FY 2020, Ambition Prep served kindergarten through 3<sup>rd</sup> grade; however, because accountability grades are not applied until 4<sup>th</sup> grade, it did not receive an accountability grade in FY 2020. According to its contract, Ambition Prep’s first year to serve grade 4 is in FY 2023; therefore, Ambition Prep should receive its first accountability grade in September 2023, after the end of the grant period.
- Leflore Legacy Academy is currently in its first year of operation serving 6<sup>th</sup> grade. Therefore, it should receive its first accountability grade in September 2021 and its second accountability grade in September 2022, which is the end of the grant period.

Given the circumstances described above, it is too early to measure progress toward this goal.

### **Progress toward Goal 3: Advance MCSAB’s standing as a national leader in authorizing quality**

*In February 2020, MCSAB contracted with the National Association of Charter School Authorizers (NACSA) to conduct an evaluation of MCSAB’s authorizing practices. NACSA’s report noted that although MCSAB has made progress, it still has much room for improvement. Notably, MCSAB granted renewal to Midtown Public although it did not meet the terms of the performance framework. MCSAB has begun implementing the recommendations NACSA provided and participated in NACSA’s virtual training on quality authorizing.*

As noted previously, one of the goals of the grant is to advance MCSAB’s standing as a national leader in authorizer quality. To accomplish this goal, MCSAB contracted with NACSA in the amount of \$20,000 to perform the following:

- conduct an evaluation of MCSAB’s authorizing practices;
- make recommendations for improvement; and,
- design an in-person training that is aligned with the evaluation findings.

According to the NACSA evaluation report, dated April 30, 2020, MCSAB has made important improvements in the communications provided to charter schools, as well as the policies and procedures necessary to establish a robust monitoring environment. Much of these improvements occurred following the arrival of the MCSAB Executive Director in January of 2019.

However, NACSA found that MCSAB still has much room for improvement to ensure that Mississippi charter schools are receiving complete, relevant feedback, and to ensure MCSAB is fully competent in its oversight role.

### ***Evaluation of MCSAB's authorizing practices***

NACSA's evaluation of MCSAB's authorizing practices focused on MCSAB's monitoring and renewal policies and practices.

#### **School Monitoring and Intervention**

NACSA found the following with regard to MCSAB's school monitoring and intervention:

- MCSAB's current performance framework lacks methodological clarity and robust performance measures to accurately indicate performance to charter schools.
- MCSAB does not currently align site visit protocols with the performance framework, which hinders transparency in critical authorizing decisions.
- MCSAB does not currently utilize consistent intervention protocols, which limits the usefulness of the oversight MCSAB can provide to keep charter schools on track towards performance goals.
- During contract negotiations between MCSAB and charter schools, MCSAB does not currently utilize the opportunity to ensure schools are establishing both realistic and rigorous performance goals, despite schools being accountable for meeting these performance goals.

#### **School Renewal**

NACSA found the following with regard to MCSAB's renewal process:

- MCSAB's renewal decisions are not made in a timely manner so that schools and parents will know as early as possible whether the school will continue to operate the following year.
- MCSAB's renewal policies (which create a complex array of factors) weaken the rigor of the renewal process. For

example, an underperforming school may be renewed based solely on one year of performance without consideration of earlier years of critically low performance.

- MCSAB granted renewal to Midtown Public although it did not meet the terms of the performance framework. Further, MCSAB's conditions of renewal are not rigorous and rely on expectations of future improvement.

Regarding MCSAB's renewal of Midtown Public, NACSA's report described issues with the MCSAB's academic waiver (the waiver employed by Midtown during the renewal process). This waiver can be used when a school receives a "D" accountability rating, but requires the school to submit additional evidence of academic improvements for the waiver to be granted. MCSAB did not require Midtown Public to submit additional evidence of academic performance before granting the waiver, due to a lack of understanding from all parties surrounding what evidence should accompany the waiver. The lack of additional evidence required, as well as the gradual academic improvement the MCSAB expects of Midtown, contradicts NACSA's *Principles and Standards*, which state "a quality authorizer does not make renewal decisions, including short term renewals...solely based on promises of future improvement." Effectively, without any additional evidence that academic performance at Midtown is improving, MCSAB renewed Midtown Public based on good faith in future academic performance.

### ***Recommendations for Improvement***

NACSA made eight recommendations to MCSAB based on the report findings. According to MCSAB staff, it is making adjustments based on NACSA's recommendations. Such adjustments include streamlining processes for experienced operators, relaxing administrative burdens during the renewal process on charter operators with more than one school, and continuing its work on revising the performance framework.

### ***In-person training***

According to MCSAB staff, it was unable to have in-person training due to COVID-19. However, in June 2020 NACSA provided virtual training for MCSAB staff on the topics of quality authorizing and the performance framework.



## Improvements Made to Oversight of CSP Grant

**MCSAB has made notable improvements to its oversight of the CSP grant since PEER's 2019 report. For example, the Executive Director facilitated an amendment to the grant, which allowed for more transparency during its RFP process such that MCSAB was not bound to contracting with specific service providers.**

In PEER's 2019 annual report, PEER found that MCSAB engaged in poor contracting practices (e.g., by naming contractors in the CSP application prior to the release of the RFPs), lacked documentation of RFP advertisements, and exercised insufficient oversight of the \$15 million CSP grant (e.g., payment of \$137,500 to a contractor while requiring submission of minimal documentation of the work performed).

Since that report, MCSAB has taken several steps to improve its oversight of the CSP grant. In particular, MCSAB:

- facilitated an amendment to the CSP, which allowed for more transparency during the RFP process such that MCSAB was not bound to contracting with specific service providers;
- engaged in fair contracting practices by issuing RFPs and accepting bids;
- entered into timely contracts;
- has sufficient oversight of its contractors by holding them accountable for performing work under the grant (e.g., reporting on work activities and progress); and,
- contracted with an individual to monitor the level of implementation of the CSP grant and provide feedback to staff.

These improvements should be commended, as they are central to the accountability and transparency of the CSP grant.

## Progress in Establishing MCSAB Infrastructure

**The apparent lack of progress in meeting the goals of the grant may be attributable to the lack of infrastructure in place at the time of the receipt of the grant. The current Executive Director has made progress in developing a solid infrastructure so that MCSAB can be more effective in its operations, including its management of the grant.**

In September 2017, MCSAB received its five-year, \$15 million grant to help expand the state's charter school sector. The board's executive director at the time resigned in June 2018, and this position remained vacant until February 2019. The Deputy Director resigned in August 2018. Given that the successful implementation of the grant relied on a solid infrastructure, including staff to manage the grant, the turnover of staff had a negative impact on the progress in achieving the grant goals. The current executive director was hired in February 2019, and MCSAB currently has a staff of three. The stability of staff may positively contribute to MCSAB's progression towards its goals in future years.

In an effort to work toward this infrastructure, MCSAB contracted with Mississippi First in 2019 to help in developing a number of policies, including a criminal background check policy, equal employment opportunity policy, charter school renewal policy, charter school closure policy, and employee code of ethics policy; and contracted with another contractor to develop a data privacy policy. Further, MCSAB took the following actions in FY 2020:

- revised its charter contracts to integrate the performance framework into the contract;
- contracted with NACSA to evaluate the performance framework and CSP practices and policies;
- obtained technical assistance through the CSP grant to align MCSAB charter contracts, performance framework, statutes, and timelines; and to have its policies, practices, framework, intervention, and charter contracts reviewed;
- created a Student Enrollment Task Force to provide assistance to charter schools needing help meeting student enrollment criteria; and,
- contracted with a consultant to provide CSP subgrant recipients with inventory procedures and an allowable cost guide. (Prior to this, the subgrantees did not have anything that defined allowable expenditures under federal guidance).

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## Recommendations

1. Given that the National Association of Charter School Authorizers (NACSA) is as a promoter of best practices among authorizers, the board should implement each of the recommendations NACSA provided in the *NACSA Authorizer Evaluation Tool*, a written evaluation of the board's practices, policies, and procedures NACSA conducted in April of 2020. Recommendations include, but are not limited to:
  - a. continue to develop a robust performance framework that includes multiple metrics with clear and quantifiable targets for each measure;
  - b. codify an intervention protocol that includes appropriate interventions for all performance domains, particularly academic performance;
  - c. grant renewal only to schools that have achieved the established performance expectations; and,
  - d. revise the renewal process timeline to allow for earlier renewal decisions.
2. The Mississippi Charter School Authorizer Board should formally adopt regulations requiring all charter schools in the state to report quarterly and annual financial information in the format required by the Mississippi Department of Education's accounting manual for Mississippi public school districts. Adoption and enforcement of these regulations would facilitate future comparison of charter school and public school expenditures.
3. In order to protect its own interests regarding the expenditure of public funds, MCSAB should enter into personal services contracts with any individuals performing work for the MCSAB, regardless of the amount. These contracts should include clear expectations of the work product to be accomplished, the terms of payment, and the timeline by which the product will be completed.
4. MCSAB should continue its efforts to develop a solid infrastructure in which it can more effectively operate. For example, MCSAB should:
  - a. continue to incorporate best practices into its operations;
  - b. continue to explore ways to assist charter schools in meeting their goals; and,
  - c. to the extent possible, foster the retention of staff and ensure that any turnover of staff does not hinder the board's operations.

5. Under the current funding model, the Mississippi Charter School Authorizer Board receives 3% of the state and local funds received by charter schools. Therefore, the total amount of funds from sources available to charter schools on a per-pupil basis is less than the total amount of funds provided to public schools on a per-pupil basis. As such, to provide fully equitable state and local funding between public school and charter school pupils, the Legislature should consider amending MISS. CODE ANN. Section 37-28-11(1) (1972) to remove the 3% funding the Mississippi Charter School Authorizer Board receives from charter schools' state and local revenue sources. The Legislature should also consider amending the same section to provide that the authorizer board shall be annually funded from any funds available to the Legislature.

If the Legislature chooses to keep the 3%, it should consider amending MISS. CODE ANN. Section 37-28-11(1) (1972) to allow for MCSAB to receive **up to** 3% of annual per pupil allocations received by a charter school from state and local funds for each charter school it authorizes. Because the 3% fees alone have been sufficient to cover MCSAB's expenses for the past two fiscal years, the board may be ready to operate on less state and local funds.

If the Legislature authorizes MCSAB to receive up to 3% of per pupil allocations, then MCSAB should develop a policy for determining the appropriate calculation of fees for charter schools, based on several consecutive years of MCSAB's financial data.

6. Because MCSAB is defined as a state agency per MISS. CODE ANN. Section 37-28-7 (1972), the Legislature should consider enacting a separate appropriations bill for the board. Such a bill should contain the total amount of funds appropriated for the operations of the board and a total number of authorized full- and part-time positions.
7. In order to make the pro rata distribution of local ad valorem funds equitable between school districts and charter schools, MCSAB, in consultation with MDE, should submit to the Senate and House Education Committees by January 1, 2021, a proposed amendment to MISS CODE ANN. Sections 37-28-55(2) and (3) revising the calculation such that traditional public school students and charter school students in those districts receive equal per pupil local ad valorem funding.
8. Regarding the terms of board members:
  - a. Although MISS. CODE ANN. Section 37-28-7(5) established staggered terms of office for the board, this has resulted in three of the board members rotating off in the same year and could impact the board's quorum requirement. Because this issue will continue in the future, the Legislature should consider reconstituting the board to establish terms of office

that, when concluded, minimize the impact on the board's operations. For example, one board member appointed by the Governor and one member appointed by the Lieutenant Governor could rotate off each year, leaving five board members in place in any given year.

- b. After each appointment made to the board by the State Superintendent of Education, MDE should submit an appointment letter to the Senate so that the appointee can be confirmed.

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## Appendix A: Mississippi Charter School Authorizer Board Members for FY 2018 through FY 2020

### FY 2018

<b>Name</b>	<b>Appointed By</b>
Tommie Cardin	Lt. Governor
Krystal Cormack	Governor
Dr. Karen Elam	Lt. Governor
Leland Speed	Governor
Chris Wilson	Governor
Dr. Carey Wright	State Superintendent
Dr. Jean Young	Lt. Governor

### FY 2019

<b>Name</b>	<b>Appointed By</b>
Tommie Cardin	Lt. Governor
Dr. Karen Elam	Lt. Governor
Quentin Ransburg	State Superintendent
Leland Speed	Governor
Carolyn Willis	Governor
Chris Wilson	Governor
Dr. Jean Young	Lt. Governor

### FY 2020

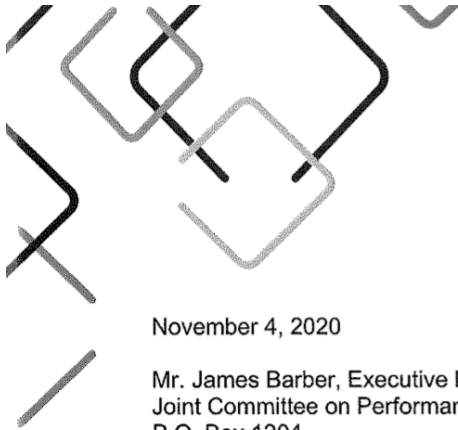
<b>Name</b>	<b>Appointed By</b>
Bill Billingsley	Lt. Governor
Jean Cook	State Superintendent
Leland Speed	Governor
Jennifer Jackson Whittier	Lt. Governor
Carolyn Willis	Governor
Vacant	Governor
Vacant	Lt. Governor

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SOURCE: Mississippi Charter School Authorizer Board and the Mississippi Legislature.

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# Agency Response



Pursuing Excellence Through Options

November 4, 2020

Mr. James Barber, Executive Director  
Joint Committee on Performance Evaluation and Expenditure Review (PEER)  
P.O. Box 1204  
Jackson, MS 39215

HAND DELIVERED

Dear Mr. Barber,

The Mississippi Charter School Authorizer Board (MCSAB) has reviewed the PEER Committee's FY2020 Annual Report: Analysis of Funding for Mississippi Charter Schools and the Charter School Authorizer Board. The annually mandated report features an assessment of the sufficiency of funding for charter schools and the efficacy of the state formula for authorizer funding which are prescribed by the Mississippi Charter Schools Act of 2013. The Authorizer Board has prepared the following responses to the PEER Committee's recommendations:

**Recommendation 1:** Given that the National Association of Charter School Authorizers (NACSA) is a promoter of best practices among authorizers, the board should implement each of the recommendations NACSA provided in the NACSA Authorizer Evaluation Tool, a written evaluation of the boards practices, policies, and procedures NACSA conducted in April of 2020. Recommendations include but are not limited to:

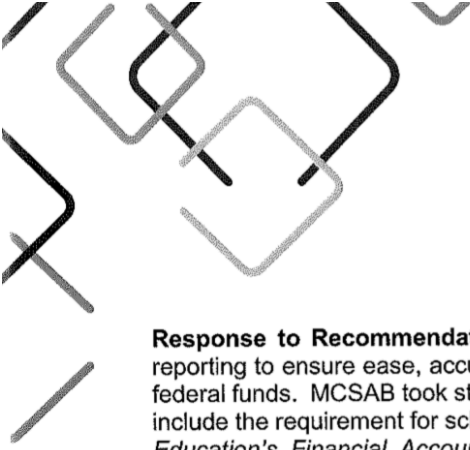
- a. continue to develop a robust performance framework that includes multiple metrics with clear and quantifiable targets for each measure.
- b. codify an intervention protocol that includes appropriate interventions for all performance domains, particularly academic performance
- c. grant renewal only to schools that have achieved established performance expectations; and,
- d. revise the renewal process timeline to allow for earlier renewal decisions

**Response to Recommendation 1:** The MCSAB fully supports this recommendation. Based on an internal analysis and the recommendations of NACSA, MCSAB released an RFP on October 15, 2020, for Technical Assistance to review and revise the current Performance Framework.

*Request for Proposals to Revise Procedures Performance Framework and Intervention Ladder as Described in the Charter School Program (CSP) Grant and noted in the Annual Authorizer Evaluation (NACSA).*  
(available at [charterschoolboard.ms.gov](http://charterschoolboard.ms.gov))

**Recommendation 2:** The Mississippi Charter School Authorizer Board should formally adopt regulations requiring all charter schools in the state to report quarterly and annual financial information in the format required by the Mississippi Department of Education's accounting manual for Mississippi public school districts. Adoption and enforcement of these regulations would facilitate future comparison of charter school and public-school expenditures.

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**Response to Recommendation 2:** The MCSAB continues to make efforts to align financial reporting to ensure ease, accuracy and transparency with respect to the use of local, state, and federal funds. MCSAB took steps during the FY20 year and revised its charter school contract to include the requirement for schools to use and follow all policies in the *Mississippi Department of Education's Financial Accounting Manual* including the chart of accounts and grant codes. Because this is an extensive transition for operators, the MCSAB elected to remove the language from the contract and allow schools a year to transition to the reporting requirement.

**Recommendation 3:** In order to protect its own interests regarding the expenditure of public funds, MCSAB should enter into personal services contracts with any individuals performing work for the MCSAB, regardless of the amount. These contracts should include clear expectations of the work product to be accomplished, the terms of payment, and the timeline by which the product will be completed.

**Response to Recommendation 3:** MCSAB acknowledges this recommendation although not a state procurement requirement is a best practice.

**Recommendation 4:** MCSAB should continue its efforts to develop a solid infrastructure in which it can more effectively operate. For example, MCSAB should:

- a. continue to incorporate best practices into its operations;
- b. continue to explore ways to assist charter schools in meeting their goals;
- c. to the extent possible, foster the retention of staff and ensure that any turnover of staff does not hinder the board's operations.

**Response to Recommendation 4:** The MCSAB fully supports this recommendation and has taken steps such as the development of an **Office Management Manual** to mitigate operational challenges in the event of staff turnover.

**Recommendation 5:** Under the current funding model, the Mississippi Charter School Authorizer Board receives 3% of the state and local funds received by charter schools. Therefore, the total amount of funds from sources available to charter schools on a per pupil basis is less than the total amount of funds provided to public schools on a per-pupil basis. As such, to provide fully equitable state and local funding between public school and charter school pupils, the Legislature should consider amending MISS CODE ANN Section 37-28-11(1) (1972) to remove the 3% funding the Mississippi Charter School Authorizer Board receives from charter schools state and local funding revenue sources. The Legislature should also consider amending the same section to provide that the authorizer board shall be annually funded from any funds available to the Legislature.

If the Legislature chooses to keep the 3%, it should consider amending MISS. CODE ANN Section 37-28-11(1) (1972) to allow for MCSAB to receive up to 3% of annual per pupil allocations received by a charter school from state and local funds for each charter school it authorizes. Because the 3% fees alone have been sufficient to cover MCSAB's expenses for the past two fiscal years, the board may be ready to operate on less state and local funds.





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If the Legislature authorizes MCSAB to receive up to 3% of per pupil allocations, then MCSAB should develop a policy for determining the appropriate calculation of fees for charter schools based on several consecutive years of MCSAB's financial data.

**Response to Recommendation 5:** MCSAB denies the 3% fees alone are sufficient to cover expenses. The 3% funding received from the charter schools provides **over 68% of the Authorizer's appropriation**. It is important to consider the fact that funding structures vary from state to state, are based on many factors including the **number of charter schools** and the types of authorizer. Additionally, as it is presented in the 2019 and 2020 PEER report, "there is no single formula for authorizer funding that is 'the best' for every state". Therefore, the MCSAB maintains the three percent authorizer fee is currently an essential factor in ensuring the agency has the funds to operate and execute its charter school authorizing functions successfully as aligned to national best practices. The MCSAB believes that eliminating the three percent authorizer fee would discontinue a significant stream of guaranteed funding. **Additionally, the elimination of the 3% fee would increase reliance on general funds and potentially impact charter growth over time.**

**Recommendation 6:** Because MCSAB is a state agency per MISS. CODE ANN. Section 37-28-7 (1972), the Legislature should consider enacting a separate appropriations bill for the board. Such a bill should contain the total amount of funds appropriated for the operations of the board and a total number of authorized full and part-time positions.

**Response to Recommendation 6:** The MCSAB supports the recommendation that the Legislature should consider enacting a separate appropriation bill for the operations of this stand-alone agency. A request for a separate appropriation was made by the MCSAB to the Legislature during the 2020 session.

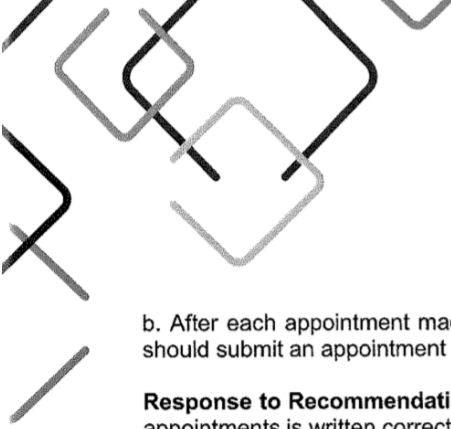
**Recommendation 7:** In order to make the pro rata distribution of local ad valorem funds equitable between school districts and charter schools, MCSAB, in consultation with MDE, should submit to the Senate and House Education Committees by January 1, 2021, a proposed amendment to MISS CODE ANN. Sections 37-28-55(2) and (3) revising the calculation such that traditional public school students and charter school students in those districts receive equal per pupil local ad valorem funding.

**Response to Recommendation 7:** The MSCAB supports equitable funding among traditional public schools and public charter schools.

**Recommendation 8:**  
Regarding the terms of board members:

a. Although MISS.CODE ANN. Section 37-28-7(5) established staggered terms of office for the board, this has resulted in three of the board members rotating off in the same year and could impact the board's quorum requirement. Because this issue will continue in the future, the Legislature should consider reconstituting the board to establish terms of office that when concluded, minimize the impact on the board's operations. For example, one board member appointed by the Governor and one member appointed by the Lieutenant Governor could rotate off each year, leaving five board members in place in any given year.

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b. After each appointment made to the board by the State Superintendent of Education, MDE should submit an appointment letter to the Senate so that the appointee can be confirmed.

**Response to Recommendation 8:** The MCSAB takes the position the statute regarding board appointments is written correctly. MCSAB concurs with recommendation b.

Please feel free to contact MCSAB with any questions or concerns regarding the above response at [lkarmacharya@ihl.state.ms.us](mailto:lkarmacharya@ihl.state.ms.us)

Best,

Lisa Karmacharya, Ed.D.  
Executive Director  
Mississippi Charter School Authorizer Board

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# PEER Committee Staff

**James A. Barber, Executive Director**

Legal and Reapportionment

Ted Booth, General Counsel  
Ben Collins  
Barton Norfleet

Administration

Deborah Hardy  
Gale Taylor

Quality Assurance and Reporting

Tracy Bobo

Performance Evaluation

Lonnie Edgar, Principal Analyst  
David Pray, Principal Analyst  
Jennifer Sebren, Principal Analyst  
Kim Cummins  
Matthew Dry  
Samuel Hearn  
Matthew Holmes  
Taylor Mullins  
Sarah Williamson  
Julie Winkeljohn  
Ray Wright

Performance Accountability

Linda Triplett, Director  
Kirby Arinder  
Debra Monroe-Lax  
Meri Clare Ringer

