

By: Representatives Gunn, Snowden, Eure,
Bennett, Baker, Bomgar, Chism, Guice,
Criswell, Smith, Hopkins, Boyd

To: Appropriations

HOUSE BILL NO. 957

1 AN ACT RELATING TO THE FUNDING OF PUBLIC EDUCATION IN THE
2 STATE OF MISSISSIPPI; TO CREATE NEW SECTION 37-151-201,
3 MISSISSIPPI CODE OF 1972, TO ESTABLISH A NEW FUNDING FORMULA IN
4 THIS ACT TO BE KNOWN AS THE "MISSISSIPPI UNIFORM PER STUDENT
5 FUNDING FORMULA ACT OF 2018"; TO CREATE NEW SECTION 37-151-203,
6 MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS; TO CREATE NEW
7 SECTION 37-151-205, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
8 UNIFORM PER STUDENT FUNDING FORMULA TO BE USED IN CALCULATING
9 SCHOOL DISTRICT FUNDING BEGINNING WITH THE 2019 FISCAL YEAR AND TO
10 PRESCRIBE THE FORMULA; TO CREATE NEW SECTION 37-151-207,
11 MISSISSIPPI CODE OF 1972, TO ESTABLISH THE STUDENT BASE AMOUNT; TO
12 CREATE NEW SECTION 37-151-209, MISSISSIPPI CODE OF 1972, TO
13 ESTABLISH A WEIGHT TO BE APPLIED TO THE BASE AMOUNT FOR STUDENTS
14 IN HIGH SCHOOL GRADES; TO CREATE NEW SECTION 37-151-211,
15 MISSISSIPPI CODE OF 1972, TO ESTABLISH A WEIGHT TO BE APPLIED TO
16 THE BASE AMOUNT FOR STUDENTS IDENTIFIED AS LOW INCOME STUDENTS; TO
17 CREATE NEW SECTION 37-151-213, MISSISSIPPI CODE OF 1972, TO
18 ESTABLISH A WEIGHT TO BE APPLIED TO THE BASE AMOUNT FOR STUDENTS
19 IDENTIFIED AS ENGLISH LANGUAGE LEARNERS; TO CREATE NEW SECTION
20 37-151-215, MISSISSIPPI CODE OF 1972, TO ESTABLISH THREE WEIGHTS,
21 VARYING IN AMOUNT ACCORDING TO DISABILITY, TO BE APPLIED TO THE
22 BASE AMOUNT FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES; TO
23 CREATE NEW SECTION 37-151-217, MISSISSIPPI CODE OF 1972, TO
24 ESTABLISH A WEIGHT TO BE APPLIED TO THE BASE AMOUNT FOR GIFTED
25 STUDENTS; TO CREATE NEW SECTION 37-151-219, MISSISSIPPI CODE OF
26 1972, TO ESTABLISH A WEIGHT TO BE APPLIED TO THE BASE AMOUNT FOR
27 ALL STUDENTS ENROLLED IN SPARSE SCHOOL DISTRICTS; TO CREATE NEW
28 SECTION 37-151-221, MISSISSIPPI CODE OF 1972, TO REQUIRE STUDENT
29 ENROLLMENT AND ATTENDANCE FIGURES TO BE DETERMINED ON THE BASIS OF
30 AVERAGE DAILY MEMBERSHIP AND TO REQUIRE AUDITS TO BE CONDUCTED BY
31 THE STATE AUDITOR DURING SPECIFIED WEEKS; TO CREATE NEW SECTION
32 37-151-223, MISSISSIPPI CODE OF 1972, TO REQUIRE PERIODIC
33 RECOMMENDATIONS FOR REVISIONS TO THE FORMULA TO BE MADE TO THE
34 LEGISLATURE; TO CREATE NEW SECTION 37-151-225, MISSISSIPPI CODE OF



35 1972, TO CLARIFY THAT A SCHOOL DISTRICT HAS AUTONOMY, SUBJECT TO
36 REGULATORY AND STATUTORY RESTRICTIONS, IN THE SPENDING OF ALL
37 FUNDS ALLOCATED TO THAT DISTRICT REGARDLESS OF THE COUNT OF
38 STUDENTS IN CERTAIN GRADES AND WEIGHTED STUDENT CATEGORIES; TO
39 CREATE NEW SECTION 37-151-227, MISSISSIPPI CODE OF 1972, TO
40 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ANNUALLY DETERMINE
41 THE AMOUNT THAT LOCAL SCHOOL DISTRICTS MUST CONTRIBUTE TO THE COST
42 OF THE FUNDING FORMULA AND TO ESTABLISH LIMITATIONS ON STATE
43 FUNDING INCREASES AND DECREASES FOR SCHOOL DISTRICTS DURING EACH
44 OF THE NEXT SEVEN FISCAL YEARS; TO CREATE NEW SECTION 37-151-229,
45 MISSISSIPPI CODE OF 1972, TO RECODIFY EXISTING MAXIMUM
46 STUDENT-TEACHER RATIOS; TO CREATE NEW SECTION 37-151-231,
47 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF
48 EDUCATION TO INCORPORATE ADDITIONAL REPORTING REQUIREMENTS IN THE
49 ACCOUNTING MANUAL FOR SCHOOL DISTRICTS IN ORDER TO FACILITATE
50 GREATER TRANSPARENCY; TO CREATE NEW SECTION 37-151-233,
51 MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT TO IMPLEMENT A
52 FISCAL TRANSPARENCY SYSTEM THAT COMPARES FINANCIAL INVESTMENT IN A
53 SCHOOL DISTRICT WITH ACADEMIC GROWTH AND WHICH ALLOWS COMPARISONS
54 WITH DATA FROM PEER SCHOOL DISTRICTS; TO REQUIRE THE INFORMATION
55 RELATING TO SCHOOL DISTRICT SPENDING AND OUTCOMES TO BE PUBLISHED
56 ON THE STATE DEPARTMENT OF EDUCATION'S WEBSITE; TO CREATE NEW
57 SECTION 37-151-235, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
58 DEPARTMENT TO ESTABLISH A FINANCIAL RATING MODEL FOR SCHOOL
59 DISTRICTS AND TO ESTABLISH SANCTIONS FOR SCHOOL DISTRICTS HAVING
60 POOR OUTCOMES; TO CREATE NEW SECTION 37-151-237, MISSISSIPPI CODE
61 OF 1972, TO REQUIRE THE DEPARTMENT TO REVIEW RULES AND REGULATIONS
62 OF THE DEPARTMENT AND STATE BOARD OF EDUCATION WHICH INDIRECTLY
63 CREATE A FISCAL IMPACT ON SCHOOL DISTRICTS AND TO REVISE SUCH
64 RULES AND REGULATIONS AS APPROPRIATE TO FURTHER DISTRICT AUTONOMY
65 UNDER THE FUNDING FORMULA; TO ESTABLISH THE JOINT LEGISLATIVE
66 STUDY COMMITTEE ON STATUTORY EDUCATION ACCREDITATION STANDARDS FOR
67 THE PURPOSE OF REVIEWING STATUTES THAT ESTABLISH ACCREDITATION
68 REQUIREMENTS AND RESEARCHING THE FEASIBILITY OF IMPLEMENTING AN
69 ACCOUNTABILITY SYSTEM OF EARNED AUTONOMY UNDER WHICH HIGH
70 PERFORMING SCHOOL DISTRICTS ARE GRANTED INDEPENDENCE FROM CERTAIN
71 STATUTORY REQUIREMENTS; TO CREATE NEW SECTION 37-151-239,
72 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION
73 TO ESTABLISH A STUDY COMMITTEE FOR THE PURPOSE OF MAKING
74 RECOMMENDATIONS RELATING TO THE USE OF AN IEP-BASED FUNDING MODEL
75 FOR SPECIAL EDUCATION SERVICES; TO CREATE NEW SECTION 37-151-241,
76 MISSISSIPPI CODE OF 1972, TO CREATE THE EARLY LEARNING FUNDING
77 CONTINUUM STUDY COMMITTEE TO MAKE RECOMMENDATIONS REGARDING THE
78 FUNDING FOR STUDENTS IN PREKINDERGARTEN THROUGH THIRD GRADE; TO
79 AMEND SECTIONS 1-3-26, 7-7-211, 19-9-157, 19-9-171, 25-4-29,
80 27-25-706, 27-33-3, 27-39-317, 29-3-47, 29-3-49, 29-3-113,
81 29-3-137, 31-7-10, 37-1-3, 37-3-11, 37-3-83, 37-7-208, 37-7-301,
82 37-7-302, 37-7-303, 37-7-307, 37-7-319, 37-7-333, 37-7-339,
83 37-7-419, 37-9-17, 37-9-23, 37-9-25, 37-9-33, 37-9-35, 37-9-37,
84 37-9-77, 37-11-11, 37-13-63, 37-13-64, 37-13-69, 37-15-38,
85 37-16-3, 37-17-6, 37-17-17, 37-19-7, 37-21-6, 37-21-7, 37-22-5,



86 37-23-1, 37-23-15, 37-23-69, 37-23-109, 37-23-179, 37-27-55,
87 37-27-57, 37-28-5, 37-28-53, 37-28-55, 37-29-1, 37-29-272,
88 37-29-303, 37-31-13, 37-31-75, 37-35-3, 37-37-3, 37-41-7,
89 37-45-49, 37-47-9, 37-47-17, 37-47-25, 37-47-33, 37-57-1,
90 37-57-104, 37-57-105, 37-57-107, 37-61-3, 37-61-5, 37-61-7,
91 37-61-19, 37-61-29, 37-61-33, 37-61-35, 37-61-37, 37-131-7,
92 37-131-9, 37-131-11, 37-151-7.1, 37-151-9, 37-151-10, 37-151-87,
93 37-151-89, 37-151-91, 37-151-93, 37-151-95, 37-151-97, 37-151-99,
94 37-151-101, 37-151-103, 37-151-105, 37-151-107, 37-173-9,
95 37-173-13, 37-175-13, 37-179-3, 37-181-7, 41-79-5, 43-17-5 AND
96 65-26-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS
97 OF THIS ACT; TO REPEAL SECTION 37-13-153, MISSISSIPPI CODE OF
98 1972, WHICH REQUIRED STATE FUNDING FOR HOME ECONOMICS TEACHERS TO
99 BE INCLUDED AS A LINE ITEM IN THE EDUCATION APPROPRIATIONS BILLS
100 FOR CERTAIN PRIOR FISCAL YEARS; TO REPEAL SECTIONS 37-151-1,
101 37-151-5, 37-151-6, 37-151-7, 37-151-8, 37-151-77, 37-151-79,
102 37-151-81, 37-151-83 AND 37-151-85, MISSISSIPPI CODE OF 1972,
103 WHICH DEFINE CERTAIN TERMS AND PRESCRIBE THE FORMULA AND CERTAIN
104 REQUIREMENTS UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM
105 (MAEP); TO REPEAL SECTION 37-152-1, MISSISSIPPI CODE OF 1972,
106 WHICH CREATES THE COMMISSION ON RESTRUCTURING THE MISSISSIPPI
107 ADEQUATE EDUCATION PROGRAM (MAEP); AND FOR RELATED PURPOSES.

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

109 **SECTION 1.** The following shall be codified as Section
110 37-151-201, Mississippi Code of 1972:

111 37-151-201. This article shall be known and may be cited as
112 the "Mississippi Uniform Per Student Funding Formula Act of 2018."

113 **SECTION 2.** The following shall be codified as Section
114 37-151-203, Mississippi Code of 1972:

115 37-151-203. The following words and phrases have the
116 meanings ascribed in this section unless the context clearly
117 indicates otherwise:

118 (a) "Average daily membership" or "ADM" means the
119 figure that results when the total aggregate student enrollment
120 during the period counted is divided by the number of days during
121 the period counted upon which both teachers and students are in



122 regular attendance for scheduled classroom instruction for not
123 less than sixty percent (60%) of the normal school day. However,
124 if a local school board adopts a class schedule that operates
125 throughout the year for any or all schools in the district,
126 average daily membership must be computed by the State Department
127 of Education so that the resulting average daily membership will
128 not be higher or lower than if the local school board had not
129 adopted such schedule.

130 (b) "Base amount" or "student base amount" means the
131 student base funding level that is established in the funding
132 formula as the estimated cost of educating an average student with
133 no special needs.

134 (c) "Charter school" means a public school that is
135 established and operating under the terms of a charter contract
136 between the school's governing board and the Mississippi Charter
137 School Authorizer Board.

138 (d) "Department" means the State Department of
139 Education.

140 (e) "English Language Learner" or "ELL" means a student
141 identified in accordance with federal law as entitled to English
142 as a second language or bilingual services on the basis of the
143 student's English language proficiency.

144 (f) "Gifted student" means a student identified as
145 eligible to participate in a gifted education program for the



146 instruction of intellectually or academically gifted children, as
147 defined and provided for in Sections 37-23-171 through 37-23-181.

148 (g) "Low income students" means a definite number of
149 students in a school district which is calculated solely by
150 multiplying the most recent estimate of the school-age poverty
151 rate, as published annually as a percentage for that school
152 district by the United States Census Bureau in the Small Area
153 Income and Poverty Estimates (SAIPE), times the average daily
154 membership (ADM) of the school district. In determining the total
155 number of low income students, the economic status of any
156 individual student or group of students may not be considered by a
157 school district.

158 (h) "Mississippi Uniform Per Student Funding Formula,"
159 "uniform per student funding formula," "funding formula" or
160 "formula" means the formula used to determine annual operating
161 funding for public schools on a uniform per student basis, as
162 prescribed in this article.

163 (i) "School district" means any type of school district
164 in the State of Mississippi and includes agricultural high
165 schools.

166 (j) "Sparse school district" means a school district in
167 which there are fewer than four (4) students per square mile when
168 the total number of students in the district's average daily
169 membership (ADM) is divided by the number of square miles in the
170 territory comprising the school district.



171 (k) "Special education program" means a program that
172 provides services for exceptional children, as defined and
173 authorized by Chapter 23, Title 37, Mississippi Code of 1972.

174 (l) "Superintendent" means the administrative head of a
175 school district.

176 (m) "Uniform per student funding formula funds" or
177 "formula funds" means all funds, both state and local,
178 constituting the requirements for meeting the cost of the formula
179 as established pursuant to this article.

180 (n) "Weight" or "weighting" means a multiplier used to
181 adjust the base amount for student counts in certain grade levels
182 or special programs to support the additional costs of educating
183 students in defined student populations.

184 **SECTION 3.** The following shall be codified as Section
185 37-151-205, Mississippi Code of 1972:

186 37-151-205. (1) Beginning with the 2019 fiscal year, the
187 annual computation of the total amount of operational funding,
188 both state and local, for the cost of educating students enrolled
189 in the public schools in the State of Mississippi is determined in
190 accordance with the Mississippi Uniform Per Student Funding
191 Formula established under this article.

192 (2) The annual amount of funding for the operation of each
193 school district under the Mississippi Uniform Per Student Funding
194 Formula must be determined as follows:



195 Multiply the school district's average daily membership, as
196 determined under Section 37-151-221, times the applicable grade
197 level per student allocations established under Section
198 37-151-209, and add to this product any additional amounts to
199 which the district is entitled for low income students under
200 Section 37-151-211, English Language Learners under Section
201 37-151-213, students in special education programs under Section
202 37-151-215, students in gifted education programs under Section
203 37-151-217 and students in a sparse school district under Section
204 37-151-219.

205 **SECTION 4.** The following shall be codified as Section
206 37-151-207, Mississippi Code of 1972:

207 37-151-207. Beginning with the 2019 fiscal year, the student
208 base amount is Four Thousand Eight Hundred Dollars (\$4,800.00) per
209 student. The base amount may be revised in subsequent years in
210 accordance with provisions for periodic review and revision of the
211 funding formula pursuant to Section 37-151-223.

212 **SECTION 5.** The following shall be codified as Section
213 37-151-209, Mississippi Code of 1972:

214 37-151-209. (1) The student counts at certain grade levels
215 must be weighted to provide an amount per student differing from
216 the base amount in accordance with the following schedule:

217 Grade Level	Weighting	FY2019 and Subsequent
218		Fiscal Years Per Student
219		Allocation



220	Pre-kindergarten 3	0.00	\$0.00
221	Pre-kindergarten 4	0.00	\$0.00
222	Kindergarten	1.00	\$4,800.00
223	Grades 1-3	1.00	\$4,800.00
224	Grades 4-8	1.00	\$4,800.00
225	Grades 9-12	1.30	\$6,240.00

226 (2) The per student allocation established for students in
227 Grades 9 through 12 is for each student under the age of
228 twenty-one (21) years who is counted in a school district's or
229 charter school's average daily membership and is for the fiscal
230 support of all programs in those grades, including, but not
231 limited to: college and career readiness programs; specific
232 college preparedness initiatives such as advanced placement
233 courses, International Baccalaureate programs and other
234 college-credit-bearing course offerings; science, technology,
235 engineering and math course offerings; college guidance and
236 advising systems; specific career track programs; vocational or
237 technical education programs; and alternative school programs.

238 **SECTION 6.** The following shall be codified as Section
239 37-151-211, Mississippi Code of 1972:

240 37-151-211. (1) In addition to the grade level allocations
241 established under Section 37-151-209 and supplemental allocations
242 required under Sections 37-151-213 through 37-151-219, a
243 supplemental allocation must be provided to each school district
244 and charter school on the basis of the count of students in



245 average daily membership who are identified as low income
246 students. The supplemental allocation for each low income student
247 in average daily membership must be calculated by applying a
248 weight equal to twenty-five percent (25%) to the student base
249 amount prescribed under Section 37-151-207.

250 (2) The weighting for low income students must be applied
251 cumulatively in the counts of students who fall into more than one
252 (1) of the funding formula weighting categories.

253 **SECTION 7.** The following shall be codified as Section
254 37-151-213, Mississippi Code of 1972:

255 37-151-213. (1) In addition to the grade level allocations
256 established under Section 37-151-209 and supplemental allocations
257 required under Sections 37-151-211 and 37-151-215 through
258 37-151-219, a supplemental allocation must be provided to each
259 school district and charter school on the basis of the count of
260 students in average daily membership who are identified as English
261 Language Learners. The supplemental allocation for each English
262 Language Learner in average daily membership must be calculated by
263 applying a weight equal to twenty percent (20%) to the student
264 base amount prescribed under Section 37-151-207.

265 (2) The weighting for English Language Learners must be
266 applied cumulatively in the counts of students who fall into more
267 than one (1) of the funding formula weighting categories.

268 (3) The State Department of Education shall require each
269 school district to submit an annual report to the department



270 relating to the education of English Language Learners. The
271 report must include the following:

272 (a) The number of English Language Learners who are
273 being provided additional supports aimed at bringing
274 non-English-proficient students to English language mastery;

275 (b) A detailed description of the programs and services
276 being provided to English Language Learners;

277 (c) Detailed information relating to expenditures of
278 each English Language Learner program and service in the school
279 district and the source of funding (federal, state or local) for
280 those programs and services; and

281 (d) Such other information relating to the education of
282 English Language Learners which may be required by the department.

283 (4) Before January 1 of each year, the State Department of
284 Education shall submit a detailed report to the Education and
285 Appropriations Committees of the House of Representatives and
286 Senate on the status of English Language Learners in the public
287 schools. The report must include data demonstrating the progress
288 that is being made through programs and services aimed at
289 improving English language mastery in non-English-proficient
290 students and an assessment of the sufficiency of the supplemental
291 allocation for those programs and services, along with any
292 recommendations for adjustments to the weight prescribed under
293 this section for English Language Learners.



294 **SECTION 8.** The following shall be codified as Section
295 37-151-215, Mississippi Code of 1972:

296 37-151-215. (1) In addition to the grade level allocations
297 established under Section 37-151-209 and supplemental allocations
298 required under Sections 37-151-211, 37-151-213, 37-151-217 and
299 37-151-219, a supplemental allocation must be provided to each
300 school district and charter school on the basis of the count of
301 students in average daily membership who are identified as
302 entitled to and receiving services in a special education program.

303 (2) The supplemental allocation required under this section
304 must be calculated by applying a weight to the student base amount
305 prescribed under Section 37-151-207 for each student in average
306 daily membership who is entitled to and receiving special
307 education services as follows:

308 (a) Tier I: For each student diagnosed with a specific
309 learning disability, speech and language impairment, or
310 developmental delay, a weight equal to sixty percent (60%) of the
311 student base amount.

312 (b) Tier II: For each student diagnosed with autism,
313 hearing impairment, emotional disturbance, orthopedic or other
314 health impairment, or intellectual disability, a weight equal to
315 one hundred twenty-five percent (125%) of the student base amount.

316 (c) Tier III: For each student diagnosed with visual
317 impairment, deaf-blindness, multiple disabilities, or traumatic



318 brain injury, a weight equal to one hundred seventy percent (170%)
319 of the student base amount.

320 (3) For the purpose of student counts, a student entitled to
321 and receiving special education services may not be included under
322 more than one (1) tier prescribed under subsection (2). A student
323 having multiple diagnoses must be counted under the highest tier
324 applicable to that student.

325 (4) The weightings prescribed under this section for
326 students in special education must be applied cumulatively in the
327 counts of students who fall into more than one (1) of the funding
328 formula weighting categories prescribed under other sections.

329 (5) As soon as practical following the effective date of
330 this act, and each year thereafter, the State Department of
331 Education shall review the disability tiers established under this
332 section to ensure that the various diagnoses and weightings are
333 matched and classified appropriately. The department shall verify
334 that the distribution of weights meets the Maintenance of Effort
335 (MOE) requirements of the Individuals with Disabilities Act (IDEA)
336 and that the total funding by the state dedicated to special
337 education is sufficient to meet annual MOE requirements. The
338 department also shall determine if the diagnoses are categorized
339 appropriately based on the average costs of educating students in
340 the state who are in special education programs. Before September
341 1, the department shall submit an annual report to the Education
342 and Appropriations Committees of the House of Representatives and



343 Senate recommending any revisions that are necessary in order for
344 the state to comply with federal requirements under IDEA or which
345 may be desirable to improve the delivery and funding of special
346 education services throughout the state.

347 **SECTION 9.** The following shall be codified as Section
348 37-151-217, Mississippi Code of 1972:

349 37-151-217. (1) In addition to the grade level allocations
350 established under Section 37-151-209 and supplemental allocations
351 required under Sections 37-151-211 through 37-151-215 and
352 37-151-219, a supplemental allocation must be provided to each
353 school district and charter school on the basis of the count of
354 students in average daily membership who are identified as gifted
355 students. The supplemental allocation per each gifted student in
356 average daily membership must be calculated by applying a weight
357 equal to twenty-five percent (25%) to the student base amount
358 prescribed under Section 37-151-207.

359 (2) The weighting for gifted students must be applied
360 cumulatively in the counts of students who fall into more than one
361 (1) of the funding formula weighting categories.

362 **SECTION 10.** The following shall be codified as Section
363 37-151-219, Mississippi Code of 1972:

364 37-151-219. (1) In addition to the grade level allocations
365 established under Section 37-151-209 and supplemental allocations
366 required under Sections 37-151-211 through 37-151-217, a
367 supplemental allocation must be provided to each school district



368 identified as a sparse school district by the State Department of
369 Education. The supplemental allocation must be calculated by
370 applying a weight, for each student in average daily membership in
371 the sparse school district, equal to ten percent (10%) of the
372 student base amount prescribed under Section 37-151-207.

373 (2) The weighting for students in a sparse school district
374 must be applied cumulatively in the counts of students who fall
375 into more than one (1) of the funding formula weighting
376 categories.

377 **SECTION 11.** The following shall be codified as Section
378 37-151-221, Mississippi Code of 1972:

379 37-151-221. (1) Funding pursuant to the Mississippi Uniform
380 Per Student Funding Formula must be based on the total estimated
381 costs for the number of students projected to be in average daily
382 membership (ADM) in kindergarten through Grade 12 in Mississippi
383 public schools during the fiscal year for which an appropriation
384 is made. In order for the State Department of Education to
385 calculate the ADM, each school district shall submit student
386 enrollment and attendance data to the department in the manner
387 required by the rules and regulations adopted by the State Board
388 of Education under subsection (5) of this section. For fiscal
389 year 2019, the projected change in ADM from the 2017-2018 school
390 year for each school district equals the average annual change in
391 enrollment in that school district for the three (3) fiscal years
392 immediately preceding fiscal year 2019. Beginning with fiscal



393 year 2020, in each school district in which the ADM for the fiscal
394 year for which funds are being appropriated is projected to be
395 lower than the immediately preceding fiscal year, the allocation
396 of funds under the formula must be based on the average of the May
397 and October student numbers in that district; however, in each
398 school district in which the ADM for the fiscal year for which
399 funds are being appropriated is projected to be higher than the
400 immediately preceding fiscal year, the allocation of funds under
401 the formula must be based on the October student numbers in that
402 district.

403 (2) The State Auditor shall make, or require to be made, an
404 audit of student enrollment and attendance figures during each of
405 the following weeks:

- 406 (a) The first week of October;
- 407 (b) The third week of January; and
- 408 (c) The first week of May.

409 Each audit conducted by the State Auditor must include data
410 for specific student populations that are subject to weighting
411 under the Mississippi Uniform Per Student Funding Formula as well
412 as the aggregate amount of students in the school district in
413 which an audit is being conducted. The State Auditor is not
414 required to audit student enrollment and attendance figures in all
415 local school districts during these time periods but must make a
416 concerted effort to conduct audits in as many local districts as
417 practicable. Advance notice may not be given to a school when an



418 audit is scheduled to be conducted; however, an audit may be
419 postponed due to extraordinary circumstances such as a natural
420 disaster or fire.

421 (3) If the average of the October and January figures
422 determined by the audits conducted pursuant to subsection (2)
423 reflects that the number of students in actual attendance is below
424 the number reported by the school district to the State Department
425 of Education for the month of October and for the month of
426 January, the State Auditor must certify its finding to the
427 department. If the average number of students calculated by the
428 examiners is more than seven percent (7%) lower than the school
429 district's reported enrollment, the State Department of Education
430 must use a student number for the next succeeding fiscal year
431 which equals the average number found by the examiners less an
432 amount that is the same percentage as the difference in the
433 average of the examiner's actual findings and the school
434 district's reported enrollment. The department shall use the
435 resulting figure in determining the funds to be allocated to the
436 school district during the succeeding school year.

437 (4) A school district's ADM must include any student
438 enrolled in a Dual Enrollment-Dual Credit Program as defined and
439 provided for in Section 37-15-38(19). The State Department of
440 Education shall make payments for Dual Enrollment-Dual Credit
441 Programs to the home school district in which the student is
442 enrolled, in accordance with regulations promulgated by the State



443 Board of Education. The community or junior college providing
444 services to students in a Dual Enrollment-Dual Credit Program
445 shall require payment from the home school district for services
446 provided to those students at a rate of one hundred percent (100%)
447 of student base amount. All state funding under the formula must
448 cease upon completion of high school graduation requirements.

449 (5) The State Board of Education shall promulgate such rules
450 and regulations as may be necessary for the counting and reporting
451 of student enrollment and attendance numbers by school districts
452 to the department in a manner that enables the provisions of this
453 article to be carried out. The rules and regulations must require
454 school districts to submit data that includes, at a minimum,
455 numbers for specific student populations that are subject to
456 weighting under the Mississippi Uniform Per Student Funding
457 Formula as well as the aggregate amount of students in attendance
458 when each calculation is made.

459 **SECTION 12.** The following shall be codified as Section
460 37-151-223, Mississippi Code of 1972:

461 37-151-223. (1) Except as otherwise provided in subsection
462 (2) of this section, the Legislature, in consultation with
463 representatives of the State Board of Education and the
464 Mississippi Charter School Authorizer Board, shall review and
465 revise this formula no later than two (2) years after July 1,
466 2023, within two (2) years after the initial review and revision,
467 and once every four (4) years subsequently. Revisions must be



468 based upon information and data, including a study of the actual
469 costs of education in the State of Mississippi, consideration of
470 performance incentives created by the formula in practice,
471 research in education and education finance, and public comment.

472 (2) Before January 1, 2025, and every two (2) years
473 thereafter, the State Board of Education shall submit to the
474 Legislature a report that reviews the formula and includes
475 recommendations for revisions to the formula based upon a study of
476 the actual costs of education in the State of Mississippi,
477 research in education and education finance, and public comment.
478 The study of actual costs of education pursuant to this subsection
479 must include, but need not be limited to, the following:

480 (a) The relation of funding levels to student outcomes;

481 (b) Maintenance of effort in specified areas of focus
482 to promote continuity of effective practices;

483 (c) Improved techniques for determining specific levels
484 of funding needed to provide adequate special education services;

485 (d) Improved measures of change in the cost of
486 education; and

487 (e) A review of the costs associated with serving low
488 income students and of how low income students are identified.

489 (3) The State Superintendent of Public Education is
490 responsible for the development of the report required under this
491 section and shall convene a working group to solicit input and
492 recommendations regarding revisions to the formula. The working



493 group must be comprised of, at a minimum, representatives from
494 public schools, charter schools and the general public.

495 **SECTION 13.** The following shall be codified as Section
496 37-151-225, Mississippi Code of 1972:

497 37-151-225. Allocations to school districts made by the
498 State Department of Education on the basis of the count of
499 students in certain grade levels and in student categories
500 established for the purpose of applying various weights under this
501 act are intended only to generate total appropriation amounts on a
502 per student basis. Except as otherwise required by state or
503 federal law or by rules, regulations, policies or orders of the
504 State Board of Education and the State Department of Education, a
505 school district may exercise full autonomy in the spending of all
506 funds allocated under the formula to the district so long as funds
507 are expended in the manner determined by the school board to best
508 meet the needs of the student population of the local school
509 district.

510 **SECTION 14.** The following shall be codified as Section
511 37-151-227, Mississippi Code of 1972:

512 37-151-227. (1) (a) The State Department of Education,
513 pursuant to Section 37-57-1(2), shall determine the amount that
514 each school district must provide toward the cost of the funding
515 formula and shall certify that amount to the district. The local
516 contribution amount for a charter school is an amount determined
517 as follows: in a school district in which there is located one or



518 more charter schools, an average per student amount will be
519 calculated based on the amount that the school district must
520 provide toward the cost of the funding formula. The average per
521 student amount must be multiplied times the number of students
522 enrolled in the charter school in that school district, and the
523 sum is the amount of the charter school's local contribution to
524 the funding formula.

525 (b) The State Department of Education shall determine
526 the following from the annual assessment information submitted to
527 the department by the tax assessors of the various counties:

528 (i) The total assessed valuation of nonexempt
529 property for school purposes in each school district;

530 (ii) Assessed value of exempt property owned by
531 homeowners aged sixty-five (65) or older or disabled, as defined
532 in Section 27-33-67(2);

533 (iii) The school district's tax loss from
534 exemptions provided to applicants under the age of sixty-five (65)
535 and not disabled, as defined in Section 27-33-67(1); and

536 (iv) The school district's homestead reimbursement
537 revenues.

538 (c) The amount of the total funding under the funding
539 formula which must be contributed by each school district is the
540 sum of the ad valorem receipts generated by the millage required
541 under Section 37-57-1 plus the following local revenue sources for



542 the appropriate fiscal year which are or may be available for
543 current expenditure by the school district:

544 (i) One hundred percent (100%) of Grand Gulf
545 income, as prescribed in Section 27-35-309.

546 (ii) One hundred percent (100%) of any fees in
547 lieu of taxes, as prescribed in Section 27-31-104.

548 (2) (a) Except as otherwise provided in subsection (3), the
549 required state effort in support of the Uniform Per Student
550 Funding Formula for each school district and charter school is
551 determined by subtracting the sum of the required local
552 contribution, as set forth in subsection (1)(a) of this section,
553 and the other local revenue sources set forth in subsection (1)(c)
554 of this section, which total amount may not exceed twenty-seven
555 percent (27%) of the total projected funding formula cost, from
556 the total projected Uniform Per Student Funding Formula Cost, as
557 determined under this article, for the school district or charter
558 school.

559 (b) If the school board of any school district
560 determines that it is not economically feasible or practicable to
561 operate any school within the district for the full one hundred
562 eighty (180) days required for a school term of a scholastic year
563 under Section 37-13-63, due to an enemy attack, a man-made,
564 technological or natural disaster in which the Governor has
565 declared a disaster emergency under the laws of this state or the
566 President of the United States has declared an emergency or major



567 disaster to exist in this state, the school board may notify the
568 State Department of Education of such disaster and submit a plan
569 for altering the school term. If the State Board of Education
570 finds the disaster to be the cause of the school not operating for
571 the contemplated school term and that the school is in a school
572 district covered by the Governor's or President's disaster
573 declaration, it may permit the schools in that district to be
574 operated for less than one hundred eighty (180) days and, in such
575 case, the State Department of Education may not reduce the state
576 contributions to the funding formula for that district because of
577 the failure to operate those schools for one hundred eighty (180)
578 days.

579 (3) (a) Notwithstanding the provisions of subsection (2) (a)
580 of this section or any other provision of this article, the state
581 allocation in support of the Uniform Per Student Funding Formula
582 for a school district or charter school for fiscal year 2019 and
583 fiscal year 2020 may not be less than an amount equal to the
584 amount of state funds received by that school district or charter
585 school under the Mississippi Adequate Education Program in fiscal
586 year 2018.

587 (b) Notwithstanding the provisions of subsection (2) (a)
588 of this section or any other provision of this article, the state
589 allocation in support of the Uniform Per Student Funding Formula
590 for a school district or charter school for fiscal year 2021,
591 fiscal year 2022, fiscal year 2023, fiscal year 2024 and fiscal



592 year 2025 may not be less than an amount equal to ninety-seven
593 percent (97%), nor greater than an amount equal to one hundred
594 three percent (103%), of the state funds received by that school
595 district or charter school under the Uniform Per Student Funding
596 Formula in the immediately preceding fiscal year; however, the
597 limitations prescribed in this paragraph do not apply to the
598 extent of any portion of such a decrease or increase, as the case
599 may be, in the required state effort for a school district which
600 is attributable solely to a projected change in the school
601 district's average daily membership in the year for which funds
602 are being allocated.

603 (c) This subsection (3) shall stand repealed on July 1,
604 2025.

605 **SECTION 15.** The following shall be codified as Section
606 37-151-229, Mississippi Code of 1972:

607 37-151-229. (1) To qualify for state funds under this
608 article, a school district may not exceed a student-teacher ratio,
609 based on the district's enrollment, of 27:1 in Grades 1, 2, 3 and
610 4; for kindergarten and Grades 5 through 12, the student-teacher
611 ratio must be determined in accordance with appropriate
612 accreditation standards developed by the Mississippi Commission on
613 School Accreditation. However, any local district may apply to
614 the State Board of Education for approval of a waiver to this
615 section by submitting and justifying an alternative educational
616 program to serve the needs of enrollment. The State Board of



617 Education must approve or disapprove of the waiver no later than
618 forty-five (45) days after receipt of the application.

619 (2) If a school district violates this section, the state
620 allocation for the next succeeding fiscal year to that school
621 district must be reduced by the percentage variance that the
622 actual student-teacher ratios in the school district has to the
623 required student-teacher ratios mandated in this section.

624 (3) Notwithstanding the provisions of this section, the
625 State Board of Education may waive the student-teacher
626 requirements specified in this section upon a finding that a good
627 faith effort is being made by a school district to comply with the
628 ratio provisions but, due to a lack of classroom space which is
629 beyond the district's control, it is physically impossible for the
630 district to comply, and the cost of temporary classroom space
631 cannot be justified.

632 (4) If a school district meets the highest levels of
633 accreditation standards, as determined by the State Board of
634 Education in the state's accountability system, the State Board of
635 Education, in its discretion, may exempt the school district from
636 the maximum student-teacher ratio prescribed in this section.

637 **SECTION 16.** The following shall be codified as Section
638 37-151-231, Mississippi Code of 1972:

639 37-151-231. The State Department of Education shall revise
640 the Accounting Manual for Mississippi Public School Districts to
641 improve financial reporting at the school, district and state



642 level in order to facilitate a transparent system that fairly and
643 accurately represents the amounts being spent and delivered to
644 Mississippi's students under the Uniform Per Student Funding
645 Formula on an annual basis. The department shall develop an
646 additional series of codes for the accounting manual which must be
647 used by school districts in reporting spending in a manner that
648 enables the attribution of funds spent to the student subgroups,
649 by demographics, and/or school buildings that benefitted from
650 those funds.

651 **SECTION 17.** The following shall be codified as Section
652 37-151-233, Mississippi Code of 1972:

653 37-151-233. (1) The State Department of Education shall
654 develop and implement a fiscal transparency system that compares
655 financial investment under the Mississippi Uniform Per Student
656 Funding Formula for each school district with student academic
657 growth in the district on an annual basis. The transparency
658 system also must enable school district outcomes to be compared
659 with the outcomes of peer districts at both the school and student
660 subgroup levels and must be detailed sufficiently to allow a
661 determination to be made on whether funding allocated for students
662 with specific cost considerations is sufficient to elicit intended
663 academic outcomes. For the purposes of this section, "peer
664 districts" are those school districts identified by the State
665 Department of Education as districts having comparable numbers and
666 demographics of students.



667 (2) The State Department of Education shall make available
668 information relating to spending and outcomes, as collected
669 through the transparency system implemented pursuant to subsection
670 (1), on the department's website. The information must be in a
671 searchable format that allows users to search for any school or
672 district in the state and to generate a report on the details of
673 spending and outcomes by student subgroup. In addition, the
674 information must be presented in such a manner that allows
675 information for a particular school or school district to be
676 compared with other similar schools or school districts throughout
677 the state.

678 **SECTION 18.** The following shall be codified as Section
679 37-151-235, Mississippi Code of 1972:

680 37-151-235. (1) The State Department of Education shall
681 develop and implement a financial rating model for the purpose of
682 reviewing the general financial health of school districts in the
683 state as well as the fiscal output, or return on investment, on an
684 annual basis. The assessment of a school district's general
685 fiscal health under the financial rating model must include a
686 review of the following:

- 687 (a) The district's annual financial audit;
- 688 (b) The ratio of annual expenditures to revenue;
- 689 (c) The district's maintenance of short- and long-term
690 debt;
- 691 (d) Annual federal funds lapse;



692 (e) Debt-to-operating expenses ratios; and
693 (f) Such other indicators of financial stewardship as
694 determined by the department.

695 The assessment of a school district's fiscal output may
696 include both student-focused analyses and nonstudent outcomes,
697 including, but not limited to, a review of professional
698 development spending compared to annual growth on teacher
699 evaluations and the cost of facility maintenance and small capital
700 repairs compared to teacher workplace satisfaction polls.

701 (2) The department shall implement a weighting system as
702 part of the financial rating model under which different portions
703 of a school district's assessment are weighted appropriately. The
704 various weights must be combined to form a single score for the
705 school district, which score must be in such format that allows
706 the score to be compared to scores earned by other school
707 districts identified as peer school districts by the department.
708 School districts having poor outcomes, as determined by the
709 department, must be encouraged to achieve more efficient spending
710 in accordance with the following:

711 (a) In the first year that a school district earns a
712 very low score, as defined by the department, the department shall
713 submit a written warning to the school district regarding the
714 school district's financial assessment.

715 (b) In the second consecutive year that a school
716 district receives a very low score, the department shall assign a



717 higher-performing peer district to offer technical assistance to
718 the school district and to review practices and make
719 recommendations for improving the quality and cost-effectiveness
720 of programs in the low-performing district.

721 (c) In the third consecutive year that a school
722 district receives a very low score, the department and Office of
723 the State Auditor shall review and approve expenses of the school
724 district on a line-item basis.

725 (d) In the fourth consecutive year that school district
726 receives a very low score, the State Board of Education shall take
727 such steps as may be necessary to request the Governor to declare
728 a state of emergency in the district, as authorized under Section
729 37-17-6.

730 **SECTION 19.** The following shall be codified as Section
731 37-151-237, Mississippi Code of 1972:

732 37-151-237. (1) The State Department of Education shall
733 conduct a comprehensive review of all rules, regulations, orders
734 and policies of the department and State Board of Education to
735 identify all accreditation standards established by rule,
736 regulation, order or policy which create a fiscal impact on school
737 districts and to determine if such standards are critical to
738 student success. The department shall examine those rules,
739 regulations, orders and policies to assess whether compliance with
740 the administrative requirements causes a fiscal impact that has
741 the effect of earmarking state funds before those funds are



742 allocated to a school district and forcing inefficient spending
743 while restricting innovation by the district. The study must
744 identify those areas in which school districts are required to
745 follow a prescribed or assumed investment of resources rather than
746 be held to an expected outcome, including, but not limited to:
747 student-to-teacher ratios; teacher-to-administrator ratios; and
748 teacher salary schedules. The department also shall examine any
749 rules, regulations, orders or policies that prohibit or restrict
750 the use of state funds or the use of local funds for certain
751 expenditures to ascertain whether those provisions are necessary
752 or desirable under the student-centered Mississippi Uniform Per
753 Student Funding Formula. Based upon the results of the review,
754 the State Board of Education or the department shall consider
755 making any necessary or desirable revisions to any rule,
756 regulation, order or policy deemed inconsistent with the intent of
757 the funding formula.

758 (2) Before October 1, 2019, the State Department of
759 Education shall submit a report to the Joint Legislative Study
760 Committee on Statutory Education Accreditation Standards created
761 under Section 20 of this act on the rules, regulations, orders and
762 policies being considered for revision by the department or State
763 Board of Education, along with the reasons for those revisions,
764 and including any recommended legislation for statutory revisions
765 deemed necessary or desirable by the department or board in
766 furthering the intent of the funding formula.



767 **SECTION 20.** (1) There is created the Joint Legislative
768 Study Committee on Statutory Education Accreditation Standards.
769 The purpose of the committee is to identify all accreditation
770 standards established by state law which create a fiscal impact on
771 school districts and to determine if such standards are critical
772 to student success. The committee shall conduct a comprehensive
773 review of those laws to assess whether compliance with the
774 statutory requirements causes a fiscal impact that has the effect
775 of earmarking state funds before those funds are allocated to a
776 school district and forcing inefficient spending while restricting
777 innovation by the district. The study must identify those areas
778 in which school districts are required to follow a prescribed or
779 assumed investment of resources rather than be held to an expected
780 outcome, including, but not limited to: student-to-teacher
781 ratios; teacher-to-administrator ratios; and teacher salary
782 schedules. The committee also shall examine those statutes that
783 prohibit or restrict the use of state funds or the use of local
784 funds for certain expenditures to ascertain whether those
785 provisions are necessary or desirable under the student-centered
786 Mississippi Uniform Per Student Funding Formula.

787 (2) Upon completing its review of statutory accreditation
788 requirements pursuant to subsection (1), the study committee, in
789 consultation with the State Department of Education, shall
790 research the desirability and feasibility of creating and
791 implementing an accountability system of earned autonomy under



792 which the highest performing and highest academic growth school
793 districts are granted independence from certain administrative and
794 statutory requirements. The study committee shall consider
795 establishing different tiers of flexibility that may be exercised
796 in high performing districts that exceed either growth or
797 performance goals established by the State Department of Education
798 and shall determine if the earned autonomy should be implemented
799 as a stand alone accountability system or as a separate component
800 of any new fiscal accountability model which may be established as
801 a result of the study committee's recommendations.

802 (3) The Joint Legislative Study Committee on Statutory
803 Education Accreditation Standards is comprised of the following
804 members:

- 805 (a) The Chairman of the House Education Committee;
- 806 (b) The Chairman of the Senate Education Committee;
- 807 (c) The Chairman of the House Appropriations Committee;
- 808 (d) The Chairman of the Senate Appropriations
809 Committee;
- 810 (e) Two (2) members of the House Education Committee
811 appointed by the Speaker of the House of Representatives;
- 812 (f) Two (2) members of the Senate Education Committee
813 appointed by the Lieutenant Governor;
- 814 (g) Two (2) members of the House Appropriations
815 Committee appointed by the Speaker of the House of
816 Representatives; and



817 (h) Two (2) members of the Senate Appropriations
818 Committee appointed by the Lieutenant Governor.

819 The committee shall convene no later than thirty (30) days
820 after the effective date of this act. The Speaker of the House of
821 Representatives and the Lieutenant Governor shall each designate a
822 member of the committee from their respective chambers to serve as
823 joint chairmen of the committee.

824 (4) For attending meetings of the committee, each member
825 must be paid from the contingent expense fund of the member's
826 respective house per diem in the amount authorized by Section
827 25-3-69 and a mileage allowance and expense allowance in the
828 amount authorized under Section 5-1-47. However, no per diem,
829 mileage allowance or expense allowance for attending meetings of
830 the committee may be paid while the Legislature is in session, and
831 no per diem, mileage allowance or expense allowance may be paid
832 without prior approval of the proper committee in the member's
833 respective house.

834 (5) The study committee shall cause to be prepared and
835 introduced any legislation deemed necessary or desirable based
836 upon its findings and determinations during the 2019 or 2020, or
837 both, Regular Session of the Legislature. Upon making its final
838 recommendations, the Joint Legislative Study Committee on
839 Statutory Education Accreditation Standards shall be dissolved.

840 (6) This section shall stand repealed on July 1, 2021.



841 **SECTION 21.** The following shall be codified as Section
842 37-151-239, Mississippi Code of 1972:

843 37-151-239. (1) The State Board of Education shall
844 establish a study committee for the purpose of studying and making
845 recommendations relating to the use of a service-based, or
846 Individualized Education Program (IEP)-based, funding model in
847 order to improve the funding of special education throughout the
848 state.

849 (2) The State Superintendent of Public Education shall
850 appoint members to serve on the study committee. Members of the
851 committee must be representative of the state's population and
852 involved in, or concerned with, the education of children eligible
853 for special education services. The committee must be comprised
854 of no less than the following members:

855 (a) The State Director of the Office of Special
856 Education within the State Department of Education;

857 (b) An employee of the State Department of Education
858 who has a thorough knowledge and understanding of state and
859 federal fiscal policies relating to special education;

860 (c) A district-level director of special education
861 services from the administrative offices of one or more school
862 districts;

863 (d) A district-level director of finance or the
864 business office of one or more school districts;



865 (e) Special education teachers representing various
866 school districts;

867 (f) School-level support staff who assist with students
868 receiving special education services representing various school
869 districts;

870 (g) Parents of students receiving special education
871 services in various school districts;

872 (h) If possible, at least one (1) student who has
873 matriculated through public school in Mississippi under an IEP;
874 and

875 (i) Such other persons who, in the determination of the
876 superintendent, have knowledge or expertise in the funding and
877 delivery of special education services.

878 In making appointments to the committee, the superintendent
879 shall select persons from rural and urban school districts
880 throughout the state which vary in size and demographics in order
881 to ensure that the diverse interests of different school districts
882 are represented on the committee.

883 (3) The study committee shall perform the following duties:

884 (a) Analyze the current system utilized by the state
885 relating to the reporting of special education students and
886 services by school districts and the state calculation and
887 budgeting for those students and services in order to determine if
888 the system is the most accurate and efficient means to fund
889 special education;



890 (b) Study IEP-based funding models incorporating
891 consideration of both diagnoses and services which have been
892 successfully implemented in the funding of special education in
893 other states;

894 (c) Determine the feasibility and suitability of
895 transitioning to an IEP-based funding system in the State of
896 Mississippi, with consideration given to the resources and time
897 needed to implement an IEP-based funding program thoughtfully and
898 requisite changes to the State's Performance Plan and Maintenance
899 of Effort (MOE) baseline funding under the Individuals with
900 Disabilities Education Act (IDEA); and

901 (d) Prepare and submit a report to the Education and
902 Appropriations Committees of the House of Representatives and
903 Senate on its findings and recommendations before December 1,
904 2018.

905 **SECTION 22.** The following shall be codified as Section
906 37-151-241, Mississippi code of 1972:

907 37-151-241. (1) There is established the Early Learning
908 Funding Continuum Study Committee. The committee shall study and
909 make recommendations relating to the establishment of an early
910 learning funding continuum by expanding pre-kindergarten funding
911 and providing additional funding for students in early grades
912 through an appropriate weight in the funding formula.

913 (2) The Early Learning Funding Continuum Study Committee is
914 comprised of the following members:



915 (a) The Executive Director of the Office of Elementary
916 Education and Reading within the State Department of Education;

917 (b) The Director of the Early Childhood Office within
918 the State Department of Education;

919 (c) An employee of the State Department of Education
920 who has a thorough knowledge and understanding of the Mississippi
921 Uniform Per Student Funding Formula and early childhood and
922 elementary education programs that are funded separately from the
923 formula;

924 (d) An employee of a lead partner school district in an
925 early learning collaborative whose job relates to the management
926 of a collaborative's prekindergarten program, appointed by the
927 State Superintendent of Public Education;

928 (e) The manager of a private or parochial school or
929 licensed child care center that is participating in the voluntary
930 prekindergarten program through an early learning collaborative,
931 appointed by the State Superintendent of Public Education;

932 (f) The director of the Mississippi Head Start-State
933 Collaboration Office in the Office of the Governor;

934 (g) The director of the Division of Early Childhood
935 Care and Development within the Mississippi Department of Human
936 Services;

937 (h) No less than three (3) public elementary school
938 teachers, each representing a different region of the state, whose
939 primary duty is the implementation of the reading intervention



940 program under the Literacy-Based Promotion Act, appointed by the
941 State Superintendent of Public Education; and

942 (i) Such other persons who have experience and
943 expertise in the funding and delivery of public and private
944 prekindergarten and elementary education programs, selected and
945 appointed by the State Superintendent of Public Education.

946 In making appointments under paragraphs (d), (e), (h) and (i)
947 of this subsection, the State Superintendent of Public Education
948 shall select persons from rural and urban school districts
949 throughout the state which vary in size and demographics in order
950 to ensure that the diverse interests of different school districts
951 are represented on the study committee.

952 (3) The study committee shall perform the following duties:

953 (a) Collect and analyze data relating to the various
954 funding streams utilized for the delivery of prekindergarten
955 services, both public and private;

956 (b) Research funding models successfully implemented in
957 other states which allocate additional funding for students in
958 early grades through a weight in the state's funding formula;

959 (c) Study methods for providing supplemental funding
960 for students in the early grades which create connectivity between
961 prekindergarten and grade school and promote early academic
962 success; and

963 (d) Prepare and submit a report to the Education and
964 Appropriations Committees of the House of Representatives and



965 Senate on its findings and recommendations before December 1,
966 2018.

967 (4) Appointments to the committee must be made within thirty
968 (30) days after the effective date of this act. A majority of the
969 members of the committee shall constitute a quorum. Members of
970 the committee may not be compensated for the performance of their
971 duties under this section. Any incidental costs associated with
972 conducting the study must be paid by the State Department of
973 Education.

974 (5) The State Department of Education shall provide such
975 facilities and clerical and administrative support to the Early
976 Learning Funding Continuum Study Committee as may be necessary to
977 enable the committee to properly perform its duties.

978 (6) Upon presentation of its report to the Legislature, the
979 Early Learning Funding Continuum Study Committee shall be
980 dissolved.

981 **SECTION 23.** Section 1-3-26, Mississippi Code of 1972, is
982 amended as follows:

983 1-3-26. Wherever the phrase "minimum education program,"
984 "minimum program," * * * "minimum foundation program,"
985 "Mississippi Adequate Education Program," "adequate education
986 program," or "MAEP" shall appear in the laws of this state, it
987 shall be construed to mean the * * * "Mississippi Uniform Per
988 Student Funding Formula" created under * * * Chapter 151, Title
989 37, Mississippi Code of 1972.



990 **SECTION 24.** Section 7-7-211, Mississippi Code of 1972, is
991 amended as follows:

992 7-7-211. The department shall have the power and it shall be
993 its duty:

994 (a) To identify and define for all public offices of
995 the state and its subdivisions generally accepted accounting
996 principles or other accounting principles as promulgated by
997 nationally recognized professional organizations and to consult
998 with the State Fiscal Officer in the prescription and
999 implementation of accounting rules and regulations;

1000 (b) To provide best practices, for all public offices
1001 of regional and local subdivisions of the state, systems of
1002 accounting, budgeting and reporting financial facts relating to
1003 said offices in conformity with legal requirements and with
1004 generally accepted accounting principles or other accounting
1005 principles as promulgated by nationally recognized professional
1006 organizations; to assist such subdivisions in need of assistance
1007 in the installation of such systems; to revise such systems when
1008 deemed necessary, and to report to the Legislature at periodic
1009 times the extent to which each office is maintaining such systems,
1010 along with such recommendations to the Legislature for improvement
1011 as seem desirable;

1012 (c) To study and analyze existing managerial policies,
1013 methods, procedures, duties and services of the various state
1014 departments and institutions upon written request of the Governor,



1015 the Legislature or any committee or other body empowered by the
1016 Legislature to make such request to determine whether and where
1017 operations can be eliminated, combined, simplified and improved;

1018 (d) To postaudit each year and, when deemed necessary,
1019 preaudit and investigate the financial affairs of the departments,
1020 institutions, boards, commissions, or other agencies of state
1021 government, as part of the publication of a comprehensive annual
1022 financial report for the State of Mississippi, or as deemed
1023 necessary by the State Auditor. In complying with the
1024 requirements of this paragraph, the department shall have the
1025 authority to conduct all necessary audit procedures on an interim
1026 and year-end basis;

1027 (e) To postaudit and, when deemed necessary, preaudit
1028 and investigate separately the financial affairs of (i) the
1029 offices, boards and commissions of county governments and any
1030 departments and institutions thereof and therein; (ii) public
1031 school districts, departments of education and junior college
1032 districts; and (iii) any other local offices or agencies which
1033 share revenues derived from taxes or fees imposed by the State
1034 Legislature or receive grants from revenues collected by
1035 governmental divisions of the state; the cost of such audits,
1036 investigations or other services to be paid as follows: Such part
1037 shall be paid by the state from appropriations made by the
1038 Legislature for the operation of the State Department of Audit as
1039 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour



1040 for the services of each staff person engaged in performing the
1041 audit or other service plus the actual cost of any independent
1042 specialist firm contracted by the State Auditor to assist in the
1043 performance of the audit, which sum shall be paid by the county,
1044 district, department, institution or other agency audited out of
1045 its general fund or any other available funds from which such
1046 payment is not prohibited by law. Costs paid for independent
1047 specialists or firms contracted by the State Auditor shall be paid
1048 by the audited entity through the State Auditor to the specialist
1049 or firm conducting the postaudit.

1050 Each school district in the state shall have its financial
1051 records audited annually, at the end of each fiscal year, either
1052 by the State Auditor or by a certified public accountant approved
1053 by the State Auditor. Beginning with the audits of fiscal year
1054 2010 activity, no certified public accountant shall be selected to
1055 perform the annual audit of a school district who has audited that
1056 district for three (3) or more consecutive years previously.
1057 Certified public accountants shall be selected in a manner
1058 determined by the State Auditor. The school district shall have
1059 the responsibility to pay for the audit, including the review by
1060 the State Auditor of audits performed by certified public
1061 accountants;

1062 (f) To postaudit and, when deemed necessary, preaudit
1063 and investigate the financial affairs of the levee boards;
1064 agencies created by the Legislature or by executive order of the



1065 Governor; profit or nonprofit business entities administering
1066 programs financed by funds flowing through the State Treasury or
1067 through any of the agencies of the state, or its subdivisions; and
1068 all other public bodies supported by funds derived in part or
1069 wholly from public funds, except municipalities which annually
1070 submit an audit prepared by a qualified certified public
1071 accountant using methods and procedures prescribed by the
1072 department;

1073 (g) To make written demand, when necessary, for the
1074 recovery of any amounts representing public funds improperly
1075 withheld, misappropriated and/or otherwise illegally expended by
1076 an officer, employee or administrative body of any state, county
1077 or other public office, and/or for the recovery of the value of
1078 any public property disposed of in an unlawful manner by a public
1079 officer, employee or administrative body, such demands to be made
1080 (i) upon the person or persons liable for such amounts and upon
1081 the surety on official bond thereof, and/or (ii) upon any
1082 individual, partnership, corporation or association to whom the
1083 illegal expenditure was made or with whom the unlawful disposition
1084 of public property was made, if such individual, partnership,
1085 corporation or association knew or had reason to know through the
1086 exercising of reasonable diligence that the expenditure was
1087 illegal or the disposition unlawful. Such demand shall be
1088 premised on competent evidence, which shall include at least one
1089 (1) of the following: (i) sworn statements, (ii) written



1090 documentation, (iii) physical evidence, or (iv) reports and
1091 findings of government or other law enforcement agencies. Other
1092 provisions notwithstanding, a demand letter issued pursuant to
1093 this paragraph shall remain confidential by the State Auditor
1094 until the individual against whom the demand letter is being filed
1095 has been served with a copy of such demand letter. If, however,
1096 such individual cannot be notified within fifteen (15) days using
1097 reasonable means and due diligence, such notification shall be
1098 made to the individual's bonding company, if he or she is bonded.
1099 Each such demand shall be paid into the proper treasury of the
1100 state, county or other public body through the office of the
1101 department in the amount demanded within thirty (30) days from the
1102 date thereof, together with interest thereon in the sum of one
1103 percent (1%) per month from the date such amount or amounts were
1104 improperly withheld, misappropriated and/or otherwise illegally
1105 expended. In the event, however, such person or persons or such
1106 surety shall refuse, neglect or otherwise fail to pay the amount
1107 demanded and the interest due thereon within the allotted thirty
1108 (30) days, the State Auditor shall have the authority and it shall
1109 be his duty to institute suit, and the Attorney General shall
1110 prosecute the same in any court of the state to the end that there
1111 shall be recovered the total of such amounts from the person or
1112 persons and surety on official bond named therein; and the amounts
1113 so recovered shall be paid into the proper treasury of the state,
1114 county or other public body through the State Auditor. In any



1115 case where written demand is issued to a surety on the official
1116 bond of such person or persons and the surety refuses, neglects or
1117 otherwise fails within one hundred twenty (120) days to either pay
1118 the amount demanded and the interest due thereon or to give the
1119 State Auditor a written response with specific reasons for
1120 nonpayment, then the surety shall be subject to a civil penalty in
1121 an amount of twelve percent (12%) of the bond, not to exceed Ten
1122 Thousand Dollars (\$10,000.00), to be deposited into the State
1123 General Fund;

1124 (h) To investigate any alleged or suspected violation
1125 of the laws of the state by any officer or employee of the state,
1126 county or other public office in the purchase, sale or the use of
1127 any supplies, services, equipment or other property belonging
1128 thereto; and in such investigation to do any and all things
1129 necessary to procure evidence sufficient either to prove or
1130 disprove the existence of such alleged or suspected violations.
1131 The Department of Investigation of the State Department of Audit
1132 may investigate, for the purpose of prosecution, any suspected
1133 criminal violation of the provisions of this chapter. For the
1134 purpose of administration and enforcement of this chapter, the
1135 enforcement employees of the Department of Investigation of the
1136 State Department of Audit have the powers of a law enforcement
1137 officer of this state, and shall be empowered to make arrests and
1138 to serve and execute search warrants and other valid legal process
1139 anywhere within the State of Mississippi. All enforcement



1140 employees of the Department of Investigation of the State
1141 Department of Audit hired on or after July 1, 1993, shall be
1142 required to complete the Law Enforcement Officers Training Program
1143 and shall meet the standards of the program;

1144 (i) To issue subpoenas, with the approval of, and
1145 returnable to, a judge of a chancery or circuit court, in termtime
1146 or in vacation, to examine the records, documents or other
1147 evidence of persons, firms, corporations or any other entities
1148 insofar as such records, documents or other evidence relate to
1149 dealings with any state, county or other public entity. The
1150 circuit or chancery judge must serve the county in which the
1151 records, documents or other evidence is located; or where all or
1152 part of the transaction or transactions occurred which are the
1153 subject of the subpoena;

1154 (j) In any instances in which the State Auditor is or
1155 shall be authorized or required to examine or audit, whether
1156 preaudit or postaudit, any books, ledgers, accounts or other
1157 records of the affairs of any public hospital owned or owned and
1158 operated by one or more political subdivisions or parts thereof or
1159 any combination thereof, or any school district, including
1160 activity funds thereof, it shall be sufficient compliance
1161 therewith, in the discretion of the State Auditor, that such
1162 examination or audit be made from the report of any audit or other
1163 examination certified by a certified public accountant and
1164 prepared by or under the supervision of such certified public



1165 accountant. Such audits shall be made in accordance with
1166 generally accepted standards of auditing, with the use of an audit
1167 program prepared by the State Auditor, and final reports of such
1168 audits shall conform to the format prescribed by the State
1169 Auditor. All files, working papers, notes, correspondence and all
1170 other data compiled during the course of the audit shall be
1171 available, without cost, to the State Auditor for examination and
1172 abstracting during the normal business hours of any business day.
1173 The expense of such certified reports shall be borne by the
1174 respective hospital, or any available school district funds * * *,
1175 subject to examination or audit. The State Auditor shall not be
1176 bound by such certified reports and may, in his or their
1177 discretion, conduct such examination or audit from the books,
1178 ledgers, accounts or other records involved as may be appropriate
1179 and authorized by law;

1180 (k) The State Auditor shall have the authority to
1181 contract with qualified public accounting firms to perform
1182 selected audits required in paragraphs (d), (e), (f) and (j) of
1183 this section, if funds are made available for such contracts by
1184 the Legislature, or if funds are available from the governmental
1185 entity covered by paragraphs (d), (e), (f) and (j). Such audits
1186 shall be made in accordance with generally accepted standards of
1187 auditing. All files, working papers, notes, correspondence and
1188 all other data compiled during the course of the audit shall be



1189 available, without cost, to the State Auditor for examination and
1190 abstracting during the normal business hours of any business day;

1191 (l) The State Auditor shall have the authority to
1192 establish training courses and programs for the personnel of the
1193 various state and local governmental entities under the
1194 jurisdiction of the Office of the State Auditor. The training
1195 courses and programs shall include, but not be limited to, topics
1196 on internal control of funds, property and equipment control and
1197 inventory, governmental accounting and financial reporting, and
1198 internal auditing. The State Auditor is authorized to charge a
1199 fee from the participants of these courses and programs, which fee
1200 shall be deposited into the Department of Audit Special Fund.
1201 State and local governmental entities are authorized to pay such
1202 fee and any travel expenses out of their general funds or any
1203 other available funds from which such payment is not prohibited by
1204 law;

1205 (m) Upon written request by the Governor or any member
1206 of the State Legislature, the State Auditor may audit any state
1207 funds and/or state and federal funds received by any nonprofit
1208 corporation incorporated under the laws of this state;

1209 (n) To conduct performance audits of personal or
1210 professional service contracts by state agencies on a random
1211 sampling basis, or upon request of the State Personal Service
1212 Contract Review Board under Section 25-9-120(3); and



1213 (o) At the discretion of the State Auditor, the Auditor
1214 may conduct risk assessments, as well as performance and
1215 compliance audits based on Generally Accepted Government Auditing
1216 Standards (GAGAS) of any state-funded economic development program
1217 authorized under Title 57, Mississippi Code of 1972. After risk
1218 assessments or program audits, the State Auditor may conduct
1219 audits of those projects deemed high-risk, specifically as they
1220 identify any potential wrongdoing or noncompliance based on
1221 objectives of the economic development program. The Auditor is
1222 granted authority to gather, audit and review data and information
1223 from the Mississippi Development Authority or any of its agents,
1224 the Department of Revenue, and when necessary under this
1225 paragraph, the recipient business or businesses or any other
1226 private, public or nonprofit entity with information relevant to
1227 the audit project. The maximum amount the State Auditor may bill
1228 the oversight agency under this paragraph in any fiscal year is
1229 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
1230 and necessary expenses.

1231 **SECTION 25.** Section 19-9-157, Mississippi Code of 1972, is
1232 amended as follows:

1233 19-9-157. The board of supervisors of the situs county, upon
1234 receipt of the payments pursuant to Section 19-9-151 less the
1235 payment made according to Section 19-9-153, shall pay all such
1236 funds in excess of Five Million Five Hundred Thousand Dollars
1237 (\$5,500,000.00) to the governing authorities of the public school



1238 districts in such county in the proportion that the average daily
1239 * * * membership for the preceding scholastic year of each school
1240 district bears to the total average daily * * * membership of the
1241 county for the preceding scholastic year. Such funds may be
1242 expended only for the purposes of capital improvements to school
1243 facilities and only after plans therefor have been submitted to
1244 and approved by the * * * State Board of Education. The governing
1245 authorities of such school districts may borrow money in
1246 anticipation of receipt of payments pursuant to this section and
1247 the levying authority for the school district may issue negotiable
1248 notes therefor, for the purposes set forth herein. Such loan
1249 shall be repaid from the payments received under this section by
1250 the governing authorities of the public school district. However,
1251 no public school districts within the situs county shall be
1252 entitled to any payments after January 1, 1990.

1253 **SECTION 26.** Section 19-9-171, Mississippi Code of 1972, is
1254 amended as follows:

1255 19-9-171. The revenue from ad valorem taxes for school
1256 district purposes that are levied upon liquefied natural gas
1257 terminals or improvements thereto constructed after July 1, 2007,
1258 crude oil refineries constructed after July 1, 2007, and
1259 expansions or improvements to existing crude oil refineries
1260 constructed after July 1, 2007, shall be distributed to all public
1261 school districts in the county in which the facilities are located
1262 in the proportion that the average daily * * * membership of each



1263 school district bears to the total average daily * * * membership
1264 of all school districts in the county. The county or municipal
1265 tax collector, as the case may be, shall pay such tax collections,
1266 except for taxes collected for the payment of the principal of and
1267 interest on school bonds or notes and except for taxes collected
1268 to defray collection costs, into the appropriate school depository
1269 and report to the school board of the appropriate school district
1270 at the same time and in the same manner as the tax collector makes
1271 his payments and reports of other taxes collected by him.

1272 **SECTION 27.** Section 25-4-29, Mississippi Code of 1972, is
1273 amended as follows:

1274 25-4-29. (1) Required statements hereunder shall be filed
1275 as follows:

1276 (a) Every incumbent public official required by
1277 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a
1278 statement of economic interest shall file such statement with the
1279 commission on or before May 1 of each year that such official
1280 holds office, regardless of duration;

1281 (b) Candidates for office required to file a statement
1282 hereunder shall file such statement within fifteen (15) days after
1283 the deadline for qualification for that public office;

1284 (c) Persons who are required to file a statement
1285 because of appointment to fill a vacancy in an office or required
1286 to file under Section 25-4-25(d) and (e) shall file such statement
1287 within thirty (30) days of their appointment;



1288 (d) No person by reason of successful candidacy or
1289 assuming additional offices shall be required to file more than
1290 one (1) statement of economic interest in any calendar year,
1291 except such official shall notify the commission as soon as
1292 practicable of additional offices not previously reported; and

1293 (e) The commission may, on an individual case basis,
1294 provide for additional time to file a statement upon a showing
1295 that compliance with a filing date set out under paragraph (a),
1296 (b), (c) or (d) above would work an unreasonable hardship.

1297 (2) Any person who fails to file a statement of economic
1298 interest within thirty (30) days of the date the statement is due
1299 shall be deemed delinquent by the commission. The commission
1300 shall give written notice of the delinquency to the person by
1301 United States mail or by personal service of process. If within
1302 fifteen (15) days of receiving written notice of delinquency the
1303 delinquent filer has not filed the statement of economic interest,
1304 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total
1305 fine of One Thousand Dollars (\$1,000.00), shall be assessed
1306 against the delinquent filer for each day thereafter in which the
1307 statement of economic interest is not properly filed. The
1308 commission shall enroll such assessment as a civil judgment with
1309 the circuit clerk in the delinquent filer's county of residence.
1310 The commission may enforce the judgment for the benefit of the
1311 State General Fund for the support of the * * * Mississippi



1312 Uniform Per Student Funding Formula in the same manner as is
1313 prescribed for other civil judgments.

1314 **SECTION 28.** Section 27-25-706, Mississippi Code of 1972, is
1315 amended as follows:

1316 27-25-706. The board of supervisors of any county in the
1317 State of Mississippi bordering on the Pearl River and having a
1318 population according to the 1970 census of not less than forty
1319 thousand (40,000) and not more than fifty thousand (50,000), and
1320 through which Interstate Highway 20 runs, and wherein there is
1321 being constructed or has been constructed a plant for the
1322 extracting of sulphur from natural gas, and the board of
1323 supervisors of any county in the State of Mississippi bordering on
1324 the Pearl River and having a population according to the 1970
1325 census of not less than nineteen thousand (19,000) and not more
1326 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and
1327 Mississippi Highway 28 intersect and wherein there is being
1328 constructed or has been constructed a plant for the extracting of
1329 sulphur from natural gas, are hereby authorized and empowered, in
1330 their discretion, to pledge all or any part of the county's share
1331 of the severance tax on gas extracted, handled or processed
1332 through such extraction plant, as additional security for the
1333 payment of bonds issued for the purpose of constructing,
1334 reconstructing, overlaying and/or repairing, an access road or
1335 roads or publicly owned railroads to and from such sulphur
1336 extraction plant. The amount so pledged for the payment of the



1337 principal of and the interest on such bonds shall be deducted and
1338 set aside by such board of supervisors prior to the distribution
1339 of such severance taxes in the manner provided by law, and only
1340 the amount of such severance taxes remaining after such deduction
1341 shall be subject to such distribution. The board of supervisors
1342 in such counties may pledge only up to fifty percent (50%) of such
1343 severance taxes as their respective county may receive to retire
1344 the bonds and interest pursuant to the authority of this section.
1345 The required local contribution of said counties to the cost of
1346 the * * * uniform per student funding formula shall not be reduced
1347 nor shall the obligation of the state under * * * the funding
1348 formula to said counties be increased because of the passage of
1349 this section.

1350 Such bonds shall be issued under the provisions of Sections
1351 19-9-1 through Section 19-9-19.

1352 **SECTION 29.** Section 27-33-3, Mississippi Code of 1972, is
1353 amended as follows:

1354 27-33-3. In order to recognize and give effect to the
1355 principle of tax-free homes as a public policy in Mississippi, to
1356 encourage home building and ownership, and to give additional
1357 security to family groups, it is hereby declared that homes
1358 legally assessed on the land roll, owned and actually occupied as
1359 a home by bona fide residents of this state, who are heads of
1360 families, shall be exempt from the ad valorem taxes herein
1361 enumerated, on not in excess of Seven Thousand Five Hundred



1362 Dollars (\$7,500.00) of the assessed value including an area of
1363 land not in excess of that specified hereinafter in this article.
1364 The exemption from taxes shall be limited to the following:

1365 (a) All homeowners who are heads of families and who
1366 qualify under the provisions of this article shall be exempt from
1367 taxes levied in 1983 and payable in 1984 and from taxes levied in
1368 1984 and payable in 1985 as follows:

1369 (i) The ad valorem taxes levied by counties
1370 pursuant to Section 27-39-329. Amounts so exempted shall not be
1371 reimbursed by the state.

1372 (ii) Ad valorem taxes levied for maintenance and
1373 current expenses by or for a county as authorized by Section
1374 27-39-303, but the levy for such purpose in any year for which
1375 reimbursement is to be made shall not exceed the millage levied
1376 for such purpose for the 1984 fiscal year; or a levy for county
1377 roads or a road district as authorized by Section 27-39-305; or a
1378 levy for constructing and maintaining all bridges and culverts as
1379 authorized by Section 65-15-7, but the levy for either or both of
1380 such purposes for which reimbursement is to be made shall not in
1381 any event exceed seven (7) mills in any year; the * * * levy for
1382 the support of the * * * uniform per student funding formula to
1383 produce the minimum local ad valorem tax effort required * * * of
1384 a school district by Section 37-57-1, and the supplementary school
1385 district tax levy for the support and maintenance of * * * schools
1386 as authorized by Section 37-57-105; provided, however, that the



1387 total of the levies made under said Sections 37-57-1 and
1388 37-57-105, which shall be exempt under this article, shall be
1389 limited to twenty (20) mills for any affected property area, and
1390 in the event the total of such levies should exceed twenty (20)
1391 mills for any affected property area, the excess shall not be
1392 exempt under this article, and in such case, the levy for the
1393 support of the * * * uniform per student funding formula shall
1394 have priority as an exempt levy;

1395 (iii) Ad valorem taxes levied for the support and
1396 maintenance of agricultural high schools within the limits and as
1397 authorized by Section 37-27-3, and ad valorem taxes levied for the
1398 support of community or junior colleges within the limits and as
1399 authorized by subsection (2) of Section 37-29-141; provided,
1400 however, that the exemption from taxation and reimbursement for
1401 tax loss for agricultural high schools and community or junior
1402 colleges, or any combination of same, shall not exceed three (3)
1403 mills in any one (1) year for any one (1) county;

1404 (iv) Ad valorem taxes levied for the support of
1405 the * * * uniform per student funding formula in a municipal
1406 separate school district to produce the minimum local ad valorem
1407 tax effort required of such municipal separate school district as
1408 authorized by Section * * * 37-57-1, and the supplementary tax
1409 levy for the support and maintenance of the schools of a municipal
1410 separate school district as authorized by Section 37-57-105;
1411 provided, however, the total of the levies made under said



1412 Sections * * * 37-57-1 and 37-57-105 which shall be exempt under
1413 this article shall be limited to fifteen (15) mills for any
1414 affected property area, except in those special municipal separate
1415 school districts as provided by Sections 37-7-701 through
1416 37-7-743, the total of the levies made under Sections 37-7-739 and
1417 37-57-105 for such special municipal separate school district
1418 which shall be exempt under this article shall not exceed twenty
1419 (20) mills, and in the event the total of such levies should
1420 exceed fifteen (15) mills for any affected property area, or
1421 twenty (20) mills in the case of a special municipal separate
1422 school district, the excess shall not be exempt under this
1423 article, and, in such case, the levy for the support of the * * *
1424 uniform per student funding formula in the municipal separate
1425 school district shall have priority as an exempt levy;

1426 (v) In the event any law referred to in this
1427 section is amended so as to authorize an increase in the tax levy
1428 for any purposes, such increase in the levy shall be applied to
1429 and taxes collected from the property owners on the entire
1430 assessed value of exempted homes; and the tax loss resulting from
1431 such increase shall not be reimbursed under the provisions of the
1432 Homestead Exemption Law, unless such law clearly specifies that
1433 the exempted assessed value of homes is exempt from such increase;

1434 (vi) Ad valorem taxes levied under Sections
1435 65-15-7 and 65-15-21 shall be used solely for purposes levied.



1436 (b) Those homeowners who qualify for the exemptions
1437 provided for in subsection (a) of this section and who have
1438 reached the age of sixty-five (65) years on or before January 1 of
1439 the year for which the exemption is claimed; and
1440 service-connected, totally disabled American veterans who were
1441 honorably discharged from military service, upon presentation of
1442 proper proof of eligibility shall be exempt from any and all ad
1443 valorem taxes, including the forest acreage tax authorized by
1444 Section 49-19-115, on homesteads not in excess of Seven Thousand
1445 Five Hundred Dollars (\$7,500.00) of assessed value thereof;
1446 provided, however, that property owned jointly by husband and wife
1447 and property owned in fee simple by either spouse shall be
1448 eligible for this exemption in full if either spouse fulfills the
1449 age or disability requirement. On all other jointly owned
1450 property the amount of the allowable exemption shall be determined
1451 on the basis of each individual joint owner's qualifications and
1452 pro rata share of the property.

1453 (c) Those homeowners who qualify for the exemptions
1454 provided for in subsection (a) of this section and who would be
1455 classified as disabled under the Federal Social Security Act (42
1456 USCS Section 416(i)), upon presentation of proper proof of
1457 eligibility shall be exempt from any and all ad valorem taxes,
1458 including the forest acreage tax authorized by Section 49-19-115,
1459 on homesteads not in excess of Seven Thousand Five Hundred Dollars
1460 (\$7,500.00) of assessed value thereof; provided, however, that



1461 property owned jointly by husband and wife and property owned in
1462 fee simple by either spouse shall be eligible for this exemption
1463 in full if either spouse fulfills the disability requirement. On
1464 all other jointly owned property, the amount of the allowable
1465 exemption shall be determined on the basis of each individual
1466 joint owner's qualifications and pro rata share of the property.

1467 (d) Homeowners who qualify for exemption under
1468 subsection (c) of this section will not be included in the
1469 limitations of Section 27-33-59(e).

1470 Reimbursement by the State of Mississippi to the various
1471 taxing units for the tax losses incurred because of the additional
1472 exemptions provided for under these subsections shall be made in
1473 accordance with the procedures outlined in Section 27-33-41.

1474 This section shall not apply to claims for homestead
1475 exemptions filed in any calendar year subsequent to the 1984
1476 calendar year.

1477 **SECTION 30.** Section 27-39-317, Mississippi Code of 1972, is
1478 amended as follows:

1479 27-39-317. The board of supervisors of each county shall, at
1480 its regular meeting in September of each year, levy the county ad
1481 valorem taxes for the fiscal year, and shall, by order, fix the
1482 tax rate, or levy, for the county, for the road districts, if any,
1483 and for the school districts, if any, and for any other taxing
1484 districts; and the rates, or levies, for the county and for any
1485 district shall be expressed in mills or a decimal fraction of a



1486 mill. Said tax rates, or levies, shall determine the ad valorem
1487 taxes to be collected upon each dollar of valuation, upon the
1488 assessment rolls of the county, including the assessment of motor
1489 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of
1490 1958, Section 27-51-1 et seq., for county taxes; and upon each
1491 dollar of valuation for the respective districts, as shown upon
1492 the assessment rolls of the county, including the assessment of
1493 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
1494 of 1958, Section 27-51-1 et seq.; except as to such values as
1495 shall be exempt, in whole or in part, from certain tax rates or
1496 levies. If the rate or levy for the county is an increase from
1497 the previous fiscal year, then the proposed rate or levy shall be
1498 advertised in accordance with Section 27-39-203. If the board of
1499 supervisors of any county shall not levy the county taxes and the
1500 district taxes at its regular September meeting, the board shall
1501 levy the same on or before September 15 at an adjourned or special
1502 meeting, or thereafter, provided, however, that if such levy be
1503 not made on or before the fifteenth day of September then the tax
1504 collector or Department of Revenue may issue road and bridge
1505 privilege tax license plates for motor vehicles as defined in the
1506 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,
1507 without collecting or requiring proof of payment of county ad
1508 valorem taxes, and may continue to so issue such plates until such
1509 levy is duly certified to him, and for twenty-four (24) hours
1510 thereafter.



1511 Notwithstanding the requirements of this section, in the
1512 event the Department of Revenue orders the county to make an
1513 adjustment to the tax roll pursuant to Section 27-35-113, the
1514 county shall have a period of thirty (30) days from the date of
1515 the commission's final determination to adjust the millage in
1516 order to collect the same dollar amount of taxes as originally
1517 levied by the board.

1518 In making the levy of taxes, the board of supervisors shall
1519 specify, in its order, the levy for each purpose, as follows:

1520 (a) For general county purposes (current expense and
1521 maintenance taxes), as authorized by Section 27-39-303.

1522 (b) For roads and bridges, as authorized by Section
1523 27-39-305.

1524 (c) For schools, including the * * * uniform per
1525 student funding formula levy and the levy for each school district
1526 including special municipal separate school districts, but not
1527 including other municipal separate school districts, and for an
1528 agricultural high school, county high school or community or
1529 junior college (current expense and maintenance taxes), as
1530 authorized by Chapter 57, Title 37, Mississippi Code of 1972, and
1531 any other applicable statute. The levy for schools shall apply to
1532 the assessed value of property in the respective school districts,
1533 including special municipal separate school districts, but not
1534 including other municipal separate school districts, and a



1535 distinct and separate levy shall be made for each school district,
1536 and the purpose for each levy shall be stated.

1537 (d) For road bonds and the interest thereon, separately
1538 for countywide bonds and for the bonds of each road district.

1539 (e) For school bonds and the interest thereon,
1540 separately for countywide bonds and for the bonds of each school
1541 district.

1542 (f) For countywide bonds, and the interest thereon,
1543 other than for road bonds and school bonds.

1544 (g) For loans, notes or any other obligation, and the
1545 interest thereon, if permitted by the law.

1546 (h) For any other purpose for which a levy is lawfully
1547 made.

1548 The order shall state all of the purposes for which the
1549 general county levy is made, using the administrative items
1550 suggested by the State Department of Audit * * * under the county
1551 budget law in its uniform system of accounts for counties, but the
1552 rate or levy for any item or purpose need not be shown; and if a
1553 countywide levy is made for any general or special purpose under
1554 the provisions of any law other than Section 27-39-303, each such
1555 levy shall be separately stated.

1556 During the month of February of each year, if the order or
1557 resolution of the board of trustees of any school district of said
1558 county or partly in said county, is filed with it requesting the
1559 levying of ad valorem taxes for the support and maintenance of



1560 such school district for the following fiscal year, then the board
1561 of supervisors of every such county in the state shall notify, in
1562 writing, within thirty (30) days, the county superintendent of
1563 education of such county, the levy or levies it intends to make
1564 for the support and maintenance of such school districts of such
1565 county at its regular meeting in September following, and the
1566 county superintendent of education and the trustees of all such
1567 school districts shall be authorized to use such expressed
1568 intention of the board of supervisors in computing the support and
1569 maintenance budget or budgets of such school district or districts
1570 for the ensuing fiscal school year.

1571 **SECTION 31.** Section 29-3-47, Mississippi Code of 1972, is
1572 amended as follows:

1573 29-3-47. For its services the State Forestry Commission
1574 shall be entitled to receive its actual expenses incurred in the
1575 discharge of the duties herein imposed. In order to provide funds
1576 with which to pay for the general supervision and sale of forest
1577 products, fifteen percent (15%) of all receipts from the sales of
1578 forest products shall be placed by the board in a Forestry Escrow
1579 Fund and reserved to pay for work performed by the State Forestry
1580 Commission. Such payments shall be equal to the actual expenses
1581 incurred by the commission as substantiated by itemized bills
1582 presented to the board.

1583 Money in the Forestry Escrow Fund may be used to pay for any
1584 forestry work authorized during the period of the agreement and



1585 shall not be subject to lapse by reason of county budget
1586 limitations.

1587 In each school district having need of tree planting and
1588 timber stand improvement, the board of education is authorized to
1589 place additional amounts in the Forestry Escrow Fund to reimburse
1590 the State Forestry Commission for actual expenses incurred in
1591 performing this work, or to pay for any work done under private
1592 contract under the supervision of said commission. Such
1593 additional amounts may be made available from forest products
1594 sales receipts, funds borrowed from the sixteenth section
1595 principal fund as is provided for in Section 29-3-113, or any
1596 other funds available to the board of education excluding * * *
1597 uniform per student funding formula funds. Expenditures from the
1598 Forestry Escrow Fund for tree planting, timber stand improvement,
1599 and other forestry work will be limited to payment for work
1600 recommended by the Forestry Commission and agreed to by the board
1601 of education.

1602 When it becomes evident that the amount of money in the
1603 Forestry Escrow Fund is in excess of the amount necessary to
1604 accomplish the work needed to achieve the goals set by the board
1605 of education and the Forestry Commission, the State Forestry
1606 Commission shall advise said board to release any part of such
1607 funds as will not be needed, which may then be spent for any
1608 purpose authorized by law.



1609 **SECTION 32.** Section 29-3-49, Mississippi Code of 1972, is
1610 amended as follows:

1611 29-3-49. It shall be the duty of the State Forestry
1612 Commission, in the manner provided in Section 29-3-45, to enter
1613 into agreements for timber improvement purposes with the board of
1614 education upon the request of the board. The contract shall
1615 provide for the carrying out of a long-term program of timber
1616 improvement, including any or all of the following: The deadening
1617 of undesirable hardwoods, the planting of trees, the cutting and
1618 maintaining of fire lanes, and the establishment of marked
1619 boundaries on all lands classified as forest lands in the
1620 agreements, which provide for the reimbursement of all current
1621 costs incurred by the State Forestry Commission and the carrying
1622 out of the duties required by such agreements. In the
1623 alternative, the commission, in its discretion, may have the
1624 option to contract with a private contractor, subject to the
1625 approval of the board, to perform this work under the supervision
1626 of the commission. Payment of the reimbursements as hereinabove
1627 set forth to the Forestry Commission, or of compensation due under
1628 any such contract with private contractors shall be made upon
1629 presentation of itemized bills by the commission or the private
1630 contractors, as the case may be, and may be made out of any
1631 sixteenth section funds to the credit of, or accruing to, any
1632 school district in which such work shall be done, or out of any



1633 other funds available to such district, excluding * * * uniform
1634 per student funding formula funds.

1635 **SECTION 33.** Section 29-3-113, Mississippi Code of 1972, is
1636 amended as follows:

1637 29-3-113. The principal fund shall be a permanent township
1638 fund which shall consist of funds heretofore or hereafter derived
1639 from certain uses or for certain resources of school trust lands
1640 which shall be invested and, except as otherwise provided in this
1641 section, only the interest and income derived from such funds
1642 shall be expendable by the school district.

1643 The principal fund shall consist of:

1644 (a) Funds received for easements and rights-of-way
1645 pursuant to Section 29-3-91;

1646 (b) Funds received for sales of lieu land pursuant to
1647 Sections 29-3-15 through 29-3-25;

1648 (c) Funds received from any permanent damage to the
1649 school trust land;

1650 (d) Funds received from the sale of nonrenewable
1651 resources, including, but not limited to, the sale of sand,
1652 gravel, dirt, clays and royalties received from the sale of
1653 mineral ores, coal, oil and gas;

1654 (e) Funds received from the sale of buildings pursuant
1655 to Section 29-3-77;

1656 (f) Funds received from the sale of timber; and

1657 (g) Funds received pursuant to Section 29-3-23(2).



1658 It shall be the duty of the Board of Education to keep the
1659 principal fund invested in any direct obligation issued by or
1660 guaranteed in full as to principal and interest by the United
1661 States of America or in certificates of deposit issued by a
1662 qualified depository of the State of Mississippi as approved by
1663 the State Treasurer. The certificates of deposit may bear
1664 interest at any rate per annum which may be mutually agreed upon
1665 but in no case shall said rate be less than that paid on passbook
1666 savings.

1667 The Board of Education is authorized to invest the funds in
1668 interest bearing deposits or other obligations of the types
1669 described in Section 27-105-33 or in any other type investment in
1670 which any other political subdivision of the State of Mississippi
1671 may invest, except that one hundred percent (100%) of the funds
1672 are authorized to be invested. For the purposes of investment,
1673 the principal fund of each township may be combined into one or
1674 more district accounts; however, the docket book of the county
1675 superintendent shall at all times reflect the proper source of
1676 such funds. Provided that funds received from the sale of timber
1677 shall be placed in a separate principal fund account, and may be
1678 expended for any of the purposes authorized by law.

1679 The Board of Education shall have authority to borrow such
1680 funds at a rate of interest not less than four percent (4%) per
1681 annum and for a term not exceeding twenty (20) years, for the
1682 erection, equipment or repair of said district schools, to provide



1683 local funds for any building project approved by the State Board
1684 of Education or to provide additional funds for forest stand
1685 improvement as set forth in Section 29-3-47. In addition, the
1686 board may borrow the funds under the same interest restrictions
1687 for a term not exceeding ten (10) years to provide funds for the
1688 purchase of school buses. The Board of Education of any school
1689 district in any county that has an aggregate amount of assets in
1690 its principal fund in excess of Five Million Dollars
1691 (\$5,000,000.00), may deduct an amount not to exceed Five Hundred
1692 Thousand Dollars (\$500,000.00) for the purpose of covering the
1693 cost of asbestos removal from school district buildings. Such
1694 asbestos removal shall be construed to constitute the repair of
1695 school district facilities as prescribed in Section 29-3-115.

1696 No school land trust funds may be expended after the annual
1697 payment date until the payment is made on such loan. The annual
1698 payment can be made from any funds available to the school
1699 district except * * * uniform per student funding formula funds.

1700 It shall be unlawful for the Board of Education to borrow any
1701 sixteenth section school funds in any other manner than that
1702 prescribed herein, and if any such funds shall be borrowed or
1703 invested in any other manner, any officer concerned in making such
1704 loan and investment or suffering the same to be made in violation
1705 of the provisions of this section, shall be liable personally and
1706 on his official bond for the safety of the funds so loaned.



1707 **SECTION 34.** Section 29-3-137, Mississippi Code of 1972, is
1708 amended as follows:

1709 29-3-137. (1) Beginning with the 1985-1986 fiscal year the
1710 Legislature of the State of Mississippi shall appropriate to the
1711 State Department of Education a sum of One Million Dollars
1712 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an
1713 additional One Million Dollars (\$1,000,000.00) each succeeding
1714 fiscal year thereafter until a maximum appropriation of Five
1715 Million Dollars (\$5,000,000.00) is made for the fiscal year
1716 1989-1990. Beginning with the appropriation for the * * *
1717 2018-2019 fiscal year, the amount appropriated under the
1718 provisions of this section shall not exceed the total average
1719 annual expendable revenue * * * received by the Choctaw counties
1720 from school lands, or Five Million Dollars (\$5,000,000.00),
1721 whichever is the lesser.

1722 (2) The State Department of Education is hereby authorized,
1723 empowered and directed to allocate for distribution such funds
1724 appropriated each year under subsection (1) of this section in
1725 proportion to the * * * amount of funding allotted under the * * *
1726 uniform per student funding formula to such school districts
1727 affected by the sale of Chickasaw cession school lands. School
1728 districts not wholly situated in Chickasaw cession affected
1729 territory shall receive a prorated amount of such allocation based
1730 on the percentage of such lands located within the district.
1731 Provided further, that the State Department of Education shall, in



1732 addition, deduct from each affected school district's allocation
1733 the amount such district shall receive from interest payments from
1734 the Chickasaw School Fund under Section 212, Mississippi
1735 Constitution of 1890 for each fiscal year. * * * The department
1736 shall document the foregoing computation in its annual budget
1737 request for the appropriation to the Chickasaw School Fund, and
1738 shall revise its budget request under such formula as the average
1739 annual revenues from sixteenth section school lands fluctuate.

1740 (3) [Repealed]

1741 **SECTION 35.** Section 31-7-10, Mississippi Code of 1972, is
1742 amended as follows:

1743 31-7-10. (1) For the purposes of this section, the term
1744 "equipment" shall mean equipment, furniture, and if applicable,
1745 associated software and other applicable direct costs associated
1746 with the acquisition. In addition to its other powers and duties,
1747 the Department of Finance and Administration shall have the
1748 authority to develop a master lease-purchase program and, pursuant
1749 to that program, shall have the authority to execute on behalf of
1750 the state master lease-purchase agreements for equipment to be
1751 used by an agency, as provided in this section. Each agency
1752 electing to acquire equipment by a lease-purchase agreement shall
1753 participate in the Department of Finance and Administration's
1754 master lease-purchase program, unless the Department of Finance
1755 and Administration makes a determination that such equipment
1756 cannot be obtained under the program or unless the equipment can



1757 be obtained elsewhere at an overall cost lower than that for which
1758 the equipment can be obtained under the program. Such
1759 lease-purchase agreements may include the refinancing or
1760 consolidation, or both, of any state agency lease-purchase
1761 agreements entered into after June 30, 1990.

1762 (2) All funds designated by agencies for procurement of
1763 equipment and financing thereof under the master lease-purchase
1764 program shall be paid into a special fund created in the State
1765 Treasury known as the "Master Lease-Purchase Program Fund," which
1766 shall be used by the Department of Finance and Administration for
1767 payment to the lessors for equipment acquired under master
1768 lease-purchase agreements.

1769 (3) Upon final approval of an appropriation bill, each
1770 agency shall submit to the Public Procurement Review Board a
1771 schedule of proposed equipment acquisitions for the master
1772 lease-purchase program. Upon approval of an equipment schedule by
1773 the Public Procurement Review Board with the advice of the
1774 Department of Information Technology Services, the Office of
1775 Purchasing, Travel and Fleet Management, and the Division of
1776 Energy and Transportation of the Mississippi Development Authority
1777 as it pertains to energy efficient climate control systems, the
1778 Public Procurement Review Board shall forward a copy of the
1779 equipment schedule to the Department of Finance and
1780 Administration.



1781 (4) The level of lease-purchase debt recommended by the
1782 Department of Finance and Administration shall be subject to
1783 approval by the State Bond Commission. After such approval, the
1784 Department of Finance and Administration shall be authorized to
1785 advertise and solicit written competitive proposals for a lessor,
1786 who will purchase the equipment pursuant to bid awards made by the
1787 using agency under a given category and then transfer the
1788 equipment to the Department of Finance and Administration as
1789 lessee, pursuant to a master lease-purchase agreement.

1790 The Department of Finance and Administration shall select the
1791 successful proposer for the financing of equipment under the
1792 master lease-purchase program with the approval of the State Bond
1793 Commission.

1794 (5) Each master lease-purchase agreement, and any subsequent
1795 amendments, shall include such terms and conditions as the State
1796 Bond Commission shall determine to be appropriate and in the
1797 public interest, and may include any covenants deemed necessary or
1798 desirable to protect the interests of the lessor, including, but
1799 not limited to, provisions setting forth the interest rate (or
1800 method for computing interest rates) for financing pursuant to
1801 such agreement, covenants concerning application of payments and
1802 funds held in the Master Lease-Purchase Program Fund, covenants to
1803 maintain casualty insurance with respect to equipment subject to
1804 the master lease-purchase agreement (and all state agencies are
1805 specifically authorized to purchase any insurance required by a



1806 master lease-purchase agreement) and covenants precluding or
1807 limiting the right of the lessee or user to acquire equipment
1808 within a specified time (not to exceed five (5) years) after
1809 cancellation on the basis of a failure to appropriate funds for
1810 payment of amounts due under a lease-purchase agreement covering
1811 comparable equipment. The State Bond Commission shall transmit
1812 copies of each such master lease-purchase agreement and each such
1813 amendment to the Joint Legislative Budget Committee. To the
1814 extent provided in any master lease-purchase agreement, title to
1815 equipment leased pursuant thereto shall be deemed to be vested in
1816 the state or the user of the equipment (as specified in such
1817 master lease-purchase agreement), subject to default under or
1818 termination of such master lease-purchase agreement.

1819 A master lease-purchase agreement may provide for payment by
1820 the lessor to the lessee of the purchase price of the equipment to
1821 be acquired pursuant thereto prior to the date on which payment is
1822 due to the vendor for such equipment and that the lease payments
1823 by the lessee shall commence as though the equipment had been
1824 provided on the date of payment. If the lessee, or lessee's
1825 escrow agent, has sufficient funds for payment of equipment
1826 purchases prior to payment due date to vendor of equipment, such
1827 funds shall be held or utilized on an as-needed basis for payment
1828 of equipment purchases either by the State Treasurer (in which
1829 event the master lease-purchase agreement may include provisions
1830 concerning the holding of such funds, the creation of a security



1831 interest for the benefit of the lessor in such funds until
1832 disbursed and other appropriate provisions approved by the Bond
1833 Commission) or by a corporate trustee selected by the Department
1834 of Finance and Administration (in which event the Department of
1835 Finance and Administration shall have the authority to enter into
1836 an agreement with such a corporate trustee containing terms and
1837 conditions approved by the Bond Commission). Earnings on any
1838 amount paid by the lessor prior to the acquisition of the
1839 equipment may be used to make lease payments under the master
1840 lease-purchase agreement or applied to pay costs and expenses
1841 incurred in connection with such lease-purchase agreement. In
1842 such event, the equipment-use agreements with the user agency may
1843 provide for lease payments to commence upon the date of payment by
1844 the lessor and may also provide for a credit against such payments
1845 to the extent that investment receipts from investment of the
1846 purchase price are to be used to make lease-purchase payments.

1847 (6) The annual rate of interest paid under any
1848 lease-purchase agreement authorized under this section shall not
1849 exceed the maximum interest rate to maturity on general obligation
1850 indebtedness permitted under Section 75-17-101.

1851 (7) The Department of Finance and Administration shall
1852 furnish the equipment to the various agencies, also known as the
1853 user, pursuant to an equipment-use agreement developed by the
1854 Department of Finance and Administration. Such agreements shall
1855 require that all monthly payments due from such agency be paid,



1856 transferred or allocated into the Master Lease-Purchase Program
1857 Fund pursuant to a schedule established by the Department of
1858 Finance and Administration. In the event such sums are not paid
1859 by the defined payment period, the Executive Director of the
1860 Department of Finance and Administration shall issue a requisition
1861 for a warrant to draw such amount as may be due from any funds
1862 appropriated for the use of the agency which has failed to make
1863 the payment as agreed.

1864 (8) All master lease-purchase agreements executed under the
1865 authority of this section shall contain the following annual
1866 allocation dependency clause or an annual allocation dependency
1867 clause which is substantially equivalent thereto: "The
1868 continuation of each equipment schedule to this agreement is
1869 contingent in whole or in part upon the appropriation of funds by
1870 the Legislature to make the lease-purchase payments required under
1871 such equipment schedule. If the Legislature fails to appropriate
1872 sufficient funds to provide for the continuation of the
1873 lease-purchase payments under any such equipment schedule, then
1874 the obligations of the lessee and of the agency to make such
1875 lease-purchase payments and the corresponding provisions of any
1876 such equipment schedule to this agreement shall terminate on the
1877 last day of the fiscal year for which appropriations were made."

1878 (9) The maximum lease term for any equipment acquired under
1879 the master lease-purchase program shall not exceed the useful life
1880 of such equipment as determined according to the upper limit of



1881 the asset depreciation range (ADR) guidelines for the Class Life
1882 Asset Depreciation Range System established by the Internal
1883 Revenue Service pursuant to the United States Internal Revenue
1884 Code and Regulations thereunder as in effect on December 31, 1980,
1885 or comparable depreciation guidelines with respect to any
1886 equipment not covered by ADR guidelines. The Department of
1887 Finance and Administration shall be deemed to have met the
1888 requirements of this subsection if the term of a master
1889 lease-purchase agreement does not exceed the weighted average
1890 useful life of all equipment covered by such agreement and the
1891 schedules thereto as determined by the Department of Finance and
1892 Administration. For purposes of this subsection, the "term of a
1893 master lease-purchase agreement" shall be the weighted average
1894 maturity of all principal payments to be made under such master
1895 lease-purchase agreement and all schedules thereto.

1896 (10) Interest paid on any master lease-purchase agreement
1897 under this section shall be exempt from State of Mississippi
1898 income taxation. All equipment, and the purchase thereof by any
1899 lessor, acquired under the master lease-purchase program and all
1900 lease-purchase payments with respect thereto shall be exempt from
1901 all Mississippi sales, use and ad valorem taxes.

1902 (11) The Governor, in his annual executive budget to the
1903 Legislature, shall recommend appropriations sufficient to provide
1904 funds to pay all amounts due and payable during the applicable



1905 fiscal year under master lease-purchase agreements entered into
1906 pursuant to this section.

1907 (12) Any master lease-purchase agreement reciting in
1908 substance that such agreement has been entered into pursuant to
1909 this section shall be conclusively deemed to have been entered
1910 into in accordance with all of the provisions and conditions set
1911 forth in this section. Any defect or irregularity arising with
1912 respect to procedures applicable to the acquisition of any
1913 equipment shall not invalidate or otherwise limit the obligation
1914 of the Department of Finance and Administration, or the state or
1915 any agency of the state, under any master lease-purchase agreement
1916 or any equipment-use agreement.

1917 (13) There shall be maintained by the Department of Finance
1918 and Administration, with respect to each master lease-purchase
1919 agreement, an itemized statement of the cash price, interest
1920 rates, interest costs, commissions, debt service schedules and all
1921 other costs and expenses paid by the state incident to the
1922 lease-purchase of equipment under such agreement.

1923 (14) Lease-purchase agreements entered into by the Board of
1924 Trustees of State Institutions of Higher Learning pursuant to the
1925 authority of Section 37-101-413 or by any other agency which has
1926 specific statutory authority other than pursuant to Section
1927 31-7-13(e) to acquire equipment by lease-purchase shall not be
1928 made pursuant to the master lease-purchase program under this
1929 section, unless the Board of Trustees of State Institutions of



1930 Higher Learning or such other agency elects to participate as to
1931 part or all of its lease-purchase acquisitions in the master
1932 lease-purchase program pursuant to this section.

1933 (15) The Department of Finance and Administration may
1934 develop a master lease-purchase program for school districts and,
1935 pursuant to that program, may execute on behalf of the school
1936 districts master lease-purchase agreements for equipment to be
1937 used by the school districts. The form and structure of this
1938 program shall be substantially the same as set forth in this
1939 section for the master lease-purchase program for state agencies.
1940 If sums due from a school district under the master lease-purchase
1941 program are not paid by the expiration of the defined payment
1942 period, the Executive Director of the Department of Finance and
1943 Administration may withhold such amount that is due from the
1944 school district's * * * uniform per student funding formula
1945 allotments.

1946 (16) The Department of Finance and Administration may
1947 develop a master lease-purchase program for community and junior
1948 college districts and, pursuant to that program, may execute on
1949 behalf of the community and junior college districts master
1950 lease-purchase agreements for equipment to be used by the
1951 community and junior college districts. The form and structure of
1952 this program must be substantially the same as set forth in this
1953 section for the master lease-purchase program for state agencies.
1954 If sums due from a community or junior college district under the



1955 master lease-purchase program are not paid by the expiration of
1956 the defined payment period, the Executive Director of the
1957 Department of Finance and Administration may withhold an amount
1958 equal to the amount due under the program from any funds allocated
1959 for that community or junior college district in the state
1960 appropriations for the use and support of the community and junior
1961 colleges.

1962 (17) From and after July 1, 2016, the expenses of this
1963 agency shall be defrayed by appropriation from the State General
1964 Fund and all user charges and fees authorized under this section
1965 shall be deposited into the State General Fund as authorized by
1966 law.

1967 (18) From and after July 1, 2016, no state agency shall
1968 charge another state agency a fee, assessment, rent or other
1969 charge for services or resources received by authority of this
1970 section.

1971 **SECTION 36.** Section 37-1-3, Mississippi Code of 1972, is
1972 amended as follows:

1973 37-1-3. (1) The State Board of Education shall adopt rules
1974 and regulations and set standards and policies for the
1975 organization, operation, management, planning, budgeting and
1976 programs of the State Department of Education.

1977 (a) The board is directed to identify all functions of
1978 the department that contribute to or comprise a part of the state
1979 system of educational accountability and to establish and maintain



1980 within the department the necessary organizational structure,
1981 policies and procedures for effectively coordinating such
1982 functions. Such policies and procedures shall clearly fix and
1983 delineate responsibilities for various aspects of the system and
1984 for overall coordination of the total system and its effective
1985 management.

1986 (b) The board shall establish and maintain a
1987 system-wide plan of performance, policy and directions of public
1988 education not otherwise provided for.

1989 (c) The board shall effectively use the personnel and
1990 resources of the department to enhance technical assistance to
1991 school districts in instruction and management therein.

1992 (d) The board shall establish and maintain a central
1993 budget policy.

1994 (e) The board shall establish and maintain within the
1995 State Department of Education a central management capacity under
1996 the direction of the State Superintendent of Public Education.

1997 (f) The board, with recommendations from the
1998 superintendent, shall design and maintain a five-year plan and
1999 program for educational improvement that shall set forth
2000 objectives for system performance and development and be the basis
2001 for budget requests and legislative initiatives.

2002 (2) (a) The State Board of Education shall adopt and
2003 maintain a curriculum and a course of study to be used in the
2004 public school districts that is designed to prepare the state's



2005 children and youth to be productive, informed, creative citizens,
2006 workers and leaders, and it shall regulate all matters arising in
2007 the practical administration of the school system not otherwise
2008 provided for.

2009 (b) Before the 1999-2000 school year, the State Board
2010 of Education shall develop personal living and finances objectives
2011 that focus on money management skills for individuals and families
2012 for appropriate, existing courses at the secondary level. The
2013 objectives must require the teaching of those skills necessary to
2014 handle personal business and finances and must include instruction
2015 in the following:

- 2016 (i) Opening a bank account and assessing the
2017 quality of a bank's services;
- 2018 (ii) Balancing a checkbook;
- 2019 (iii) Managing debt, including retail and credit
2020 card debt;
- 2021 (iv) Completing a loan application;
- 2022 (v) The implications of an inheritance;
- 2023 (vi) The basics of personal insurance policies;
- 2024 (vii) Consumer rights and responsibilities;
- 2025 (viii) Dealing with salesmen and merchants;
- 2026 (ix) Computing state and federal income taxes;
- 2027 (x) Local tax assessments;
- 2028 (xi) Computing interest rates by various
2029 mechanisms;



2030 (xii) Understanding simple contracts; and
2031 (xiii) Contesting an incorrect billing statement.

2032 (3) The State Board of Education shall have authority to
2033 expend any available federal funds, or any other funds expressly
2034 designated, to pay training, educational expenses, salary
2035 incentives and salary supplements to licensed teachers employed in
2036 local school districts or schools administered by the State Board
2037 of Education. Such incentive payments shall not be considered
2038 part of a school district's local supplement * * *, nor shall the
2039 incentives be considered part of the local supplement paid to an
2040 individual teacher for the purposes of Section 37-19-7(1). * * *
2041 uniform per student funding formula funds shall not be used to
2042 provide such incentives unless specifically authorized by law.

2043 (4) The State Board of Education shall through its actions
2044 seek to implement the policies set forth in Section 37-1-2.

2045 **SECTION 37.** Section 37-3-11, Mississippi Code of 1972, is
2046 amended as follows:

2047 37-3-11. The State Superintendent of Public Education shall
2048 perform the duties assigned to him by the State Board of
2049 Education, and he shall have the following duties:

2050 (a) To serve as secretary for the State Board of
2051 Education;

2052 (b) To be the chief administrative officer of the State
2053 Department of Education;



2054 (c) To recommend to the State Board of Education, for
2055 its consideration, rules and regulations for the supervision of
2056 the public schools and agricultural high schools of the school
2057 districts throughout the state and for the efficient organization
2058 and conduct of the same;

2059 (d) To collect data and make it available to the state
2060 board for determining the proper distribution of the * * * uniform
2061 per student funding formula funds;

2062 (e) To keep a complete record of all official acts of
2063 the State Superintendent and the acts of the State Board of
2064 Education;

2065 (f) To prepare, have printed and furnish all officers
2066 charged with the administration of the laws pertaining to the
2067 public schools, such blank forms and books as may be necessary to
2068 the proper discharge of their duties, which printing is to be paid
2069 for out of funds provided by the Legislature;

2070 (g) To have printed in pamphlet form the laws
2071 pertaining to the public schools and publish therein forms for
2072 conducting school business, the rules and regulations for the
2073 government of schools that the State Superintendent or the State
2074 Board of Education may recommend, and such other matters as may be
2075 deemed worthy of public interest pertaining to the public schools,
2076 which printing is to be paid for out of funds provided by the
2077 Legislature;



2078 (h) To meet all superintendents annually at such time
2079 and place as the State Superintendent shall appoint for the
2080 purpose of accumulating facts relative to schools, to review the
2081 educational progress made in the various sections of the state, to
2082 compare views, discuss problems, hear discussions and suggestions
2083 relative to examinations and qualifications of teachers, methods
2084 of instruction, textbooks, summer schools for teachers, visitation
2085 of schools, consolidation of schools, health work in the schools,
2086 vocational education and other matters pertaining to the public
2087 school system;

2088 (i) To advise all superintendents upon all matters
2089 involving the welfare of the schools, and at the request of any
2090 superintendent, to give an opinion upon a written statement of
2091 facts on all questions and controversies arising out of the
2092 interpretation and construction of the school laws, in regard to
2093 rights, powers and duties of school officers and superintendents,
2094 and to keep a record of all such decisions. Before giving any
2095 opinion, the superintendent may submit the statement of facts to
2096 the Attorney General, and it shall be the duty of the Attorney
2097 General forthwith to examine such statement and suggest the proper
2098 decision to be made upon such fact;

2099 (j) To require annually, and as often as the State
2100 Superintendent may deem proper, of all superintendents, detailed
2101 reports on the educational business of the various districts;



2102 (k) On or before January 10 in each year to prepare,
2103 under the direction of the State Board of Education, the annual
2104 information report of the State Department of Education as
2105 described in Section 37-151-97;

2106 (l) To determine the number of educable children in the
2107 several school districts under rules and regulations prescribed by
2108 the State Board of Education; and

2109 (m) To perform such other duties as may be prescribed
2110 by the State Board of Education.

2111 **SECTION 38.** Section 37-3-83, Mississippi Code of 1972, is
2112 amended as follows:

2113 37-3-83. (1) There is established within the State
2114 Department of Education, using only existing staff and resources,
2115 a School Safety Grant Program, available to all eligible public
2116 school districts, to assist in financing programs to provide
2117 school safety. However, no monies from the Temporary Assistance
2118 for Needy Families grant may be used for the School Safety Grant
2119 Program.

2120 (2) The school board of each school district, with the
2121 assistance of the State Department of Education School Safety
2122 Center, shall adopt a comprehensive local school district school
2123 safety plan and shall update the plan on an annual basis.

2124 (3) Subject to the extent of appropriations available, the
2125 School Safety Grant Program shall offer any of the following
2126 specific preventive services, and other additional services



2127 appropriate to the most current school district school safety
2128 plan:

2129 (a) Metal detectors;

2130 (b) Video surveillance cameras, communications
2131 equipment and monitoring equipment for classrooms, school
2132 buildings, school grounds and school buses;

2133 (c) Crisis management/action teams responding to school
2134 violence;

2135 (d) Violence prevention training, conflict resolution
2136 training, and other appropriate training designated by the State
2137 Department of Education for faculty and staff; and

2138 (e) School safety personnel.

2139 (4) Each local school district of this state may annually
2140 apply for school safety grant funds subject to appropriations by
2141 the Legislature. School safety grants shall include a base grant
2142 amount plus an additional amount per student in average
2143 daily * * * membership in the school or school district. The base
2144 grant amount and amount per student shall be determined by the
2145 State Board of Education, subject to specific appropriation
2146 therefor by the Legislature. In order to be eligible for such
2147 program, each local school board desiring to participate shall
2148 apply to the State Department of Education by May 31 before the
2149 beginning of the applicable fiscal year on forms provided by the
2150 department, and shall be required to establish a local School
2151 Safety Task Force to involve members of the community in the



2152 school safety effort. The State Department of Education shall
2153 determine by July 1 of each succeeding year which local school
2154 districts have submitted approved applications for school safety
2155 grants.

2156 (5) As part of the School Safety Grant Program, the State
2157 Department of Education may conduct a pilot program to research
2158 the feasibility of using video camera equipment in the classroom
2159 to address the following:

2160 (a) Determine if video cameras in the classroom reduce
2161 student disciplinary problems;

2162 (b) Enable teachers to present clear and convincing
2163 evidence of a student's disruptive behavior to the student, the
2164 principal, the superintendent and the student's parents; and

2165 (c) Enable teachers to review teaching performance and
2166 receive diagnostic feedback for developmental purposes.

2167 (6) Any local school district may use
2168 audio/visual-monitoring equipment in classrooms, hallways,
2169 buildings, grounds and buses for the purpose of monitoring school
2170 disciplinary problems.

2171 (7) As a component of the comprehensive local school
2172 district school safety plan required under subsection (2) of this
2173 section, the school board of a school district may adopt and
2174 implement a policy addressing sexual abuse of children, to be
2175 known as "Erin's Law Awareness." Any policy adopted under this



2176 subsection may include or address, but need not be limited to, the
2177 following:

2178 (a) Methods for increasing teacher, student and
2179 parental awareness of issues regarding sexual abuse of children,
2180 including knowledge of likely warning signs indicating that a
2181 child may be a victim of sexual abuse;

2182 (b) Educational information for parents or guardians,
2183 which may be included in the school handbook, on the warning signs
2184 of a child being abused, along with any needed assistance,
2185 referral or resource information;

2186 (c) Training for school personnel on child sexual
2187 abuse;

2188 (d) Age-appropriate curriculum for students in
2189 prekindergarten through fifth grade;

2190 (e) Actions that a child who is a victim of sexual
2191 abuse should take to obtain assistance and intervention;

2192 (f) Counseling and resources available for students
2193 affected by sexual abuse; and

2194 (g) Emotional and educational support for a child who
2195 has been abused to enable the child to be successful in school.

2196 **SECTION 39.** Section 37-7-208, Mississippi Code of 1972, is
2197 amended as follows:

2198 37-7-208. The board of trustees of any consolidated school
2199 district may pay from * * * funds other than uniform per student
2200 funding formula funds the cost and expense of litigation involved



2201 by or resulting from the creation of or litigation to create
2202 single member school board trustee election districts, and pay
2203 from * * * funds other than uniform per student funding formula
2204 funds the cost or expense to implement any plan, decree or
2205 reorganization as approved by the court. Said payments by the
2206 board of trustees shall be deemed a "new program" under the
2207 provisions of Section 37-57-107, * * * and any additional millage
2208 levied for such purpose and the revenue generated therefrom shall
2209 be excluded from the tax increase limitation prescribed in
2210 Sections 37-57-105 and 37-57-107. The board of supervisors of any
2211 county in which there is located such consolidated school district
2212 may, in its discretion, contribute out of county general funds to
2213 the cost and expense of such litigation and/or the cost of
2214 implementing such redistricting plan.

2215 **SECTION 40.** Section 37-7-301, Mississippi Code of 1972, is
2216 amended as follows:

2217 37-7-301. The school boards of all school districts shall
2218 have the following powers, authority and duties in addition to all
2219 others imposed or granted by law, to wit:

2220 (a) To organize and operate the schools of the district
2221 and to make such division between the high school grades and
2222 elementary grades as, in their judgment, will serve the best
2223 interests of the school;



2224 (b) To introduce public school music, art, manual
2225 training and other special subjects into either the elementary or
2226 high school grades, as the board shall deem proper;

2227 (c) To be the custodians of real and personal school
2228 property and to manage, control and care for same, both during the
2229 school term and during vacation;

2230 (d) To have responsibility for the erection, repairing
2231 and equipping of school facilities and the making of necessary
2232 school improvements;

2233 (e) To suspend or to expel a pupil or to change the
2234 placement of a pupil to the school district's alternative school
2235 or homebound program for misconduct in the school or on school
2236 property, as defined in Section 37-11-29, on the road to and from
2237 school, or at any school-related activity or event, or for conduct
2238 occurring on property other than school property or other than at
2239 a school-related activity or event when such conduct by a pupil,
2240 in the determination of the school superintendent or principal,
2241 renders that pupil's presence in the classroom a disruption to the
2242 educational environment of the school or a detriment to the best
2243 interest and welfare of the pupils and teacher of such class as a
2244 whole, and to delegate such authority to the appropriate officials
2245 of the school district;

2246 (f) To visit schools in the district, in their
2247 discretion, in a body for the purpose of determining what can be
2248 done for the improvement of the school in a general way;



2249 (g) To support, within reasonable limits, the
2250 superintendent, principal and teachers where necessary for the
2251 proper discipline of the school;

2252 (h) To exclude from the schools students with what
2253 appears to be infectious or contagious diseases; provided,
2254 however, such student may be allowed to return to school upon
2255 presenting a certificate from a public health officer, duly
2256 licensed physician or nurse practitioner that the student is free
2257 from such disease;

2258 (i) To require those vaccinations specified by the
2259 State Health Officer as provided in Section 41-23-37;

2260 (j) To see that all necessary utilities and services
2261 are provided in the schools at all times when same are needed;

2262 (k) To authorize the use of the school buildings and
2263 grounds for the holding of public meetings and gatherings of the
2264 people under such regulations as may be prescribed by said board;

2265 (l) To prescribe and enforce rules and regulations not
2266 inconsistent with law or with the regulations of the State Board
2267 of Education for their own government and for the government of
2268 the schools, and to transact their business at regular and special
2269 meetings called and held in the manner provided by law;

2270 (m) To maintain and operate all of the schools under
2271 their control for such length of time during the year as may be
2272 required;



2273 (n) To enforce in the schools the courses of study and
2274 the use of the textbooks prescribed by the proper authorities;

2275 (o) To make orders directed to the superintendent of
2276 schools for the issuance of pay certificates for lawful purposes
2277 on any available funds of the district and to have full control of
2278 the receipt, distribution, allotment and disbursement of all funds
2279 provided for the support and operation of the schools of such
2280 school district whether such funds be derived from state
2281 appropriations, local ad valorem tax collections, or otherwise.

2282 The local school board shall be authorized and empowered to
2283 promulgate rules and regulations that specify the types of claims
2284 and set limits of the dollar amount for payment of claims by the
2285 superintendent of schools to be ratified by the board at the next
2286 regularly scheduled meeting after payment has been made;

2287 (p) To select all school district personnel in the
2288 manner provided by law, and to provide for such employee fringe
2289 benefit programs, including accident reimbursement plans, as may
2290 be deemed necessary and appropriate by the board;

2291 (q) To provide athletic programs and other school
2292 activities and to regulate the establishment and operation of such
2293 programs and activities;

2294 (r) To join, in their discretion, any association of
2295 school boards and other public school-related organizations, and
2296 to pay from local funds other than * * * uniform per student
2297 funding formula funds, any membership dues;



2298 (s) To expend local school activity funds, or other
2299 available school district funds, other than * * * uniform per
2300 student funding formula funds, for the purposes prescribed under
2301 this paragraph. "Activity funds" shall mean all funds received by
2302 school officials in all school districts paid or collected to
2303 participate in any school activity, such activity being part of
2304 the school program and partially financed with public funds or
2305 supplemented by public funds. The term "activity funds" shall not
2306 include any funds raised and/or expended by any organization
2307 unless commingled in a bank account with existing activity funds,
2308 regardless of whether the funds were raised by school employees or
2309 received by school employees during school hours or using school
2310 facilities, and regardless of whether a school employee exercises
2311 influence over the expenditure or disposition of such funds.
2312 Organizations shall not be required to make any payment to any
2313 school for the use of any school facility if, in the discretion of
2314 the local school governing board, the organization's function
2315 shall be deemed to be beneficial to the official or
2316 extracurricular programs of the school. For the purposes of this
2317 provision, the term "organization" shall not include any
2318 organization subject to the control of the local school governing
2319 board. Activity funds may only be expended for any necessary
2320 expenses or travel costs, including advances, incurred by students
2321 and their chaperons in attending any in-state or out-of-state
2322 school-related programs, conventions or seminars and/or any



2323 commodities, equipment, travel expenses, purchased services or
2324 school supplies which the local school governing board, in its
2325 discretion, shall deem beneficial to the official or
2326 extracurricular programs of the district, including items which
2327 may subsequently become the personal property of individuals,
2328 including yearbooks, athletic apparel, book covers and trophies.
2329 Activity funds may be used to pay travel expenses of school
2330 district personnel. The local school governing board shall be
2331 authorized and empowered to promulgate rules and regulations
2332 specifically designating for what purposes school activity funds
2333 may be expended. The local school governing board shall provide
2334 (i) that such school activity funds shall be maintained and
2335 expended by the principal of the school generating the funds in
2336 individual bank accounts, or (ii) that such school activity funds
2337 shall be maintained and expended by the superintendent of schools
2338 in a central depository approved by the board. The local school
2339 governing board shall provide that such school activity funds be
2340 audited as part of the annual audit required in Section 37-9-18.
2341 The State Department of Education shall prescribe a uniform system
2342 of accounting and financial reporting for all school activity fund
2343 transactions;

2344 (t) To enter into an energy performance contract,
2345 energy services contract, on a shared_savings, lease or
2346 lease-purchase basis, for energy efficiency services and/or
2347 equipment as provided for in Section 31-7-14;



2348 (u) To maintain accounts and issue pay certificates on
2349 school food service bank accounts;

2350 (v) (i) To lease a school building from an individual,
2351 partnership, nonprofit corporation or a private for-profit
2352 corporation for the use of such school district, and to expend
2353 funds therefor as may be available from any * * * sources other
2354 than uniform per student funding formula funds. The school board
2355 of the school district desiring to lease a school building shall
2356 declare by resolution that a need exists for a school building and
2357 that the school district cannot provide the necessary funds to pay
2358 the cost or its proportionate share of the cost of a school
2359 building required to meet the present needs. The resolution so
2360 adopted by the school board shall be published once each week for
2361 three (3) consecutive weeks in a newspaper having a general
2362 circulation in the school district involved, with the first
2363 publication thereof to be made not less than thirty (30) days
2364 prior to the date upon which the school board is to act on the
2365 question of leasing a school building. If no petition requesting
2366 an election is filed prior to such meeting as hereinafter
2367 provided, then the school board may, by resolution spread upon its
2368 minutes, proceed to lease a school building. If at any time prior
2369 to said meeting a petition signed by not less than twenty percent
2370 (20%) or fifteen hundred (1500), whichever is less, of the
2371 qualified electors of the school district involved shall be filed
2372 with the school board requesting that an election be called on the



2373 question, then the school board shall, not later than the next
2374 regular meeting, adopt a resolution calling an election to be held
2375 within such school district upon the question of authorizing the
2376 school board to lease a school building. Such election shall be
2377 called and held, and notice thereof shall be given, in the same
2378 manner for elections upon the questions of the issuance of the
2379 bonds of school districts, and the results thereof shall be
2380 certified to the school board. If at least three-fifths (3/5) of
2381 the qualified electors of the school district who voted in such
2382 election shall vote in favor of the leasing of a school building,
2383 then the school board shall proceed to lease a school building.
2384 The term of the lease contract shall not exceed twenty (20) years,
2385 and the total cost of such lease shall be either the amount of the
2386 lowest and best bid accepted by the school board after
2387 advertisement for bids or an amount not to exceed the current fair
2388 market value of the lease as determined by the averaging of at
2389 least two (2) appraisals by certified general appraisers licensed
2390 by the State of Mississippi. The term "school building" as used
2391 in this paragraph (v)(i) shall be construed to mean any building
2392 or buildings used for classroom purposes in connection with the
2393 operation of schools and shall include the site therefor,
2394 necessary support facilities, and the equipment thereof and
2395 appurtenances thereto such as heating facilities, water supply,
2396 sewage disposal, landscaping, walks, drives and playgrounds. The



2397 term "lease" as used in this paragraph (v) (i) may include a
2398 lease-purchase contract;

2399 (ii) If two (2) or more school districts propose
2400 to enter into a lease contract jointly, then joint meetings of the
2401 school boards having control may be held but no action taken shall
2402 be binding on any such school district unless the question of
2403 leasing a school building is approved in each participating school
2404 district under the procedure hereinabove set forth in paragraph
2405 (v) (i). All of the provisions of paragraph (v) (i) regarding the
2406 term and amount of the lease contract shall apply to the school
2407 boards of school districts acting jointly. Any lease contract
2408 executed by two (2) or more school districts as joint lessees
2409 shall set out the amount of the aggregate lease rental to be paid
2410 by each, which may be agreed upon, but there shall be no right of
2411 occupancy by any lessee unless the aggregate rental is paid as
2412 stipulated in the lease contract. All rights of joint lessees
2413 under the lease contract shall be in proportion to the amount of
2414 lease rental paid by each;

2415 (w) To employ all noninstructional and noncertificated
2416 employees and fix the duties and compensation of such personnel
2417 deemed necessary pursuant to the recommendation of the
2418 superintendent of schools;

2419 (x) To employ and fix the duties and compensation of
2420 such legal counsel as deemed necessary;



2421 (y) Subject to rules and regulations of the State Board
2422 of Education, to purchase, own and operate trucks, vans and other
2423 motor vehicles, which shall bear the proper identification
2424 required by law;

2425 (z) To expend funds for the payment of substitute
2426 teachers and to adopt reasonable regulations for the employment
2427 and compensation of such substitute teachers;

2428 (aa) To acquire in its own name by purchase all real
2429 property which shall be necessary and desirable in connection with
2430 the construction, renovation or improvement of any public school
2431 building or structure. Whenever the purchase price for such real
2432 property is greater than Fifty Thousand Dollars (\$50,000.00), the
2433 school board shall not purchase the property for an amount
2434 exceeding the fair market value of such property as determined by
2435 the average of at least two (2) independent appraisals by
2436 certified general appraisers licensed by the State of Mississippi.
2437 If the board shall be unable to agree with the owner of any such
2438 real property in connection with any such project, the board shall
2439 have the power and authority to acquire any such real property by
2440 condemnation proceedings pursuant to Section 11-27-1 et seq.,
2441 Mississippi Code of 1972, and for such purpose, the right of
2442 eminent domain is hereby conferred upon and vested in said board.
2443 Provided further, that the local school board is authorized to
2444 grant an easement for ingress and egress over sixteenth section
2445 land or lieu land in exchange for a similar easement upon



2446 adjoining land where the exchange of easements affords substantial
2447 benefit to the sixteenth section land; provided, however, the
2448 exchange must be based upon values as determined by a competent
2449 appraiser, with any differential in value to be adjusted by cash
2450 payment. Any easement rights granted over sixteenth section land
2451 under such authority shall terminate when the easement ceases to
2452 be used for its stated purpose. No sixteenth section or lieu land
2453 which is subject to an existing lease shall be burdened by any
2454 such easement except by consent of the lessee or unless the school
2455 district shall acquire the unexpired leasehold interest affected
2456 by the easement;

2457 (bb) To charge reasonable fees related to the
2458 educational programs of the district, in the manner prescribed in
2459 Section 37-7-335;

2460 (cc) Subject to rules and regulations of the State
2461 Board of Education, to purchase relocatable classrooms for the use
2462 of such school district, in the manner prescribed in Section
2463 37-1-13;

2464 (dd) Enter into contracts or agreements with other
2465 school districts, political subdivisions or governmental entities
2466 to carry out one or more of the powers or duties of the school
2467 board, or to allow more efficient utilization of limited resources
2468 for providing services to the public;

2469 (ee) To provide for in-service training for employees
2470 of the district;



2471 (ff) As part of their duties to prescribe the use of
2472 textbooks, to provide that parents and legal guardians shall be
2473 responsible for the textbooks and for the compensation to the
2474 school district for any books which are not returned to the proper
2475 schools upon the withdrawal of their dependent child. If a
2476 textbook is lost or not returned by any student who drops out of
2477 the public school district, the parent or legal guardian shall
2478 also compensate the school district for the fair market value of
2479 the textbooks;

2480 (gg) To conduct fund-raising activities on behalf of
2481 the school district that the local school board, in its
2482 discretion, deems appropriate or beneficial to the official or
2483 extracurricular programs of the district; provided that:

2484 (i) Any proceeds of the fund-raising activities
2485 shall be treated as "activity funds" and shall be accounted for as
2486 are other activity funds under this section; and

2487 (ii) Fund-raising activities conducted or
2488 authorized by the board for the sale of school pictures, the
2489 rental of caps and gowns or the sale of graduation invitations for
2490 which the school board receives a commission, rebate or fee shall
2491 contain a disclosure statement advising that a portion of the
2492 proceeds of the sales or rentals shall be contributed to the
2493 student activity fund;

2494 (hh) To allow individual lessons for music, art and
2495 other curriculum-related activities for academic credit or



2496 nonacademic credit during school hours and using school equipment
2497 and facilities, subject to uniform rules and regulations adopted
2498 by the school board;

2499 (ii) To charge reasonable fees for participating in an
2500 extracurricular activity for academic or nonacademic credit for
2501 necessary and required equipment such as safety equipment, band
2502 instruments and uniforms;

2503 (jj) To conduct or participate in any fund-raising
2504 activities on behalf of or in connection with a tax-exempt
2505 charitable organization;

2506 (kk) To exercise such powers as may be reasonably
2507 necessary to carry out the provisions of this section;

2508 (ll) To expend funds for the services of nonprofit arts
2509 organizations or other such nonprofit organizations who provide
2510 performances or other services for the students of the school
2511 district;

2512 (mm) To expend federal No Child Left Behind Act funds,
2513 or any other available funds that are expressly designated and
2514 authorized for that use, to pay training, educational expenses,
2515 salary incentives and salary supplements to employees of local
2516 school districts; except that incentives shall not be considered
2517 part of the local supplement * * *, nor shall incentives be
2518 considered part of the local supplement paid to an individual
2519 teacher for the purposes of Section 37-19-7(1). * * * Mississippi
2520 Uniform Per Student Funding Formula funds or any other state funds



2521 may not be used for salary incentives or salary supplements as
2522 provided in this paragraph (mm);

2523 (nn) To use any available funds, not appropriated or
2524 designated for any other purpose, for reimbursement to the
2525 state-licensed employees from both in state and out of state, who
2526 enter into a contract for employment in a school district, for the
2527 expense of moving when the employment necessitates the relocation
2528 of the licensed employee to a different geographical area than
2529 that in which the licensed employee resides before entering into
2530 the contract. The reimbursement shall not exceed One Thousand
2531 Dollars (\$1,000.00) for the documented actual expenses incurred in
2532 the course of relocating, including the expense of any
2533 professional moving company or persons employed to assist with the
2534 move, rented moving vehicles or equipment, mileage in the amount
2535 authorized for county and municipal employees under Section
2536 25-3-41 if the licensed employee used his personal vehicle or
2537 vehicles for the move, meals and such other expenses associated
2538 with the relocation. No licensed employee may be reimbursed for
2539 moving expenses under this section on more than one (1) occasion
2540 by the same school district. Nothing in this section shall be
2541 construed to require the actual residence to which the licensed
2542 employee relocates to be within the boundaries of the school
2543 district that has executed a contract for employment in order for
2544 the licensed employee to be eligible for reimbursement for the
2545 moving expenses. However, the licensed employee must relocate



2546 within the boundaries of the State of Mississippi. Any individual
2547 receiving relocation assistance through the Critical Teacher
2548 Shortage Act as provided in Section 37-159-5 shall not be eligible
2549 to receive additional relocation funds as authorized in this
2550 paragraph;

2551 (oo) To use any available funds, not appropriated or
2552 designated for any other purpose, to reimburse persons who
2553 interview for employment as a licensed employee with the district
2554 for the mileage and other actual expenses incurred in the course
2555 of travel to and from the interview at the rate authorized for
2556 county and municipal employees under Section 25-3-41;

2557 (pp) Consistent with the report of the Task Force to
2558 Conduct a Best Financial Management Practices Review, to improve
2559 school district management and use of resources and identify cost
2560 savings as established in Section 8 of Chapter 610, Laws of 2002,
2561 local school boards are encouraged to conduct independent reviews
2562 of the management and efficiency of schools and school districts.
2563 Such management and efficiency reviews shall provide state and
2564 local officials and the public with the following:

2565 (i) An assessment of a school district's
2566 governance and organizational structure;

2567 (ii) An assessment of the school district's
2568 financial and personnel management;

2569 (iii) An assessment of revenue levels and sources;



2570 (iv) An assessment of facilities utilization,
2571 planning and maintenance;

2572 (v) An assessment of food services, transportation
2573 and safety/security systems;

2574 (vi) An assessment of instructional and
2575 administrative technology;

2576 (vii) A review of the instructional management and
2577 the efficiency and effectiveness of existing instructional
2578 programs; and

2579 (viii) Recommended methods for increasing
2580 efficiency and effectiveness in providing educational services to
2581 the public;

2582 (qq) To enter into agreements with other local school
2583 boards for the establishment of an educational service agency
2584 (ESA) to provide for the cooperative needs of the region in which
2585 the school district is located, as provided in Section 37-7-345;

2586 (rr) To implement a financial literacy program for
2587 students in Grades 10 and 11. The board may review the national
2588 programs and obtain free literature from various nationally
2589 recognized programs. After review of the different programs, the
2590 board may certify a program that is most appropriate for the
2591 school districts' needs. If a district implements a financial
2592 literacy program, then any student in Grade 10 or 11 may
2593 participate in the program. The financial literacy program shall
2594 include, but is not limited to, instruction in the same areas of



2595 personal business and finance as required under Section
2596 37-1-3(2) (b). The school board may coordinate with volunteer
2597 teachers from local community organizations, including, but not
2598 limited to, the following: United States Department of
2599 Agriculture Rural Development, United States Department of Housing
2600 and Urban Development, Junior Achievement, bankers and other
2601 nonprofit organizations. Nothing in this paragraph shall be
2602 construed as to require school boards to implement a financial
2603 literacy program;

2604 (ss) To collaborate with the State Board of Education,
2605 Community Action Agencies or the Department of Human Services to
2606 develop and implement a voluntary program to provide services for
2607 a prekindergarten program that addresses the cognitive, social,
2608 and emotional needs of four-year-old and three-year-old children.
2609 The school board may utilize any source of available revenue to
2610 fund the voluntary program. Effective with the 2013-2014 school
2611 year, to implement voluntary prekindergarten programs under the
2612 Early Learning Collaborative Act of 2013 pursuant to state funds
2613 awarded by the State Department of Education on a matching basis;

2614 (tt) With respect to any lawful, written obligation of
2615 a school district, including, but not limited to, leases
2616 (excluding leases of sixteenth section public school trust land),
2617 bonds, notes, or other agreement, to agree in writing with the
2618 obligee that the Department of Revenue or any state agency,
2619 department or commission created under state law may:



2620 (i) Withhold all or any part (as agreed by the
2621 school board) of any monies which such local school board is
2622 entitled to receive from time to time under any law and which is
2623 in the possession of the Department of Revenue, or any state
2624 agency, department or commission created under state law; and

2625 (ii) Pay the same over to any financial
2626 institution, trustee or other obligee, as directed in writing by
2627 the school board, to satisfy all or part of such obligation of the
2628 school district.

2629 The school board may make such written agreement to withhold
2630 and transfer funds irrevocable for the term of the written
2631 obligation and may include in the written agreement any other
2632 terms and provisions acceptable to the school board. If the
2633 school board files a copy of such written agreement with the
2634 Department of Revenue, or any state agency, department or
2635 commission created under state law then the Department of Revenue
2636 or any state agency, department or commission created under state
2637 law shall immediately make the withholdings provided in such
2638 agreement from the amounts due the local school board and shall
2639 continue to pay the same over to such financial institution,
2640 trustee or obligee for the term of the agreement.

2641 This paragraph (tt) shall not grant any extra authority to a
2642 school board to issue debt in any amount exceeding statutory
2643 limitations on assessed value of taxable property within such
2644 school district or the statutory limitations on debt maturities,



2645 and shall not grant any extra authority to impose, levy or collect
2646 a tax which is not otherwise expressly provided for, and shall not
2647 be construed to apply to sixteenth section public school trust
2648 land;

2649 (uu) With respect to any matter or transaction that is
2650 competitively bid by a school district, to accept from any bidder
2651 as a good-faith deposit or bid bond or bid surety, the same type
2652 of good-faith deposit or bid bond or bid surety that may be
2653 accepted by the state or any other political subdivision on
2654 similar competitively bid matters or transactions. This paragraph
2655 (uu) shall not be construed to apply to sixteenth section public
2656 school trust land. The school board may authorize the investment
2657 of any school district funds in the same kind and manner of
2658 investments, including pooled investments, as any other political
2659 subdivision, including community hospitals;

2660 (vv) To utilize the alternate method for the conveyance
2661 or exchange of unused school buildings and/or land, reserving a
2662 partial or other undivided interest in the property, as
2663 specifically authorized and provided in Section 37-7-485;

2664 (ww) To delegate, privatize or otherwise enter into a
2665 contract with private entities for the operation of any and all
2666 functions of nonacademic school process, procedures and operations
2667 including, but not limited to, cafeteria workers, janitorial
2668 services, transportation, professional development, achievement
2669 and instructional consulting services materials and products,



2670 purchasing cooperatives, insurance, business manager services,
2671 auditing and accounting services, school safety/risk prevention,
2672 data processing and student records, and other staff services;
2673 however, the authority under this paragraph does not apply to the
2674 leasing, management or operation of sixteenth section lands.
2675 Local school districts, working through their regional education
2676 service agency, are encouraged to enter into buying consortia with
2677 other member districts for the purposes of more efficient use of
2678 state resources as described in Section 37-7-345;

2679 (xx) To partner with entities, organizations and
2680 corporations for the purpose of benefiting the school district;

2681 (yy) To borrow funds from the Rural Economic
2682 Development Authority for the maintenance of school buildings;

2683 (zz) To fund and operate voluntary early childhood
2684 education programs, defined as programs for children less than
2685 five (5) years of age on or before September 1, and to use any
2686 source of revenue for such early childhood education programs.
2687 Such programs shall not conflict with the Early Learning
2688 Collaborative Act of 2013;

2689 (aaa) To issue and provide for the use of procurement
2690 cards by school board members, superintendents and licensed school
2691 personnel consistent with the rules and regulations of the
2692 Mississippi Department of Finance and Administration under Section
2693 31-7-9; and



2694 (bbb) To conduct an annual comprehensive evaluation of
2695 the superintendent of schools consistent with the assessment
2696 components of paragraph (pp) of this section and the assessment
2697 benchmarks established by the Mississippi School Board Association
2698 to evaluate the success the superintendent has attained in meeting
2699 district goals and objectives, the superintendent's leadership
2700 skill and whether or not the superintendent has established
2701 appropriate standards for performance, is monitoring success and
2702 is using data for improvement.

2703 **SECTION 41.** Section 37-7-302, Mississippi Code of 1972, is
2704 amended as follows:

2705 37-7-302. The board of trustees of any school district shall
2706 be authorized to borrow such funds as may be reasonable and
2707 necessary from the federal government, the State of Mississippi or
2708 any political subdivision or entity thereof, or any other
2709 governmental agency, from any individual, partnership, nonprofit
2710 corporation or private for-profit corporation, to aid such school
2711 districts in asbestos removal, to be repaid out of any * * * funds
2712 other than uniform per student funding formula funds; provided,
2713 however, that the grant of authority shall in no way be construed
2714 to require said boards of trustees to remove asbestos material or
2715 substances from any facilities under their control, nor shall
2716 there be any liability to said school districts or boards for the
2717 failure to so remove such asbestos materials. All indebtedness
2718 incurred under the provisions of this section shall be evidenced



2719 by the negotiable notes or certificates of indebtedness of the
2720 school district on whose behalf the money is borrowed. Said notes
2721 or certificates of indebtedness of the school district on whose
2722 behalf the money is borrowed shall be signed by the president of
2723 the school board and superintendent of schools of such school
2724 district. Such notes or certificates of indebtedness shall not
2725 bear a greater overall maximum interest rate to maturity than the
2726 rates now or hereafter authorized under the provisions of Section
2727 19-9-19. No such notes or certificates of indebtedness shall be
2728 issued and sold for less than par and accrued interest. All notes
2729 or certificates of indebtedness shall mature in approximately
2730 equal installments of principal and interest over a period not to
2731 exceed twenty (20) years from the dates of the issuance thereof.
2732 Principal and interest shall be payable in such manner as may be
2733 determined by the school board. Such notes or certificates of
2734 indebtedness shall be issued in such form and in such
2735 denominations as may be determined by the school board and same
2736 may be made payable at the office of any bank or trust company
2737 selected by the school board and, in such case, funds for the
2738 payment of principal and interest due thereon shall be provided in
2739 the same manner provided by law for the payment of the principal
2740 and interest due on bonds issued by the taxing districts of this
2741 state.

2742 **SECTION 42.** Section 37-7-303, Mississippi Code of 1972, is
2743 amended as follows:



2744 37-7-303. (1) The school board of any school district may
2745 insure motor vehicles for any hazard that the board may choose,
2746 and shall insure the school buildings, equipment and other school
2747 property of the district against any and all hazards that the
2748 board may deem necessary to provide insurance against. In
2749 addition, the local school board of any school district shall
2750 purchase and maintain business property insurance and business
2751 personal property insurance on all school district-owned buildings
2752 and/or contents as required by federal law and regulations of the
2753 Federal Emergency Management Agency (FEMA) as is necessary for
2754 receiving public assistance or reimbursement for repair,
2755 reconstruction, replacement or other damage to those buildings
2756 and/or contents caused by the Hurricane Katrina Disaster of 2005
2757 or subsequent disasters. The school district is authorized to
2758 expend funds from any available source for the purpose of
2759 obtaining and maintaining that property insurance. The school
2760 district is authorized to enter into agreements with the
2761 Department of Finance and Administration, other local school
2762 districts, community/junior college districts, state institutions
2763 of higher learning, community hospitals and/or other state
2764 agencies to pool their liabilities to participate in a group
2765 business property and/or business personal property insurance
2766 program, subject to uniform rules and regulations as may be
2767 adopted by the Department of Finance and Administration. Such
2768 school board shall be authorized to contract for such insurance



2769 for a term of not exceeding five (5) years and to obligate the
2770 district for the payment of the premiums thereon. When necessary,
2771 the school board is authorized and empowered, in its discretion,
2772 to borrow money payable in annual installments for a period of not
2773 exceeding five (5) years at a rate of interest not exceeding eight
2774 percent (8%) per annum to provide funds to pay such insurance
2775 premiums. The money so borrowed and the interest thereon shall be
2776 payable from any school funds of the district other than * * *
2777 uniform per student funding formula funds. The school boards of
2778 school districts are further authorized and empowered, in all
2779 cases where same may be necessary, to bring and maintain suits and
2780 other actions in any court of competent jurisdiction for the
2781 purpose of collecting the proceeds of insurance policies issued
2782 upon the property of such school district.

2783 (2) Two (2) or more school districts, together with other
2784 educational entities or agencies, may agree to pool their
2785 liabilities to participate in a group workers' compensation
2786 program. The governing authorities of any school board or other
2787 educational entity or agency may authorize the organization and
2788 operation of, or the participation in such a group self-insurance
2789 program with other school boards and educational entities or
2790 agencies, subject to the requirements of Section 71-3-5. The
2791 Workers' Compensation Commission shall approve such group
2792 self-insurance programs subject to uniform rules and regulations
2793 as may be adopted by the commission applicable to all groups.



2794 **SECTION 43.** Section 37-7-307, Mississippi Code of 1972, is
2795 amended as follows:

2796 37-7-307. (1) For purposes of this section, the term
2797 "licensed employee" means any employee of a public school district
2798 required to hold a valid license by the Commission on Teacher and
2799 Administrator Education, Certification and Licensure and
2800 Development.

2801 (2) The school board of a school district shall establish by
2802 rules and regulations a policy of sick leave with pay for licensed
2803 employees and teacher assistants employed in the school district,
2804 and such policy shall include the following minimum provisions for
2805 sick and emergency leave with pay:

2806 (a) Each licensed employee and teacher assistant, at
2807 the beginning of each school year, shall be credited with a
2808 minimum sick leave allowance, with pay, of seven (7) days for
2809 absences caused by illness or physical disability of the employee
2810 during that school year.

2811 (b) Any unused portion of the total sick leave
2812 allowance shall be carried over to the next school year and
2813 credited to such licensed employee and teacher assistant if the
2814 licensed employee or teacher assistant remains employed in the
2815 same school district. In the event any public school licensed
2816 employee or teacher assistant transfers from one public school
2817 district in Mississippi to another, any unused portion of the
2818 total sick leave allowance credited to such licensed employee or



2819 teacher assistant shall be credited to such licensed employee or
2820 teacher assistant in the computation of unused leave for
2821 retirement purposes under Section 25-11-109. Accumulation of sick
2822 leave allowed under this section shall be unlimited.

2823 (c) No deduction from the pay of such licensed employee
2824 or teacher assistant may be made because of absence of such
2825 licensed employee or teacher assistant caused by illness or
2826 physical disability of the licensed employee or teacher assistant
2827 until after all sick leave allowance credited to such licensed
2828 employee or teacher assistant has been used.

2829 (d) For the first ten (10) days of absence of a
2830 licensed employee because of illness or physical disability, in
2831 any school year, in excess of the sick leave allowance credited to
2832 such licensed employee, there shall be deducted from the pay of
2833 such licensed employee the established substitute amount of
2834 licensed employee compensation paid in that local school district,
2835 necessitated because of the absence of the licensed employee as a
2836 result of illness or physical disability. In lieu of deducting
2837 the established substitute amount from the pay of such licensed
2838 employee, the policy may allow the licensed employee to receive
2839 full pay for the first ten (10) days of absence because of illness
2840 or physical disability, in any school year, in excess of the sick
2841 leave allowance credited to such licensed employee. Thereafter,
2842 the regular pay of such absent licensed employee shall be



2843 suspended and withheld in its entirety for any period of absence
2844 because of illness or physical disability during that school year.

2845 (3) (a) Beginning with the school year 1983-1984, each
2846 licensed employee at the beginning of each school year shall be
2847 credited with a minimum personal leave allowance, with pay, of two
2848 (2) days for absences caused by personal reasons during that
2849 school year. Effective for the 2010-2011 and 2011-2012 school
2850 years, licensed employees shall be credited with an additional
2851 one-half (1/2) day of personal leave for every day the licensed
2852 employee is furloughed without pay as provided in Section
2853 37-7-308. Except as otherwise provided in paragraph (b) of this
2854 subsection, such personal leave shall not be taken on the first
2855 day of the school term, the last day of the school term, on a day
2856 previous to a holiday or a day after a holiday. Personal leave
2857 may be used for professional purposes, including absences caused
2858 by attendance of such licensed employee at a seminar, class,
2859 training program, professional association or other functions
2860 designed for educators. No deduction from the pay of such
2861 licensed employee may be made because of absence of such licensed
2862 employee caused by personal reasons until after all personal leave
2863 allowance credited to such licensed employee has been used.
2864 However, the superintendent of a school district, in his
2865 discretion, may allow a licensed employee personal leave in
2866 addition to any minimum personal leave allowance, under the
2867 condition that there shall be deducted from the salary of such



2868 licensed employee the actual amount of any compensation paid to
2869 any person as a substitute, necessitated because of the absence of
2870 the licensed employee. Any unused portion of the total personal
2871 leave allowance up to five (5) days shall be carried over to the
2872 next school year and credited to such licensed employee if the
2873 licensed employee remains employed in the same school district.
2874 Any personal leave allowed for a furlough day shall not be carried
2875 over to the next school year.

2876 (b) Notwithstanding the restrictions on the use of
2877 personal leave prescribed under paragraph (a) of this subsection,
2878 a licensed employee may use personal leave as follows:

2879 (i) Personal leave may be taken on the first day
2880 of the school term, the last day of the school term, on a day
2881 previous to a holiday or a day after a holiday if, on the
2882 applicable day, an immediate family member of the employee is
2883 being deployed for military service.

2884 (ii) Personal leave may be taken on a day previous
2885 to a holiday or a day after a holiday if an employee of a school
2886 district has either a minimum of ten (10) years' experience as an
2887 employee of that school district or a minimum of thirty (30) days
2888 of unused accumulated leave that has been earned while employed in
2889 that school district.

2890 (iii) Personal leave may be taken on the first day
2891 of the school term, the last day of the school term, on a day
2892 previous to a holiday or a day after a holiday if, on the



2893 applicable day, the employee has been summoned to appear for jury
2894 duty or as a witness in court.

2895 (4) Beginning with the school year 1992-1993, each licensed
2896 employee shall be credited with a professional leave allowance,
2897 with pay, for each day of absence caused by reason of such
2898 employee's statutorily required membership and attendance at a
2899 regular or special meeting held within the State of Mississippi of
2900 the State Board of Education, the Commission on Teacher and
2901 Administrator Education, Certification and Licensure and
2902 Development, the Commission on School Accreditation, the
2903 Mississippi Authority for Educational Television, the meetings of
2904 the state textbook rating committees or other meetings authorized
2905 by local school board policy.

2906 (5) Upon retirement from employment, each licensed and
2907 nonlicensed employee shall be paid for not more than thirty (30)
2908 days of unused accumulated leave earned while employed by the
2909 school district in which the employee is last employed. Such
2910 payment for licensed employees shall be made by the school
2911 district at a rate equal to the amount paid to substitute teachers
2912 and for nonlicensed employees, the payment shall be made by the
2913 school district at a rate equal to the federal minimum wage. The
2914 payment shall be treated in the same manner for retirement
2915 purposes as a lump-sum payment for personal leave as provided in
2916 Section 25-11-103(e). Any remaining lawfully credited unused
2917 leave, for which payment has not been made, shall be certified to



2918 the Public Employees' Retirement System in the same manner and
2919 subject to the same limitations as otherwise provided by law for
2920 unused leave. No payment for unused accumulated leave may be made
2921 to either a licensed or nonlicensed employee at termination or
2922 separation from service for any purpose other than for the purpose
2923 of retirement.

2924 (6) The school board may adopt rules and regulations which
2925 will reasonably aid to implement the policy of sick and personal
2926 leave, including, but not limited to, rules and regulations having
2927 the following general effect:

2928 (a) Requiring the absent employee to furnish the
2929 certificate of a physician or dentist or other medical
2930 practitioner as to the illness of the absent licensed employee,
2931 where the absence is for four (4) or more consecutive school days,
2932 or for two (2) consecutive school days immediately preceding or
2933 following a nonschool day;

2934 (b) Providing penalties, by way of full deduction from
2935 salary, or entry on the work record of the employee, or other
2936 appropriate penalties, for any materially false statement by the
2937 employee as to the cause of absence;

2938 (c) Forfeiture of accumulated or future sick leave, if
2939 the absence of the employee is caused by optional dental or
2940 medical treatment or surgery which could, without medical risk,
2941 have been provided, furnished or performed at a time when school
2942 was not in session;



2943 (d) Enlarging, increasing or providing greater sick or
2944 personal leave allowances than the minimum standards established
2945 by this section in the discretion of the school board of each
2946 school district.

2947 (7) School boards may include in their budgets provisions
2948 for the payment of substitute employees, necessitated because of
2949 the absence of regular licensed employees. All such substitute
2950 employees shall be paid wholly from district funds, except as
2951 otherwise provided for long-term substitute teachers in Section
2952 37-19-20. Such school boards, in their discretion, also may pay,
2953 from district funds other than * * * uniform per student funding
2954 formula funds, the whole or any part of the salaries of all
2955 employees granted leaves for the purpose of special studies or
2956 training.

2957 (8) The school board may further adopt rules and regulations
2958 which will reasonably implement such leave policies for all other
2959 nonlicensed and hourly paid school employees as the board deems
2960 appropriate. Effective for the 2010-2011 and 2011-2012 school
2961 years, nonlicensed employees shall be credited with an additional
2962 one-half (1/2) day of personal leave for every day the nonlicensed
2963 employee is furloughed without pay as provided in Section
2964 37-7-308.

2965 (9) Vacation leave granted to either licensed or nonlicensed
2966 employees shall be synonymous with personal leave. Unused
2967 vacation or personal leave accumulated by licensed employees in



2968 excess of the maximum five (5) days which may be carried over from
2969 one year to the next may be converted to sick leave. The annual
2970 conversion of unused vacation or personal leave to sick days for
2971 licensed or unlicensed employees shall not exceed the allowable
2972 number of personal leave days as provided in Section 25-3-93. The
2973 annual total number of converted unused vacation and/or personal
2974 days added to the annual unused sick days for any employee shall
2975 not exceed the combined allowable number of days per year provided
2976 in Sections 25-3-93 and 25-3-95. Local school board policies that
2977 provide for vacation, personal and sick leave for employees shall
2978 not exceed the provisions for leave as provided in Sections
2979 25-3-93 and 25-3-95. Any personal or vacation leave previously
2980 converted to sick leave under a lawfully adopted policy before May
2981 1, 2004, or such personal or vacation leave accumulated and
2982 available for use prior to May 1, 2004, under a lawfully adopted
2983 policy but converted to sick leave after May 1, 2004, shall be
2984 recognized as accrued leave by the local school district and
2985 available for use by the employee. The leave converted under a
2986 lawfully adopted policy prior to May 1, 2004, or such personal and
2987 vacation leave accumulated and available for use as of May 1,
2988 2004, which was subsequently converted to sick leave may be
2989 certified to the Public Employees' Retirement System upon
2990 termination of employment and any such leave previously converted
2991 and certified to the Public Employees' Retirement System shall be
2992 recognized.



2993 (10) (a) For the purposes of this subsection, the following
2994 words and phrases shall have the meaning ascribed in this
2995 paragraph unless the context requires otherwise:

2996 (i) "Catastrophic injury or illness" means a
2997 life-threatening injury or illness of an employee or a member of
2998 an employee's immediate family that totally incapacitates the
2999 employee from work, as verified by a licensed physician, and
3000 forces the employee to exhaust all leave time earned by that
3001 employee, resulting in the loss of compensation from the local
3002 school district for the employee. Conditions that are short-term
3003 in nature, including, but not limited to, common illnesses such as
3004 influenza and the measles, and common injuries, are not
3005 catastrophic. Chronic illnesses or injuries, such as cancer or
3006 major surgery, that result in intermittent absences from work and
3007 that are long-term in nature and require long recuperation periods
3008 may be considered catastrophic.

3009 (ii) "Immediate family" means spouse, parent,
3010 stepparent, sibling, child or stepchild.

3011 (b) Any school district employee may donate a portion
3012 of his or her unused accumulated personal leave or sick leave to
3013 another employee of the same school district who is suffering from
3014 a catastrophic injury or illness or who has a member of his or her
3015 immediate family suffering from a catastrophic injury or illness,
3016 in accordance with the following:



3017 (i) The employee donating the leave (the "donor
3018 employee") shall designate the employee who is to receive the
3019 leave (the "recipient employee") and the amount of unused
3020 accumulated personal leave and sick leave that is to be donated,
3021 and shall notify the school district superintendent or his
3022 designee of his or her designation.

3023 (ii) The maximum amount of unused accumulated
3024 personal leave that an employee may donate to any other employee
3025 may not exceed a number of days that would leave the donor
3026 employee with fewer than seven (7) days of personal leave
3027 remaining, and the maximum amount of unused accumulated sick leave
3028 that an employee may donate to any other employee may not exceed
3029 fifty percent (50%) of the unused accumulated sick leave of the
3030 donor employee.

3031 (iii) An employee must have exhausted all of his
3032 or her available leave before he or she will be eligible to
3033 receive any leave donated by another employee. Eligibility for
3034 donated leave shall be based upon review and approval by the donor
3035 employee's supervisor.

3036 (iv) Before an employee may receive donated leave,
3037 he or she must provide the school district superintendent or his
3038 designee with a physician's statement that states that the illness
3039 meets the catastrophic criteria established under this section,
3040 the beginning date of the catastrophic injury or illness, a
3041 description of the injury or illness, and a prognosis for recovery



3042 and the anticipated date that the recipient employee will be able
3043 to return to work.

3044 (v) Before an employee may receive donated leave,
3045 the superintendent of education of the school district shall
3046 appoint a review committee to approve or disapprove the said
3047 donations of leave, including the determination that the illness
3048 is catastrophic within the meaning of this section.

3049 (vi) If the total amount of leave that is donated
3050 to any employee is not used by the recipient employee, the whole
3051 days of donated leave shall be returned to the donor employees on
3052 a pro rata basis, based on the ratio of the number of days of
3053 leave donated by each donor employee to the total number of days
3054 of leave donated by all donor employees.

3055 (vii) Donated leave shall not be used in lieu of
3056 disability retirement.

3057 **SECTION 44.** Section 37-7-319, Mississippi Code of 1972, is
3058 amended as follows:

3059 37-7-319. All public school boards may purchase group
3060 insurance coverage for the liability of all of its active
3061 full-time instructional and noninstructional personnel. Such
3062 policy shall be paid for with any funds available other than * * *
3063 uniform per student funding formula funds.

3064 **SECTION 45.** Section 37-7-333, Mississippi Code of 1972, is
3065 amended as follows:



3066 37-7-333. The school boards of all school districts shall
3067 have full control of the receipt, distribution, allotment and
3068 disbursement of all funds which may be provided for the support
3069 and maintenance of the schools of such district whether such funds
3070 be * * * uniform per student funding formula allotments, funds
3071 derived from supplementary tax levies as authorized by law, or
3072 funds derived from any other source whatsoever except as may
3073 otherwise be provided by law for control of the proceeds from
3074 school bonds or notes and the taxes levied to pay the principal of
3075 and interest on such bonds or notes. The tax collector of each
3076 county shall make reports, in writing, verified by his affidavit,
3077 on or before the twentieth day of each month to the superintendent
3078 of schools of each school district within such county reflecting
3079 all school district taxes collected by him for the support of said
3080 school district during the preceding month. He shall at the same
3081 time pay over all such school district taxes collected by him for
3082 the support of said school district directly to said
3083 superintendent of schools.

3084 All such allotments or funds shall be placed in the
3085 depository or depositories selected by the school board in the
3086 same manner as provided in Section 27-105-305 for the selection of
3087 county depositories. Provided, however, the annual notice to be
3088 given by the school board to financial institutions may be given
3089 by the school board at any regular meeting subsequent to the
3090 board's regular December meeting but prior to the regular May



3091 meeting. The bids of financial institutions for the privilege of
3092 keeping school funds may be received by the school board at some
3093 subsequent meeting, but no later than the regular June meeting;
3094 and the selection by the school board of the depository or
3095 depositories shall be effective on July 1 of each year. School
3096 boards shall advertise and accept bids for depositories, no less
3097 than once every three (3) years, when such board determines that
3098 it can obtain a more favorable rate of interest and less
3099 administrative processing. Such depository shall place on deposit
3100 with the superintendent of schools the same securities as required
3101 in Section 27-105-315.

3102 In the event a bank submits a bid or offer to a school
3103 district to act as a depository for the district and such bid or
3104 offer, if accepted, would result in a contract in which a member
3105 of the school board would have a direct or indirect interest, the
3106 school board should not open or consider any bids received. The
3107 superintendent of schools shall submit the matter to the State
3108 Treasurer, who shall have the authority to solicit bids, select a
3109 depository or depositories, make all decisions and take any action
3110 within the authority of the school board under this section
3111 relating to the selection of a depository or depositories.

3112 **SECTION 46.** Section 37-7-339, Mississippi Code of 1972, is
3113 amended as follows:

3114 37-7-339. (1) The school board of any local school
3115 district, in its discretion, may provide extended day and extended



3116 school year programs for kindergarten or compulsory-school-age
3117 students, or both, and may expend any funds for these purposes
3118 which are available from sources other than the * * * uniform per
3119 student funding formula. It is not the intent of the Legislature,
3120 in enacting this section, to interfere with the Headstart program.
3121 School boards, in their discretion, may charge participants a
3122 reasonable fee for such programs.

3123 (2) The school board of any school district may adopt any
3124 orders, policies, rules or regulations with respect to instruction
3125 within that school district for which no specific provision has
3126 been made by general law and which are not inconsistent with the
3127 Mississippi Constitution of 1890, the Mississippi Code of 1972, or
3128 any order, policy, rule or regulation of the State Board of
3129 Education; those school boards also may alter, modify and repeal
3130 any orders, policies, rules or regulations enacted under this
3131 subsection. Any such program pertaining to reading must further
3132 the goal that Mississippi students will demonstrate a growing
3133 proficiency in reading and will reach or exceed the national
3134 average within the next decade.

3135 **SECTION 47.** Section 37-7-419, Mississippi Code of 1972, is
3136 amended as follows:

3137 37-7-419. The various school districts which may become
3138 parties to any such agreement are authorized to appropriate and
3139 expend for the purposes thereof any and all funds which may be
3140 required to carry out the terms of any such agreement from any



3141 funds available to any such party to such an agreement not
3142 otherwise appropriated without limitation as to the source of such
3143 funds, including * * * uniform per student funding formula funds,
3144 sixteenth section funds, funds received from the federal
3145 government or other sources by way of grant, donation or
3146 otherwise, and funds which may be available to any such party
3147 through the State Department of Education or any other agency of
3148 the state, regardless of the party to such agreement designated
3149 thereby to be primarily responsible for the construction or
3150 operation of any such regional high school center and regardless
3151 of the limitation on the expenditure of any such funds imposed by
3152 any other statute. However, no such funds whose use was originally
3153 limited to the construction of capital improvements shall be
3154 utilized for the purpose of defraying the administrative or
3155 operating costs of any such center. Any one or more of the
3156 parties to such an agreement may be designated as the fiscal agent
3157 or contracting party in carrying out any of the purposes of such
3158 agreement, and any and all funds authorized to be spent therefor
3159 by any of the said parties may be paid over to the fiscal agent or
3160 contracting party for disbursement by such fiscal agent or
3161 contracting party. Such disbursements shall be made and
3162 contracted for under the laws and regulations applicable to such
3163 fiscal or disbursing agent. All of the school district parties to
3164 any such agreement may issue bonds, negotiable notes or other
3165 evidences of indebtedness for the purpose of providing funds for



3166 the acquisition of land and for the construction of buildings and
3167 permanent improvements under the terms of any such agreement under
3168 any existing laws authorizing the issuance or sale thereof to
3169 provide funds for any capital improvement.

3170 **SECTION 48.** Section 37-9-17, Mississippi Code of 1972, is
3171 amended as follows:

3172 37-9-17. (1) On or before April 1 of each year, the
3173 principal of each school shall recommend to the superintendent of
3174 the local school district the licensed employees or
3175 noninstructional employees to be employed for the school involved
3176 except those licensed employees or noninstructional employees who
3177 have been previously employed and who have a contract valid for
3178 the ensuing scholastic year. If such recommendations meet with
3179 the approval of the superintendent, the superintendent shall
3180 recommend the employment of such licensed employees or
3181 noninstructional employees to the local school board, and, unless
3182 good reason to the contrary exists, the board shall elect the
3183 employees so recommended. If, for any reason, the local school
3184 board shall decline to elect any employee so recommended,
3185 additional recommendations for the places to be filled shall be
3186 made by the principal to the superintendent and then by the
3187 superintendent to the local school board as provided above. The
3188 school board of any local school district shall be authorized to
3189 designate a personnel supervisor or another principal employed by
3190 the school district to recommend to the superintendent licensed



3191 employees or noninstructional employees; however, this
3192 authorization shall be restricted to no more than two (2)
3193 positions for each employment period for each school in the local
3194 school district. Any noninstructional employee employed upon the
3195 recommendation of a personnel supervisor or another principal
3196 employed by the local school district must have been employed by
3197 the local school district at the time the superintendent was
3198 elected or appointed to office; a noninstructional employee
3199 employed under this authorization may not be paid compensation in
3200 excess of the statewide average compensation for such
3201 noninstructional position with comparable experience, as
3202 established by the State Department of Education. The school
3203 board of any local school district shall be authorized to
3204 designate a personnel supervisor or another principal employed by
3205 the school district to accept the recommendations of principals or
3206 their designees for licensed employees or noninstructional
3207 employees and to transmit approved recommendations to the local
3208 school board; however, this authorization shall be restricted to
3209 no more than two (2) positions for each employment period for each
3210 school in the local school district.

3211 When the licensed employees have been elected as provided in
3212 the preceding paragraph, the superintendent of the district shall
3213 enter into a contract with such persons in the manner provided in
3214 this chapter.



3215 If, at the commencement of the scholastic year, any licensed
3216 employee shall present to the superintendent a license of a higher
3217 grade than that specified in such individual's contract, such
3218 individual may, if funds are available from * * * uniform per
3219 student funding formula funds of the district, or from district
3220 funds, be paid from such funds the amount to which such higher
3221 grade license would have entitled the individual, had the license
3222 been held at the time the contract was executed.

3223 (2) Superintendents/directors of schools under the purview
3224 of the State Board of Education, the superintendent of the local
3225 school district and any private firm under contract with the local
3226 public school district to provide substitute teachers to teach
3227 during the absence of a regularly employed schoolteacher shall
3228 require, through the appropriate governmental authority, that
3229 current criminal records background checks and current child abuse
3230 registry checks are obtained, and that such criminal record
3231 information and registry checks are on file for any new hires
3232 applying for employment as a licensed or nonlicensed employee at a
3233 school and not previously employed in such school under the
3234 purview of the State Board of Education or at such local school
3235 district prior to July 1, 2000. In order to determine the
3236 applicant's suitability for employment, the applicant shall be
3237 fingerprinted. If no disqualifying record is identified at the
3238 state level, the fingerprints shall be forwarded by the Department
3239 of Public Safety to the Federal Bureau of Investigation for a



3240 national criminal history record check. The fee for such
3241 fingerprinting and criminal history record check shall be paid by
3242 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
3243 State Board of Education, the school board of the local school
3244 district or a private firm under contract with a local school
3245 district to provide substitute teachers to teach during the
3246 temporary absence of the regularly employed schoolteacher, in its
3247 discretion, may elect to pay the fee for the fingerprinting and
3248 criminal history record check on behalf of any applicant. Under
3249 no circumstances shall a member of the State Board of Education,
3250 superintendent/director of schools under the purview of the State
3251 Board of Education, local school district superintendent, local
3252 school board member or any individual other than the subject of
3253 the criminal history record checks disseminate information
3254 received through any such checks except insofar as required to
3255 fulfill the purposes of this section. Any nonpublic school which
3256 is accredited or approved by the State Board of Education may
3257 avail itself of the procedures provided for herein and shall be
3258 responsible for the same fee charged in the case of local public
3259 schools of this state. The determination whether the applicant
3260 has a disqualifying crime, as set forth in subsection (3) of this
3261 section, shall be made by the appropriate governmental authority,
3262 and the appropriate governmental authority shall notify the
3263 private firm whether a disqualifying crime exists.



3264 (3) If such fingerprinting or criminal record checks
3265 disclose a felony conviction, guilty plea or plea of nolo
3266 contendere to a felony of possession or sale of drugs, murder,
3267 manslaughter, armed robbery, rape, sexual battery, sex offense
3268 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
3269 burglary, gratification of lust or aggravated assault which has
3270 not been reversed on appeal or for which a pardon has not been
3271 granted, the new hire shall not be eligible to be employed at such
3272 school. Any employment contract for a new hire executed by the
3273 superintendent of the local school district or any employment of a
3274 new hire by a superintendent/director of a new school under the
3275 purview of the State Board of Education or by a private firm shall
3276 be voidable if the new hire receives a disqualifying criminal
3277 record check. However, the State Board of Education or the school
3278 board may, in its discretion, allow any applicant aggrieved by the
3279 employment decision under this section to appear before the
3280 respective board, or before a hearing officer designated for such
3281 purpose, to show mitigating circumstances which may exist and
3282 allow the new hire to be employed at the school. The State Board
3283 of Education or local school board may grant waivers for such
3284 mitigating circumstances, which shall include, but not be limited
3285 to: (a) age at which the crime was committed; (b) circumstances
3286 surrounding the crime; (c) length of time since the conviction and
3287 criminal history since the conviction; (d) work history; (e)
3288 current employment and character references; (f) other evidence



3289 demonstrating the ability of the person to perform the employment
3290 responsibilities competently and that the person does not pose a
3291 threat to the health or safety of the children at the school.

3292 (4) No local school district, local school district
3293 employee, member of the State Board of Education or employee of a
3294 school under the purview of the State Board of Education shall be
3295 held liable in any employment discrimination suit in which an
3296 allegation of discrimination is made regarding an employment
3297 decision authorized under this Section 37-9-17.

3298 **SECTION 49.** Section 37-9-23, Mississippi Code of 1972, is
3299 amended as follows:

3300 37-9-23. The superintendent shall enter into a contract with
3301 each assistant superintendent, principal, licensed employee and
3302 person anticipating graduation from an approved teacher education
3303 program or the issuance of a proper license before October 15 or
3304 February 15, as the case may be, who is elected and approved for
3305 employment by the school board. Such contracts shall be in such
3306 form as shall be prescribed by the State Board of Education and
3307 shall be executed in duplicate with one (1) copy to be retained by
3308 the appropriate superintendent and one (1) copy to be retained by
3309 the principal, licensed employee or person recommended for a
3310 licensed position contracted with. The contract shall show the
3311 name of the district, the length of the school term, the position
3312 held (whether an assistant superintendent, principal or licensed
3313 employee), the scholastic years which it covers, the total amount



3314 of the annual salary and how same is payable. The amount of
3315 salary to be shown in such contract shall be the amount which
3316 shall have been fixed and determined by the school board, but, as
3317 to the licensed employees paid, in whole or in part, with * * *
3318 uniform per student funding formula funds, such salary shall not
3319 be less than that required under the provisions of Chapter 19 of
3320 this title. Beginning with the 2010-2011 school year, the
3321 contract shall include a provision allowing the school district to
3322 reduce the state minimum salary by a pro rata daily amount in
3323 order to comply with the school district employee furlough
3324 provisions of Section 37-7-308, and shall include a provision
3325 which conditions the payment of such salary upon the availability
3326 of * * * uniform per student funding formula funds provided for
3327 salaries. The contract entered into with any person recommended
3328 for a licensed position who is anticipating either graduation from
3329 an approved teacher education program before September 1 or
3330 December 31, as the case may be, or the issuance of a proper
3331 license before October 15 or February 15, as the case may be,
3332 shall be a conditional contract and shall include a provision
3333 stating that the contract will be null and void if, as specified
3334 in the contract, the contingency upon which the contract is
3335 conditioned has not occurred. If any superintendent, other than
3336 those elected, principal, licensed employee or person recommended
3337 for a licensed position who has been elected and approved shall
3338 not execute and return the contract within ten (10) days after



3339 same has been tendered to him for execution, then, at the option
3340 of the school board, the election of the licensed employee and the
3341 contract tendered to him shall be void and of no effect.

3342 **SECTION 50.** Section 37-9-25, Mississippi Code of 1972, is
3343 amended as follows:

3344 37-9-25. The school board shall have the power and
3345 authority, in its discretion, to employ the superintendent, unless
3346 such superintendent is elected at the November 2015 general
3347 election, for not exceeding four (4) scholastic years and the
3348 principals or licensed employees for not exceeding three (3)
3349 scholastic years. In such case, contracts shall be entered into
3350 with such superintendents, principals and licensed employees for
3351 the number of years for which they have been employed. However,
3352 in the event that a vacancy in the office of the superintendent of
3353 schools elected at the November 2015 general election shall occur
3354 before January 1, 2019, the local school board shall then appoint
3355 the superintendent of the school district and enter into contract
3356 with the appointee for a period not to exceed three (3) scholastic
3357 years. All such contracts with licensed employees shall for the
3358 years after the first year thereof be subject to the contingency
3359 that the licensed employee may be released if, during the life of
3360 the contract, the average daily * * * membership should decrease
3361 from that existing during the previous year and thus necessitate a
3362 reduction in the number of licensed employees during any year
3363 after the first year of the contract. However, in all such cases



3364 the licensed employee must be released before July 1 or at least
3365 thirty (30) days prior to the beginning of the school term,
3366 whichever date should occur earlier. The salary to be paid for
3367 the years after the first year of such contract shall be subject
3368 to revision, either upward or downward, in the event of an
3369 increase or decrease in the funds available for the payment
3370 thereof, but, unless such salary is revised prior to the beginning
3371 of a school year, it shall remain for such school year at the
3372 amount fixed in such contract. However, where school district
3373 funds, other than * * * uniform per student funding formula funds,
3374 are available during the school year in excess of the amount
3375 anticipated at the beginning of the school year the salary to be
3376 paid for such year may be increased to the extent that such
3377 additional funds are available and nothing herein shall be
3378 construed to prohibit same.

3379 **SECTION 51.** Section 37-9-33, Mississippi Code of 1972, is
3380 amended as follows:

3381 37-9-33. (1) In employing and contracting with appointed
3382 superintendents, principals and * * * licensed employees, the
3383 school board shall in all cases determine whether the amount of
3384 salary to be paid such superintendent, principals and * * *
3385 licensed employees is in compliance with the provisions of * * *
3386 this chapter and Section 37-19-7. No contract shall be entered
3387 into where the salary of a superintendent, principal or * * *
3388 licensed employee is to be paid, in whole or in part, from * * *



3389 uniform per student funding formula funds except where the
3390 statutory requirements * * * as to the amount of such salary are
3391 fully met. Nothing herein shall be construed, however, to
3392 prohibit any school district from increasing the salaries of
3393 appointed superintendents, principals and * * * licensed employees
3394 above the amounts fixed by said chapter, provided that the amount
3395 of such increase is paid from funds available to such district
3396 other than * * * uniform per student funding formula funds.
3397 Provided further, that school districts are authorized, in their
3398 discretion, to negotiate the salary levels applicable to * * *
3399 licensed employees employed after July 1, 2009, who are receiving
3400 retirement benefits from the retirement system of another state,
3401 and the annual experience increment provided in Section 37-19-7
3402 shall not be applicable to any such retired * * * licensed
3403 employee. Nothing herein shall be construed to prohibit any
3404 school district from complying with the school district employee
3405 furlough provisions of Section 37-7-308.

3406 (2) Each school district shall provide an annual report to
3407 the State Department of Education on the number of * * * licensed
3408 and * * * nonlicensed employees receiving a salary from the school
3409 district who are also receiving retirement benefits from the
3410 Public Employees' Retirement System. This report shall include
3411 the name of the employee(s), the hours per week for which the
3412 employee is under contract and the services for which the employee



3413 is under contract. Said required annual report shall be in a form
3414 and deadline promulgated by the State Board of Education.

3415 **SECTION 52.** Section 37-9-35, Mississippi Code of 1972, is
3416 amended as follows:

3417 37-9-35. * * * A reduction in the average daily * * *
3418 membership during a current year from that existing in the
3419 preceding year shall not authorize the discharge or release of a
3420 teacher or teachers during such current year. * * *

3421 **SECTION 53.** Section 37-9-37, Mississippi Code of 1972, is
3422 amended as follows:

3423 37-9-37. The amount of the salary to be paid any
3424 superintendent, principal or licensed employee shall be fixed by
3425 the school board, provided that the requirements of * * * this
3426 title are met as to superintendents, principals and licensed
3427 employees paid, in whole or in part, from * * * uniform per
3428 student funding formula funds. In employing such superintendents,
3429 principals and licensed employees and in fixing their salaries,
3430 the school boards shall take into consideration the character,
3431 professional training, experience, executive ability and teaching
3432 capacity of the licensed employee, superintendent or principal.
3433 It is the intent of the Legislature that whenever the salary of
3434 the school district superintendent is set by a school board, the
3435 board shall take into consideration the amount of money that the
3436 district spends per pupil, and shall attempt to insure that the
3437 administrative cost of the district and the amount of the salary



3438 of the superintendent are not excessive in comparison to the per
3439 pupil expenditure of the district.

3440 **SECTION 54.** Section 37-9-77, Mississippi Code of 1972, is
3441 amended as follows:

3442 37-9-77. (1) There is established the Mississippi School
3443 Administrator Sabbatical Program which shall be available to
3444 licensed teachers employed in Mississippi school districts for not
3445 less than three (3) years, for the purpose of allowing such
3446 teachers to become local school district administrators under the
3447 conditions set forth in this section. The State Board of
3448 Education, in coordination with the Board of Trustees of State
3449 Institutions of Higher Learning, shall develop guidelines for the
3450 program. Application shall be made to the State Department of
3451 Education for the Mississippi School Administrator Sabbatical
3452 Program by qualified teachers meeting the criteria for a
3453 department-approved administration program and who have been
3454 recommended by the local school board. Administration programs
3455 that are eligible for the administrator sabbatical program shall
3456 be limited to those that have been approved by the department by
3457 the January 1 preceding the date of admission to the program.
3458 Admission into the program shall authorize the applicant to take
3459 university course work and training leading to an administrator's
3460 license.

3461 (2) The salaries of the teachers approved for participation
3462 in the administrator sabbatical program shall be paid by the



3463 employing school district from * * * funds other than uniform per
3464 student funding formula funds. However, the State Department of
3465 Education shall reimburse the employing school districts for the
3466 cost of the salaries and paid fringe benefits of teachers
3467 participating in the administrator sabbatical program for one (1)
3468 contract year. Reimbursement shall be made in accordance with the
3469 then current * * * salary schedule under Section 37-19-7, except
3470 that the maximum amount of the reimbursement from state funds
3471 shall not exceed the * * * salary prescribed for a teacher holding
3472 a Class A license and having five (5) years' experience. The
3473 local school district shall be responsible for that portion of a
3474 participating teacher's salary attributable to the local
3475 supplement and for any portion of the teacher's salary that
3476 exceeds the maximum amount allowed for reimbursement from state
3477 funds as provided in this subsection, and the school board may not
3478 reduce the local supplement payable to that teacher. Any
3479 reimbursements made by the State Department of Education to local
3480 school districts under this section shall be subject to available
3481 appropriations and may be made only to school districts determined
3482 by the State Board of Education as being in need of
3483 administrators.

3484 (3) Such teachers participating in the program on a
3485 full-time basis shall continue to receive teaching experience and
3486 shall receive the salary prescribed in Section 37-19-7, including
3487 the annual experience increments. Such participants shall be



3488 fully eligible to continue participation in the Public Employees'
3489 Retirement System and the Public School Employees Health Insurance
3490 Plan during the time they are in the program on a full-time basis.

3491 (4) As a condition for participation in the School
3492 Administrator Sabbatical Program, such teachers shall agree to
3493 employment as administrators in the sponsoring school district for
3494 not less than five (5) years following completion of administrator
3495 licensure requirements. Any person failing to comply with this
3496 employment commitment in any required school year, unless the
3497 commitment is deferred as provided in subsection (5) of this
3498 section, shall immediately be in breach of contract and become
3499 liable to the State Department of Education for that amount of his
3500 salary and paid fringe benefits paid by the state while the
3501 teacher was on sabbatical, less twenty percent (20%) of the amount
3502 of his salary and paid fringe benefits paid by the state for each
3503 year that the person was employed as an administrator following
3504 completion of the administrator licensure requirements. In
3505 addition, the person shall become liable to the local school
3506 district for any portion of his salary and paid fringe benefits
3507 paid by the local school district while the teacher was on
3508 sabbatical that is attributable to the local salary supplement or
3509 is attributable to the amount that exceeds the maximum amount
3510 allowed for reimbursement from state funds as provided in
3511 subsection (2) of this section, less twenty percent (20%) of the
3512 amount of his salary and paid fringe benefits paid by the school



3513 district for each year that the person was employed as an
3514 administrator following completion of the administrator licensure
3515 requirements. Interest on the amount due shall accrue at the
3516 current Stafford Loan rate at the time the breach occurs. If the
3517 claim for repayment of such salary and fringe benefits is placed
3518 in the hands of an attorney for collection after default, then the
3519 obligor shall be liable for an additional amount equal to a
3520 reasonable attorney's fee.

3521 (5) If there is not an administrator position immediately
3522 available in the sponsoring school district after a person has
3523 completed the administrator licensure requirements, or if the
3524 administrator position in the sponsoring school district in which
3525 the person is employed is no longer needed before the completion
3526 of the five-year employment commitment, the local school board
3527 shall defer any part of the employment commitment that has not
3528 been met until such time as an administrator position becomes
3529 available in the sponsoring school district. If such a deferral
3530 is made, the sponsoring school district shall employ the person as
3531 a teacher in the school district during the period of deferral,
3532 unless the person desires to be released from employment by the
3533 sponsoring school district and the district agrees to release the
3534 person from employment. If the sponsoring school district
3535 releases a person from employment, that person may be employed as
3536 an administrator in another school district in the state that is
3537 in need of administrators as determined by the State Board of



3538 Education, and that employment for the other school district shall
3539 be applied to any remaining portion of the five-year employment
3540 commitment required under this section. Nothing in this
3541 subsection shall prevent a school district from not renewing the
3542 person's contract before the end of the five-year employment
3543 commitment in accordance with the School Employment Procedures Law
3544 (Section 37-9-101 et seq.). However, if the person is not
3545 employed as an administrator by another school district after
3546 being released by the sponsoring school district, or after his
3547 contract was not renewed by the sponsoring school district, he
3548 shall be liable for repayment of the amount of his salary and
3549 fringe benefits as provided in subsection (4) of this section.

3550 (6) All funds received by the State Department of Education
3551 from the repayment of salary and fringe benefits paid by the state
3552 from program participants shall be deposited in the Mississippi
3553 Critical Teacher Shortage Fund.

3554 **SECTION 55.** Section 37-11-11, Mississippi Code of 1972, is
3555 amended as follows:

3556 37-11-11. (1) For the purposes of this section, the term
3557 "hospital" shall include community-based programs and facilities
3558 licensed or approved by the Department of Mental Health for
3559 treatment of chemical substance use and abuse.

3560 (2) When five (5) or more children of educable mind between
3561 the ages of six (6) and twenty-one (21) years who are capable of
3562 pursuing courses of instruction at secondary school level or below



3563 shall be confined in a hospital for an extended period of time,
3564 such children shall be eligible for and shall be provided with a
3565 program of education, instruction and training within such
3566 hospital in the manner hereinafter set forth, provided that the
3567 need for hospitalization for an extended period of time shall be
3568 certified by the chief of staff of such hospital and that the
3569 ability of such children to do school work shall be certified by
3570 qualified psychologists and/or educators approved by the State
3571 Board of Education.

3572 (3) When five (5) or more children as set forth herein shall
3573 be confined in the same hospital, then the board of trustees of
3574 the school district in which such hospital is located shall be
3575 authorized and empowered, in its discretion, to provide a program
3576 of education, instruction and training to such children within
3577 such hospital. For such purpose the board shall be authorized and
3578 empowered to employ and contract with teachers, provide textbooks
3579 and other instructional materials, correspondence courses and
3580 instructional equipment and appliances, and otherwise provide for
3581 the furnishing of such program and to administer and supervise the
3582 same. Such program shall be furnished in a manner as prescribed
3583 by rules and regulations adopted by the State Board of Education.
3584 The state board shall have full power to adopt such rules,
3585 regulations, policies and standards as it may deem necessary to
3586 carry out the purpose of this section, including the establishment
3587 of qualifications of any teachers employed under the provisions



3588 hereof. It is expressly provided, however, that no program shall
3589 be furnished under this section except in a hospital licensed for
3590 operation by the State of Mississippi and only in cases where such
3591 hospital shall consent thereto, shall provide any classroom space,
3592 furniture and facilities which may be deemed necessary, and
3593 otherwise shall cooperate in carrying out the provisions of this
3594 section. Before such program of education, instruction and
3595 training shall be provided, the governing authorities of said
3596 hospital shall enter into a contract with the board of trustees of
3597 the school district which stipulates that said hospital agrees to
3598 furnish the necessary classroom space, furniture and facilities
3599 and provide for their upkeep, fuel and such other things as may be
3600 necessary for the successful operation of the program of
3601 education, instruction and training.

3602 (4) In cases when children who are residents of school
3603 districts other than the school district providing such education
3604 program may participate in the program prescribed in this section.
3605 The boards of trustees of the districts of which such children are
3606 residents shall pay to the board of trustees of the school
3607 district furnishing such school program the pro rata part of the
3608 expenses of furnishing such school program within such hospital,
3609 which payments may be made from any funds available for the
3610 operation and maintenance of the schools of the district in which
3611 such child is a resident. The amount so paid shall be based upon,
3612 but shall not exceed, the current per pupil cost of education in



3613 the school district of the child's residence, and the amount to be
3614 so paid by the school district of the child's residence shall be
3615 fixed by the State Board of Education. If the amount to be paid
3616 which has been so fixed shall not be paid upon due demand made by
3617 the school district providing a program therefor, then the State
3618 Board of Education shall deduct any such amounts from the next
3619 allocation of * * * funds attributable to any such district and
3620 shall remit the same to the board of trustees of such school
3621 district which is furnishing such school program. If the amounts
3622 so paid by such school districts of the child's residence shall
3623 not be sufficient to pay the expenses of furnishing such program,
3624 then the remainder of such expenses over and above that so paid by
3625 such school districts shall be paid by the State Board of
3626 Education to the school district providing such school program out
3627 of any funds available to the State Board of Education,
3628 including * * * uniform per student funding formula funds.
3629 However, such payments shall not exceed Three Hundred Dollars
3630 (\$300.00) per child in average daily * * * membership in such
3631 program. Provided, however, the State Board of Education shall in
3632 its discretion be authorized and empowered to exceed the said
3633 Three Hundred Dollars (\$300.00) per pupil limitation where such
3634 limitation would make it impractical to operate such a program.
3635 **SECTION 56.** Section 37-13-63, Mississippi Code of 1972, is
3636 amended as follows:



3637 37-13-63. (1) Except as otherwise provided, all public
3638 schools in the state shall be kept in session for at least one
3639 hundred eighty (180) days in each scholastic year.

3640 (2) If the school board of any school district shall
3641 determine that it is not economically feasible or practicable to
3642 operate any school within the district for the full one hundred
3643 eighty (180) days required for a scholastic year as contemplated
3644 due to an enemy attack, a man-made, technological or natural
3645 disaster or extreme weather emergency in which the Governor has
3646 declared a disaster or state of emergency under the laws of this
3647 state or the President of the United States has declared an
3648 emergency or major disaster to exist in this state, the school
3649 board may notify the State Department of Education of the disaster
3650 or weather emergency and submit a plan for altering the school
3651 term. If the State Board of Education finds the disaster or
3652 extreme weather emergency to be the cause of the school not
3653 operating for the contemplated school term and that such school
3654 was in a school district covered by the Governor's or President's
3655 disaster or state of emergency declaration, it may permit that
3656 school board to operate the schools in its district for less than
3657 one hundred eighty (180) days; however, in no instance of a
3658 declared disaster or state of emergency under the provisions of
3659 this subsection shall a school board receive payment from the
3660 State Department of Education for per pupil expenditure for pupils
3661 in average daily * * * membership in excess of ten (10) days.



3662 **SECTION 57.** Section 37-13-64, Mississippi Code of 1972, is
3663 amended as follows:

3664 37-13-64. (1) Beginning with the 2010-2011 school term, any
3665 school district required to close the operation of its schools by
3666 decision of the superintendent, under the authority provided by
3667 the local school board, due to extreme weather conditions, in the
3668 best interests of the health and safety of the students,
3669 administration and staff of the school district, shall be exempt
3670 from the requirement that schools be kept in session a minimum of
3671 one hundred eighty (180) days. Any school district that closes
3672 its schools for reasons authorized under this section shall
3673 receive payment from the State Department of Education for per
3674 pupil expenditure for pupils in average daily * * * membership not
3675 to exceed ten (10) days.

3676 (2) In the event weather conditions are cause for the
3677 closure of operations of schools in any local school district in
3678 any instance in which a state of emergency has not been declared
3679 pursuant to Section * * * 37-151-227(2)(b), the State Board of
3680 Education may consider, on a case-by-case basis, requests
3681 submitted by local school districts to alter the school calendar
3682 consistent with the provision of that section.

3683 **SECTION 58.** Section 37-13-69, Mississippi Code of 1972, is
3684 amended as follows:

3685 37-13-69. All public schools of this state may observe such
3686 legal holidays as may be designated by the local school board, and



3687 no sessions of school shall be held on holidays so designated and
3688 observed. However, all schools shall operate for the full minimum
3689 term required by law exclusive of the holidays authorized by this
3690 section. The holidays thus observed shall not be deducted from
3691 the reports of the superintendents, principals and teachers, and
3692 such superintendents, principals and teachers shall be allowed pay
3693 for full time as though they had taught on those holidays.
3694 However, such holidays shall not be counted or included in any way
3695 in determining the average daily * * * membership of the school.

3696 **SECTION 59.** Section 37-15-38, Mississippi Code of 1972, is
3697 amended as follows:

3698 37-15-38. (1) The following phrases have the meanings
3699 ascribed in this section unless the context clearly requires
3700 otherwise:

3701 (a) A dual enrolled student is a student who is
3702 enrolled in a community or junior college or state institution of
3703 higher learning while enrolled in high school.

3704 (b) A dual credit student is a student who is enrolled
3705 in a community or junior college or state institution of higher
3706 learning while enrolled in high school and who is receiving high
3707 school and college credit for postsecondary coursework.

3708 (2) A local school board, the Board of Trustees of State
3709 Institutions of Higher Learning and the Mississippi Community
3710 College Board shall establish a dual enrollment system under which
3711 students in the school district who meet the prescribed criteria



3712 of this section may be enrolled in a postsecondary institution in
3713 Mississippi while they are still in school.

3714 (3) **Dual credit eligibility.** Before credits earned by a
3715 qualified high school student from a community or junior college
3716 or state institution of higher learning may be transferred to the
3717 student's home school district, the student must be properly
3718 enrolled in a dual enrollment program.

3719 (4) **Admission criteria for dual enrollment in community and**
3720 **junior college or university programs.** The Mississippi Community
3721 College Board and the Board of Trustees of State Institutions of
3722 Higher Learning may recommend to the State Board of Education
3723 admission criteria for dual enrollment programs under which high
3724 school students may enroll at a community or junior college or
3725 university while they are still attending high school and enrolled
3726 in high school courses. Students may be admitted to enroll in
3727 community or junior college courses under the dual enrollment
3728 programs if they meet that individual institution's stated dual
3729 enrollment admission requirements.

3730 (5) **Tuition and cost responsibility.** Tuition and costs for
3731 university-level courses and community and junior college courses
3732 offered under a dual enrollment program may be paid for by the
3733 postsecondary institution, the local school district, the parents
3734 or legal guardians of the student, or by grants, foundations or
3735 other private or public sources. Payment for tuition and any



3736 other costs must be made directly to the credit-granting
3737 institution.

3738 (6) **Transportation responsibility.** Any transportation
3739 required by a student to participate in the dual enrollment
3740 program is the responsibility of the parent, custodian or legal
3741 guardian of the student. Transportation costs may be paid from
3742 any available public or private sources, including the local
3743 school district.

3744 (7) **School district average daily * * * membership credit.**
3745 When dually enrolled, the student may be counted, for * * *
3746 uniform per student funding formula purposes, in the average
3747 daily * * * membership of the public school district in which the
3748 student attends high school.

3749 (8) **High school student transcript transfer requirements.**
3750 Grades and college credits earned by a student admitted to a dual
3751 credit program must be recorded on the high school student record
3752 and on the college transcript at the university or community or
3753 junior college where the student attends classes. The transcript
3754 of the university or community or junior college coursework may be
3755 released to another institution or applied toward college
3756 graduation requirements.

3757 (9) **Determining factor of prerequisites for dual enrollment**
3758 **courses.** Each university and community or junior college
3759 participating in a dual enrollment program shall determine course
3760 prerequisites. Course prerequisites shall be the same for dual



3761 enrolled students as for regularly enrolled students at that
3762 university or community or junior college.

3763 (10) **Process for determining articulation of curriculum**
3764 **between high school, university, and community and junior college**
3765 **courses.** All dual credit courses must meet the standards
3766 established at the postsecondary level. Postsecondary level
3767 developmental courses may not be considered as meeting the
3768 requirements of the dual credit program. Dual credit memorandum
3769 of understandings must be established between each postsecondary
3770 institution and the school district implementing a dual credit
3771 program.

3772 (11) [Deleted]

3773 (12) **Eligible courses for dual credit programs.** Courses
3774 eligible for dual credit include, but are not necessarily limited
3775 to, foreign languages, advanced math courses, advanced science
3776 courses, performing arts, advanced business and technology, and
3777 career and technical courses. Distance Learning Collaborative
3778 Program courses approved under Section 37-67-1 shall be fully
3779 eligible for dual credit. All courses being considered for dual
3780 credit must receive unconditional approval from the superintendent
3781 of the local school district and the chief instructional officer
3782 at the participating community or junior college or university in
3783 order for college credit to be awarded. A university or community
3784 or junior college shall make the final decision on what courses
3785 are eligible for semester hour credits.



3786 (13) **High school Carnegie unit equivalency.** One (1)
3787 three-hour university or community or junior college course is
3788 equal to one (1) high school Carnegie unit.

3789 (14) **Course alignment.** The universities, community and
3790 junior colleges and the State Department of Education shall
3791 periodically review their respective policies and assess the place
3792 of dual credit courses within the context of their traditional
3793 offerings.

3794 (15) **Maximum dual credits allowed.** It is the intent of the
3795 dual enrollment program to make it possible for every eligible
3796 student who desires to earn a semester's worth of college credit
3797 in high school to do so. A qualified dually enrolled high school
3798 student must be allowed to earn an unlimited number of college or
3799 university credits for dual credit.

3800 (16) **Dual credit program allowances.** A student may be
3801 granted credit delivered through the following means:

3802 (a) Examination preparation taught at a high school by
3803 a qualified teacher. A student may receive credit at the
3804 secondary level after completion of an approved course and passing
3805 the standard examination, such as an Advanced Placement or
3806 International Baccalaureate course through which a high school
3807 student is allowed CLEP credit by making a three (3) or higher on
3808 the end-of-course examination.

3809 (b) College or university courses taught at a high
3810 school or designated postsecondary site by a qualified teacher who



3811 is an employee of the school district and approved as an
3812 instructor by the collaborating college or university.

3813 (c) College or university courses taught at a college,
3814 university or high school by an instructor employed by the college
3815 or university and approved by the collaborating school district.

3816 (d) Online courses of any public university, community
3817 or junior college in Mississippi.

3818 (17) **Qualifications of dual credit instructors.** A dual
3819 credit academic instructor must meet the requirements set forth by
3820 the regional accrediting association (Southern Association of
3821 College and Schools). University and community and junior college
3822 personnel have the sole authority in the selection of dual credit
3823 instructors.

3824 A dual credit career and technical education instructor must
3825 meet the requirements set forth by the Mississippi Community
3826 College Board in the qualifications manual for postsecondary
3827 career and technical personnel.

3828 (18) **Guidance on local agreements.** The Chief Academic
3829 Officer of the State Board of Trustees of State Institutions of
3830 Higher Learning and the Chief Instructional Officers of the
3831 Mississippi Community College Board and the State Department of
3832 Education, working collaboratively, shall develop a template to be
3833 used by the individual community and junior colleges and
3834 institutions of higher learning for consistent implementation of
3835 the dual enrollment program throughout the State of Mississippi.



3836 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
3837 A local school board and the local community colleges board shall
3838 establish a Mississippi Works Dual Enrollment-Dual Credit Option
3839 Program under which potential or recent student dropouts may
3840 dually enroll in their home school and a local community college
3841 in a dual credit program consisting of high school completion
3842 coursework and a community college credential, certificate or
3843 degree program. Students completing the dual enrollment-credit
3844 option may obtain their high school diploma while obtaining a
3845 community college credential, certificate or degree. The
3846 Mississippi Department of Employment Security shall assist
3847 students who have successfully completed the Mississippi Works
3848 Dual Enrollment-Dual Credit Option in securing a job upon the
3849 application of the student or the participating school or
3850 community college. The Mississippi Works Dual Enrollment-Dual
3851 Credit Option Program will be implemented statewide in the
3852 2012-2013 school year and thereafter. The State Board of
3853 Education, local school board and the local community college
3854 board shall establish criteria for the Dual Enrollment-Dual Credit
3855 Program. Students enrolled in the program will not be eligible to
3856 participate in interscholastic sports or other extracurricular
3857 activities at the home school district. Tuition and costs for
3858 community college courses offered under the Dual Enrollment-Dual
3859 Credit Program shall not be charged to the student, parents or
3860 legal guardians. When dually enrolled, the student shall be



3861 counted, for * * * uniform per student funding formula purposes,
3862 in the average daily * * * membership of the public school
3863 district in which the student attends high school * * *. Any
3864 transportation required by the student to participate in the Dual
3865 Enrollment-Dual Credit Program is the responsibility of the parent
3866 or legal guardian of the student, and transportation costs may be
3867 paid from any available public or private sources, including the
3868 local school district. Grades and college credits earned by a
3869 student admitted to this Dual Enrollment-Dual Credit Program shall
3870 be recorded on the high school student record and on the college
3871 transcript at the community college and high school where the
3872 student attends classes. The transcript of the community college
3873 coursework may be released to another institution or applied
3874 toward college graduation requirements. Any course that is
3875 required for subject area testing as a requirement for graduation
3876 from a public school in Mississippi is eligible for dual credit,
3877 and courses eligible for dual credit shall also include career,
3878 technical and degree program courses. All courses eligible for
3879 dual credit shall be approved by the superintendent of the local
3880 school district and the chief instructional officer at the
3881 participating community college in order for college credit to be
3882 awarded. A community college shall make the final decision on
3883 what courses are eligible for semester hour credits and the local
3884 school superintendent, subject to approval by the Mississippi
3885 Department of Education, shall make the final decision on the



3886 transfer of college courses credited to the student's high school
3887 transcript.

3888 **SECTION 60.** Section 37-16-3, Mississippi Code of 1972, is
3889 amended as follows:

3890 37-16-3. (1) The State Department of Education is directed
3891 to implement a program of statewide assessment testing which shall
3892 provide for the improvement of the operation and management of the
3893 public schools. The statewide program shall be timed, as far as
3894 possible, so as not to conflict with ongoing district assessment
3895 programs. As part of the program, the department shall:

3896 (a) Establish, with the approval of the State Board of
3897 Education, minimum performance standards related to the goals for
3898 education contained in the state's plan including, but not limited
3899 to, basic skills in reading, writing and mathematics. The minimum
3900 performance standards shall be approved by April 1 in each year
3901 they are established.

3902 (b) Conduct a uniform statewide testing program in
3903 grades deemed appropriate in the public schools, including charter
3904 schools. The program may test skill areas, basic skills and high
3905 school course content.

3906 (c) Monitor the results of the assessment program and,
3907 at any time the composite student performance of a school or basic
3908 program is found to be below the established minimum standards,
3909 notify the district superintendent or the governing board of the
3910 charter school, as the case may be, the school principal and the



3911 school advisory committee or other existing parent group of the
3912 situation within thirty (30) days of its determination. The
3913 department shall further provide technical assistance to a school
3914 district in the identification of the causes of this deficiency
3915 and shall recommend courses of action for its correction.

3916 (d) Provide technical assistance to the school
3917 districts, when requested, in the development of student
3918 performance standards in addition to the established minimum
3919 statewide standards.

3920 (e) Issue security procedure regulations providing for
3921 the security and integrity of the tests that are administered
3922 under the basic skills assessment program.

3923 (f) In case of an allegation of a testing irregularity
3924 that prompts a need for an investigation by the Department of
3925 Education, the department may, in its discretion, take complete
3926 control of the statewide test administration in a school district
3927 or any part thereof, including, but not limited to, obtaining
3928 control of the test booklets and answer documents. In the case of
3929 any verified testing irregularity that jeopardized the security
3930 and integrity of the test(s), validity or the accuracy of the test
3931 results, the cost of the investigation and any other actual and
3932 necessary costs related to the investigation paid by the
3933 Department of Education shall be reimbursed by the local school
3934 district from funds other than federal funds, * * * uniform per
3935 student funding formula funds, or any other state funds within six



3936 (6) months from the date of notice by the department to the school
3937 district to make reimbursement to the department.

3938 (2) Uniform basic skills tests shall be completed by each
3939 student in the appropriate grade. These tests shall be
3940 administered in such a manner as to preserve the integrity and
3941 validity of the assessment. In the event of excused or unexcused
3942 student absences, make-up tests shall be given. The school
3943 superintendent of every school district in the state and the
3944 principal of each charter school shall annually certify to the
3945 State Department of Education that each student enrolled in the
3946 appropriate grade has completed the required basic skills
3947 assessment test for his or her grade in a valid test
3948 administration.

3949 (3) Within five (5) days of completing the administration of
3950 a statewide test, the principal of the school where the test was
3951 administered shall certify under oath to the State Department of
3952 Education that the statewide test was administered in strict
3953 accordance with the Requirements of the Mississippi Statewide
3954 Assessment System as adopted by the State Board of Education. The
3955 principal's sworn certification shall be set forth on a form
3956 developed and approved by the Department of Education. If,
3957 following the administration of a statewide test, the principal
3958 has reason to believe that the test was not administered in strict
3959 accordance with the Requirements of the Mississippi Statewide
3960 Assessment System as adopted by the State Board of Education, the



3961 principal shall submit a sworn certification to the Department of
3962 Education setting forth all information known or believed by the
3963 principal about all potential violations of the Requirements of
3964 the Mississippi Statewide Assessment System as adopted by the
3965 State Board of Education. The submission of false information or
3966 false certification to the Department of Education by any licensed
3967 educator may result in licensure disciplinary action pursuant to
3968 Section 37-3-2 and criminal prosecution pursuant to Section
3969 37-16-4.

3970 **SECTION 61.** Section 37-17-6, Mississippi Code of 1972, is
3971 amended as follows:

3972 37-17-6. (1) The State Board of Education, acting through
3973 the Commission on School Accreditation, shall establish and
3974 implement a permanent performance-based accreditation system, and
3975 all noncharter public elementary and secondary schools shall be
3976 accredited under this system.

3977 (2) * * * The State Board of Education, acting through the
3978 Commission on School Accreditation, shall require school districts
3979 to provide school classroom space that is air-conditioned as a
3980 minimum requirement for accreditation.

3981 (3) (a) * * * The State Board of Education, acting through
3982 the Commission on School Accreditation, shall require that school
3983 districts employ certified school librarians according to the
3984 following formula:

3985 Number of Students Number of Certified



3986 Per School Library School Librarians
3987 0 - 499 Students 1/2 Full-time Equivalent
3988 Certified Librarian
3989 500 or More Students 1 Full-time Certified
3990 Librarian

3991 (b) The State Board of Education, however, may increase
3992 the number of positions beyond the above requirements.

3993 (c) The assignment of certified school librarians to
3994 the particular schools shall be at the discretion of the local
3995 school district. No individual shall be employed as a certified
3996 school librarian without appropriate training and certification as
3997 a school librarian by the State Department of Education.

3998 (d) School librarians in the district shall spend at
3999 least fifty percent (50%) of direct work time in a school library
4000 and shall devote no more than one-fourth (1/4) of the workday to
4001 administrative activities that are library related.

4002 (e) Nothing in this subsection shall prohibit any
4003 school district from employing more certified school librarians
4004 than are provided for in this section.

4005 (f) Any additional millage levied to fund school
4006 librarians required for accreditation under this subsection shall
4007 be included in the tax increase limitation set forth in Sections
4008 37-57-105 and 37-57-107 and shall not be deemed a new program for
4009 purposes of the limitation.



4010 (4) On or before December 31, 2002, the State Board of
4011 Education shall implement the performance-based accreditation
4012 system for school districts and for individual noncharter public
4013 schools which shall include the following:

4014 (a) High expectations for students and high standards
4015 for all schools, with a focus on the basic curriculum;

4016 (b) Strong accountability for results with appropriate
4017 local flexibility for local implementation;

4018 (c) A process to implement accountability at both the
4019 school district level and the school level;

4020 (d) Individual schools shall be held accountable for
4021 student growth and performance;

4022 (e) Set annual performance standards for each of the
4023 schools of the state and measure the performance of each school
4024 against itself through the standard that has been set for it;

4025 (f) A determination of which schools exceed their
4026 standards and a plan for providing recognition and rewards to
4027 those schools;

4028 (g) A determination of which schools are failing to
4029 meet their standards and a determination of the appropriate role
4030 of the State Board of Education and the State Department of
4031 Education in providing assistance and initiating possible
4032 intervention. A failing district is a district that fails to meet
4033 both the absolute student achievement standards and the rate of
4034 annual growth expectation standards as set by the State Board of



4035 Education for two (2) consecutive years. The State Board of
4036 Education shall establish the level of benchmarks by which
4037 absolute student achievement and growth expectations shall be
4038 assessed. In setting the benchmarks for school districts, the
4039 State Board of Education may also take into account such factors
4040 as graduation rates, dropout rates, completion rates, the extent
4041 to which the school or district employs qualified teachers in
4042 every classroom, and any other factors deemed appropriate by the
4043 State Board of Education. The State Board of Education, acting
4044 through the State Department of Education, shall apply a simple
4045 "A," "B," "C," "D" and "F" designation to the current school and
4046 school district statewide accountability performance
4047 classification labels beginning with the State Accountability
4048 Results for the 2011-2012 school year and following, and in the
4049 school, district and state report cards required under state and
4050 federal law. Under the new designations, a school or school
4051 district that has earned a "Star" rating shall be designated an
4052 "A" school or school district; a school or school district that
4053 has earned a "High-Performing" rating shall be designated a "B"
4054 school or school district; a school or school district that has
4055 earned a "Successful" rating shall be designated a "C" school or
4056 school district; a school or school district that has earned an
4057 "Academic Watch" rating shall be designated a "D" school or school
4058 district; a school or school district that has earned a
4059 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



4060 be designated an "F" school or school district. Effective with
4061 the implementation of any new curriculum and assessment standards,
4062 the State Board of Education, acting through the State Department
4063 of Education, is further authorized and directed to change the
4064 school and school district accreditation rating system to a simple
4065 "A," "B," "C," "D," and "F" designation based on a combination of
4066 student achievement scores and student growth as measured by the
4067 statewide testing programs developed by the State Board of
4068 Education pursuant to Chapter 16, Title 37, Mississippi Code of
4069 1972. In any statute or regulation containing the former
4070 accreditation designations, the new designations shall be
4071 applicable;

4072 (h) Development of a comprehensive student assessment
4073 system to implement these requirements; and

4074 (i) The State Board of Education may, based on a
4075 written request that contains specific reasons for requesting a
4076 waiver from the school districts affected by Hurricane Katrina of
4077 2005, hold harmless school districts from assignment of district
4078 and school level accountability ratings for the 2005-2006 school
4079 year. The State Board of Education upon finding an extreme
4080 hardship in the school district may grant the request. It is the
4081 intent of the Legislature that all school districts maintain the
4082 highest possible academic standards and instructional programs in
4083 all schools as required by law and the State Board of Education.



4084 (5) (a) Effective with the 2013-2014 school year, the State
4085 Department of Education, acting through the Mississippi Commission
4086 on School Accreditation, shall revise and implement a single "A"
4087 through "F" school and school district accountability system
4088 complying with applicable federal and state requirements in order
4089 to reach the following educational goals:

4090 (i) To mobilize resources and supplies to ensure
4091 that all students exit third grade reading on grade level by 2015;

4092 (ii) To reduce the student dropout rate to
4093 thirteen percent (13%) by 2015; and

4094 (iii) To have sixty percent (60%) of students
4095 scoring proficient and advanced on the assessments of the Common
4096 Core State Standards by 2016 with incremental increases of three
4097 percent (3%) each year thereafter.

4098 (b) The State Department of Education shall combine the
4099 state school and school district accountability system with the
4100 federal system in order to have a single system.

4101 (c) The State Department of Education shall establish
4102 five (5) performance categories ("A," "B," "C," "D" and "F") for
4103 the accountability system based on the following criteria:

4104 (i) Student Achievement: the percent of students
4105 proficient and advanced on the current state assessments;

4106 (ii) Individual student growth: the percent of
4107 students making one (1) year's progress in one (1) year's time on
4108 the state assessment, with an emphasis on the progress of the



4109 lowest twenty-five percent (25%) of students in the school or
4110 district;

4111 (iii) Four-year graduation rate: the percent of
4112 students graduating with a standard high school diploma in four
4113 (4) years, as defined by federal regulations;

4114 (iv) Categories shall identify schools as Reward
4115 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
4116 at least five percent (5%) of schools in the state are not graded
4117 as "F" schools, the lowest five percent (5%) of school grade point
4118 designees will be identified as Priority schools. If at least ten
4119 percent (10%) of schools in the state are not graded as "D"
4120 schools, the lowest ten percent (10%) of school grade point
4121 designees will be identified as Focus schools;

4122 (v) The State Department of Education shall
4123 discontinue the use of Star School, High-Performing, Successful,
4124 Academic Watch, Low-Performing, At-Risk of Failing and Failing
4125 school accountability designations;

4126 (vi) The system shall include the federally
4127 compliant four-year graduation rate in school and school district
4128 accountability system calculations. Graduation rate will apply to
4129 high school and school district accountability ratings as a
4130 compensatory component. The system shall discontinue the use of
4131 the High School Completer Index (HSCI);

4132 (vii) The school and school district
4133 accountability system shall incorporate a standards-based growth



4134 model, in order to support improvement of individual student
4135 learning;

4136 (viii) The State Department of Education shall
4137 discontinue the use of the Quality Distribution Index (QDI);

4138 (ix) The State Department of Education shall
4139 determine feeder patterns of schools that do not earn a school
4140 grade because the grades and subjects taught at the school do not
4141 have statewide standardized assessments needed to calculate a
4142 school grade. Upon determination of the feeder pattern, the
4143 department shall notify schools and school districts prior to the
4144 release of the school grades beginning in 2013. Feeder schools
4145 will be assigned the accountability designation of the school to
4146 which they provide students;

4147 (x) Standards for student, school and school
4148 district performance will be increased when student proficiency is
4149 at a seventy-five percent (75%) and/or when sixty-five percent
4150 (65%) of the schools and/or school districts are earning a grade
4151 of "B" or higher, in order to raise the standard on performance
4152 after targets are met.

4153 (6) Nothing in this section shall be deemed to require a
4154 nonpublic school that receives no local, state or federal funds
4155 for support to become accredited by the State Board of Education.

4156 (7) The State Board of Education shall create an
4157 accreditation audit unit under the Commission on School



4158 Accreditation to determine whether schools are complying with
4159 accreditation standards.

4160 (8) The State Board of Education shall be specifically
4161 authorized and empowered to withhold * * * uniform per student
4162 funding formula allocations * * * to any public school district
4163 for failure to timely report student, school personnel and fiscal
4164 data necessary to meet state and/or federal requirements.

4165 (9) [Deleted]

4166 (10) The State Board of Education shall establish, for those
4167 school districts failing to meet accreditation standards, a
4168 program of development to be complied with in order to receive
4169 state funds, except as otherwise provided in subsection (15) of
4170 this section when the Governor has declared a state of emergency
4171 in a school district or as otherwise provided in Section 206,
4172 Mississippi Constitution of 1890. The state board, in
4173 establishing these standards, shall provide for notice to schools
4174 and sufficient time and aid to enable schools to attempt to meet
4175 these standards, unless procedures under subsection (15) of this
4176 section have been invoked.

4177 (11) * * * The State Board of Education shall be charged
4178 with the implementation of the program of development in each
4179 applicable school district as follows:

4180 (a) Develop an impairment report for each district
4181 failing to meet accreditation standards in conjunction with school
4182 district officials;



4183 (b) Notify any applicable school district failing to
4184 meet accreditation standards that it is on probation until
4185 corrective actions are taken or until the deficiencies have been
4186 removed. The local school district shall develop a corrective
4187 action plan to improve its deficiencies. For district academic
4188 deficiencies, the corrective action plan for each such school
4189 district shall be based upon a complete analysis of the following:
4190 student test data, student grades, student attendance reports,
4191 student dropout data, existence and other relevant data. The
4192 corrective action plan shall describe the specific measures to be
4193 taken by the particular school district and school to improve:
4194 (i) instruction; (ii) curriculum; (iii) professional development;
4195 (iv) personnel and classroom organization; (v) student incentives
4196 for performance; (vi) process deficiencies; and (vii) reporting to
4197 the local school board, parents and the community. The corrective
4198 action plan shall describe the specific individuals responsible
4199 for implementing each component of the recommendation and how each
4200 will be evaluated. All corrective action plans shall be provided
4201 to the State Board of Education as may be required. The decision
4202 of the State Board of Education establishing the probationary
4203 period of time shall be final;

4204 (c) Offer, during the probationary period, technical
4205 assistance to the school district in making corrective actions.

4206 * * * Subject to the availability of funds, the State Department
4207 of Education shall provide technical and/or financial assistance



4208 to all such school districts in order to implement each measure
4209 identified in that district's corrective action plan through
4210 professional development and on-site assistance. Each such school
4211 district shall apply for and utilize all available federal funding
4212 in order to support its corrective action plan in addition to
4213 state funds made available under this paragraph;

4214 (d) Assign department personnel or contract, in its
4215 discretion, with the institutions of higher learning or other
4216 appropriate private entities with experience in the academic,
4217 finance and other operational functions of schools to assist
4218 school districts;

4219 (e) Provide for publication of public notice at least
4220 one time during the probationary period, in a newspaper published
4221 within the jurisdiction of the school district failing to meet
4222 accreditation standards, or if no newspaper is published therein,
4223 then in a newspaper having a general circulation therein. The
4224 publication shall include the following: declaration of school
4225 system's status as being on probation; all details relating to the
4226 impairment report; and other information as the State Board of
4227 Education deems appropriate. Public notices issued under this
4228 section shall be subject to Section 13-3-31 and not contrary to
4229 other laws regarding newspaper publication.

4230 (12) (a) If the recommendations for corrective action are
4231 not taken by the local school district or if the deficiencies are
4232 not removed by the end of the probationary period, the Commission



4233 on School Accreditation shall conduct a hearing to allow the
4234 affected school district to present evidence or other reasons why
4235 its accreditation should not be withdrawn. Additionally, if the
4236 local school district violates accreditation standards that have
4237 been determined by the policies and procedures of the State Board
4238 of Education to be a basis for withdrawal of school district's
4239 accreditation without a probationary period, the Commission on
4240 School Accreditation shall conduct a hearing to allow the affected
4241 school district to present evidence or other reasons why its
4242 accreditation should not be withdrawn. After its consideration of
4243 the results of the hearing, the Commission on School Accreditation
4244 shall be authorized, with the approval of the State Board of
4245 Education, to withdraw the accreditation of a public school
4246 district, and issue a request to the Governor that a state of
4247 emergency be declared in that district.

4248 (b) If the State Board of Education and the Commission
4249 on School Accreditation determine that an extreme emergency
4250 situation exists in a school district that jeopardizes the safety,
4251 security or educational interests of the children enrolled in the
4252 schools in that district and that emergency situation is believed
4253 to be related to a serious violation or violations of
4254 accreditation standards or state or federal law, or when a school
4255 district meets the State Board of Education's definition of a
4256 failing school district for two (2) consecutive full school years,
4257 or if more than fifty percent (50%) of the schools within the



4258 school district are designated as Schools At-Risk in any one (1)
4259 year, the State Board of Education may request the Governor to
4260 declare a state of emergency in that school district. For
4261 purposes of this paragraph, the declarations of a state of
4262 emergency shall not be limited to those instances when a school
4263 district's impairments are related to a lack of financial
4264 resources, but also shall include serious failure to meet minimum
4265 academic standards, as evidenced by a continued pattern of poor
4266 student performance.

4267 (c) Whenever the Governor declares a state of emergency
4268 in a school district in response to a request made under paragraph
4269 (a) or (b) of this subsection, the State Board of Education may
4270 take one or more of the following actions:

4271 (i) Declare a state of emergency, under which some
4272 or all of state funds can be escrowed except as otherwise provided
4273 in Section 206, Constitution of 1890, until the board determines
4274 corrective actions are being taken or the deficiencies have been
4275 removed, or that the needs of students warrant the release of
4276 funds. The funds may be released from escrow for any program
4277 which the board determines to have been restored to standard even
4278 though the state of emergency may not as yet be terminated for the
4279 district as a whole;

4280 (ii) Override any decision of the local school
4281 board or superintendent of education, or both, concerning the
4282 management and operation of the school district, or initiate and



4283 make decisions concerning the management and operation of the
4284 school district;

4285 (iii) Assign an interim superintendent, or in its
4286 discretion, contract with a private entity with experience in the
4287 academic, finance and other operational functions of schools and
4288 school districts, who will have those powers and duties prescribed
4289 in subsection (15) of this section;

4290 (iv) Grant transfers to students who attend this
4291 school district so that they may attend other accredited schools
4292 or districts in a manner that is not in violation of state or
4293 federal law;

4294 (v) For states of emergency declared under
4295 paragraph (a) only, if the accreditation deficiencies are related
4296 to the fact that the school district is too small, with too few
4297 resources, to meet the required standards and if another school
4298 district is willing to accept those students, abolish that
4299 district and assign that territory to another school district or
4300 districts. If the school district has proposed a voluntary
4301 consolidation with another school district or districts, then if
4302 the State Board of Education finds that it is in the best interest
4303 of the pupils of the district for the consolidation to proceed,
4304 the voluntary consolidation shall have priority over any such
4305 assignment of territory by the State Board of Education;

4306 (vi) For states of emergency declared under
4307 paragraph (b) only, reduce local supplements paid to school



4308 district employees, including, but not limited to, instructional
4309 personnel, assistant teachers and extracurricular activities
4310 personnel, if the district's impairment is related to a lack of
4311 financial resources, but only to an extent that will result in the
4312 salaries being comparable to districts similarly situated, as
4313 determined by the State Board of Education;

4314 (vii) For states of emergency declared under
4315 paragraph (b) only, the State Board of Education may take any
4316 action as prescribed in Section 37-17-13.

4317 (d) At the time that satisfactory corrective action has
4318 been taken in a school district in which a state of emergency has
4319 been declared, the State Board of Education may request the
4320 Governor to declare that the state of emergency no longer exists
4321 in the district.

4322 (e) The parent or legal guardian of a school-age child
4323 who is enrolled in a school district whose accreditation has been
4324 withdrawn by the Commission on School Accreditation and without
4325 approval of that school district may file a petition in writing to
4326 a school district accredited by the Commission on School
4327 Accreditation for a legal transfer. The school district
4328 accredited by the Commission on School Accreditation may grant the
4329 transfer according to the procedures of Section 37-15-31(1)(b).
4330 In the event the accreditation of the student's home district is
4331 restored after a transfer has been approved, the student may
4332 continue to attend the transferee school district. The * * * per



4333 student allocation prescribed under Section 37-151-209 of
4334 the * * * uniform per student funding formula allotment * * *
4335 shall be transferred monthly to the school district accredited by
4336 the Commission on School Accreditation that has granted the
4337 transfer of the school-age child.

4338 (f) Upon the declaration of a state of emergency for
4339 any school district in which the Governor has previously declared
4340 a state of emergency, the State Board of Education may either:

4341 (i) Place the school district into district
4342 transformation, in which the school district shall remain until it
4343 has fulfilled all conditions related to district transformation.
4344 If the district was assigned an accreditation rating of "D" or "F"
4345 when placed into district transformation, the district shall be
4346 eligible to return to local control when the school district has
4347 attained a "C" rating or higher for five (5) consecutive years,
4348 unless the State Board of Education determines that the district
4349 is eligible to return to local control in less than the five-year
4350 period;

4351 (ii) Abolish the school district and
4352 administratively consolidate the school district with one or more
4353 existing school districts;

4354 (iii) Reduce the size of the district and
4355 administratively consolidate parts of the district, as determined
4356 by the State Board of Education. However, no school district



4357 which is not in district transformation shall be required to
4358 accept additional territory over the objection of the district; or

4359 (iv) Require the school district to develop and
4360 implement a district improvement plan with prescriptive guidance
4361 and support from the State Department of Education, with the goal
4362 of helping the district improve student achievement. Failure of
4363 the school board, superintendent and school district staff to
4364 implement the plan with fidelity and participate in the activities
4365 provided as support by the department shall result in the school
4366 district retaining its eligibility for district transformation.

4367 (g) There is established a Mississippi Recovery School
4368 District within the State Department of Education under the
4369 supervision of a deputy superintendent appointed by the State
4370 Superintendent of Public Education, who is subject to the approval
4371 by the State Board of Education. The Mississippi Recovery School
4372 District shall provide leadership and oversight of all school
4373 districts that are subject to district transformation status, as
4374 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
4375 and shall have all the authority granted under these two (2)
4376 chapters. The * * * State Department of Education, with the
4377 approval of the State Board of Education, shall develop policies
4378 for the operation and management of the Mississippi Recovery
4379 School District. The deputy state superintendent is responsible
4380 for the Mississippi Recovery School District and shall be
4381 authorized to oversee the administration of the Mississippi



4382 Recovery School District, oversee the interim superintendent
4383 assigned by the State Board of Education to a local school
4384 district, hear appeals that would normally be filed by students,
4385 parents or employees and heard by a local school board, which
4386 hearings on appeal shall be conducted in a prompt and timely
4387 manner in the school district from which the appeal originated in
4388 order to ensure the ability of appellants, other parties and
4389 witnesses to appeal without undue burden of travel costs or loss
4390 of time from work, and perform other related duties as assigned by
4391 the State Superintendent of Public Education. The deputy state
4392 superintendent is responsible for the Mississippi Recovery School
4393 District and shall determine, based on rigorous professional
4394 qualifications set by the State Board of Education, the
4395 appropriate individuals to be engaged to be interim
4396 superintendents and financial advisors, if applicable, of all
4397 school districts subject to district transformation status. After
4398 State Board of Education approval, these individuals shall be
4399 deemed independent contractors.

4400 (13) Upon the declaration of a state of emergency in a
4401 school district under subsection (12) of this section, the
4402 Commission on School Accreditation shall be responsible for public
4403 notice at least once a week for at least three (3) consecutive
4404 weeks in a newspaper published within the jurisdiction of the
4405 school district failing to meet accreditation standards, or if no
4406 newspaper is published therein, then in a newspaper having a



4407 general circulation therein. The size of the notice shall be no
4408 smaller than one-fourth (1/4) of a standard newspaper page and
4409 shall be printed in bold print. If an interim superintendent has
4410 been appointed for the school district, the notice shall begin as
4411 follows: "By authority of Section 37-17-6, Mississippi Code of
4412 1972, as amended, adopted by the Mississippi Legislature during
4413 the 1991 Regular Session, this school district (name of school
4414 district) is hereby placed under the jurisdiction of the State
4415 Department of Education acting through its appointed interim
4416 superintendent (name of interim superintendent)."

4417 The notice also shall include, in the discretion of the State
4418 Board of Education, any or all details relating to the school
4419 district's emergency status, including the declaration of a state
4420 of emergency in the school district and a description of the
4421 district's impairment deficiencies, conditions of any district
4422 transformation status and corrective actions recommended and being
4423 taken. Public notices issued under this section shall be subject
4424 to Section 13-3-31 and not contrary to other laws regarding
4425 newspaper publication.

4426 Upon termination of the state of emergency in a school
4427 district, the Commission on School Accreditation shall cause
4428 notice to be published in the school district in the same manner
4429 provided in this section, to include any or all details relating
4430 to the corrective action taken in the school district that
4431 resulted in the termination of the state of emergency.



4432 (14) The State Board of Education or the Commission on
4433 School Accreditation shall have the authority to require school
4434 districts to produce the necessary reports, correspondence,
4435 financial statements, and any other documents and information
4436 necessary to fulfill the requirements of this section.

4437 Nothing in this section shall be construed to grant any
4438 individual, corporation, board or interim superintendent the
4439 authority to levy taxes except in accordance with presently
4440 existing statutory provisions.

4441 (15) (a) Whenever the Governor declares a state of
4442 emergency in a school district in response to a request made under
4443 subsection (12) of this section, the State Board of Education, in
4444 its discretion, may assign an interim superintendent to the school
4445 district, or in its discretion, may contract with an appropriate
4446 private entity with experience in the academic, finance and other
4447 operational functions of schools and school districts, who will be
4448 responsible for the administration, management and operation of
4449 the school district, including, but not limited to, the following
4450 activities:

4451 (i) Approving or disapproving all financial
4452 obligations of the district, including, but not limited to, the
4453 employment, termination, nonrenewal and reassignment of all
4454 licensed and nonlicensed personnel, contractual agreements and
4455 purchase orders, and approving or disapproving all claim dockets
4456 and the issuance of checks; in approving or disapproving



4457 employment contracts of superintendents, assistant superintendents
4458 or principals, the interim superintendent shall not be required to
4459 comply with the time limitations prescribed in Sections 37-9-15
4460 and 37-9-105;

4461 (ii) Supervising the day-to-day activities of the
4462 district's staff, including reassigning the duties and
4463 responsibilities of personnel in a manner which, in the
4464 determination of the interim superintendent, will best suit the
4465 needs of the district;

4466 (iii) Reviewing the district's total financial
4467 obligations and operations and making recommendations to the
4468 district for cost savings, including, but not limited to,
4469 reassigning the duties and responsibilities of staff;

4470 (iv) Attending all meetings of the district's
4471 school board and administrative staff;

4472 (v) Approving or disapproving all athletic, band
4473 and other extracurricular activities and any matters related to
4474 those activities;

4475 (vi) Maintaining a detailed account of
4476 recommendations made to the district and actions taken in response
4477 to those recommendations;

4478 (vii) Reporting periodically to the State Board of
4479 Education on the progress or lack of progress being made in the
4480 district to improve the district's impairments during the state of
4481 emergency; and



4482 (viii) Appointing a parent advisory committee,
4483 comprised of parents of students in the school district that may
4484 make recommendations to the interim superintendent concerning the
4485 administration, management and operation of the school district.

4486 The cost of the salary of the interim superintendent and any
4487 other actual and necessary costs related to district
4488 transformation status paid by the State Department of Education
4489 shall be reimbursed by the local school district from funds other
4490 than * * * uniform per student funding formula funds. The
4491 department shall submit an itemized statement to the
4492 superintendent of the local school district for reimbursement
4493 purposes, and any unpaid balance may be withheld from the
4494 district's * * * uniform per student funding formula funds.

4495 At the time that the Governor, in accordance with the request
4496 of the State Board of Education, declares that the state of
4497 emergency no longer exists in a school district, the powers and
4498 responsibilities of the interim superintendent assigned to the
4499 district shall cease.

4500 (b) In order to provide loans to school districts under
4501 a state of emergency or in district transformation status that
4502 have impairments related to a lack of financial resources, the
4503 School District Emergency Assistance Fund is created as a special
4504 fund in the State Treasury into which monies may be transferred or
4505 appropriated by the Legislature from any available public
4506 education funds. Funds in the School District Emergency



4507 Assistance Fund up to a maximum balance of Three Million Dollars
4508 (\$3,000,000.00) annually shall not lapse but shall be available
4509 for expenditure in subsequent years subject to approval of the
4510 State Board of Education. Any amount in the fund in excess of
4511 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
4512 year shall lapse into the State General Fund or the Education
4513 Enhancement Fund, depending on the source of the fund.

4514 The State Board of Education may loan monies from the School
4515 District Emergency Assistance Fund to a school district that is
4516 under a state of emergency or in district transformation status,
4517 in those amounts, as determined by the board, that are necessary
4518 to correct the district's impairments related to a lack of
4519 financial resources. The loans shall be evidenced by an agreement
4520 between the school district and the State Board of Education and
4521 shall be repayable in principal, without necessity of interest, to
4522 the School District Emergency Assistance Fund by the school
4523 district from any allowable funds that are available. The total
4524 amount loaned to the district shall be due and payable within five
4525 (5) years after the impairments related to a lack of financial
4526 resources are corrected. If a school district fails to make
4527 payments on the loan in accordance with the terms of the agreement
4528 between the district and the State Board of Education, the State
4529 Department of Education, in accordance with rules and regulations
4530 established by the State Board of Education, may withhold that
4531 district's * * * uniform per student funding formula funds in an



4532 amount and manner that will effectuate repayment consistent with
4533 the terms of the agreement; the funds withheld by the department
4534 shall be deposited into the School District Emergency Assistance
4535 Fund.

4536 The State Board of Education shall develop a protocol that
4537 will outline the performance standards and requisite timeline
4538 deemed necessary for extreme emergency measures. If the State
4539 Board of Education determines that an extreme emergency exists,
4540 simultaneous with the powers exercised in this subsection, it
4541 shall take immediate action against all parties responsible for
4542 the affected school districts having been determined to be in an
4543 extreme emergency. The action shall include, but not be limited
4544 to, initiating civil actions to recover funds and criminal actions
4545 to account for criminal activity. Any funds recovered by the
4546 State Auditor or the State Board of Education from the surety
4547 bonds of school officials or from any civil action brought under
4548 this subsection shall be applied toward the repayment of any loan
4549 made to a school district hereunder.

4550 (16) If a majority of the membership of the school board of
4551 any school district resigns from office, the State Board of
4552 Education shall be authorized to assign an interim superintendent,
4553 who shall be responsible for the administration, management and
4554 operation of the school district until the time as new board
4555 members are selected or the Governor declares a state of emergency
4556 in that school district under subsection (12), whichever occurs



4557 first. In that case, the State Board of Education, acting through
4558 the interim superintendent, shall have all powers which were held
4559 by the previously existing school board, and may take any action
4560 as prescribed in Section 37-17-13 and/or one or more of the
4561 actions authorized in this section.

4562 (17) (a) If the Governor declares a state of emergency in a
4563 school district, the State Board of Education may take all such
4564 action pertaining to that school district as is authorized under
4565 subsection (12) or (15) of this section, including the appointment
4566 of an interim superintendent. The State Board of Education shall
4567 also have the authority to issue a written request with
4568 documentation to the Governor asking that the office of the
4569 superintendent of the school district be subject to recall. If
4570 the Governor declares that the office of the superintendent of the
4571 school district is subject to recall, the local school board or
4572 the county election commission, as the case may be, shall take the
4573 following action:

4574 (i) If the office of superintendent is an elected
4575 office, in those years in which there is no general election, the
4576 name shall be submitted by the State Board of Education to the
4577 county election commission, and the county election commission
4578 shall submit the question at a special election to the voters
4579 eligible to vote for the office of superintendent within the
4580 county, and the special election shall be held within sixty (60)



4581 days from notification by the State Board of Education. The
4582 ballot shall read substantially as follows:

4583 "Shall County Superintendent of Education _____ (here the
4584 name of the superintendent shall be inserted) of the _____
4585 (here the title of the school district shall be inserted) be
4586 retained in office? Yes _____ No _____"

4587 If a majority of those voting on the question votes against
4588 retaining the superintendent in office, a vacancy shall exist
4589 which shall be filled in the manner provided by law; otherwise,
4590 the superintendent shall remain in office for the term of that
4591 office, and at the expiration of the term shall be eligible for
4592 qualification and election to another term or terms.

4593 (ii) If the office of superintendent is an
4594 appointive office, the name of the superintendent shall be
4595 submitted by the president of the local school board at the next
4596 regular meeting of the school board for retention in office or
4597 dismissal from office. If a majority of the school board voting
4598 on the question vote against retaining the superintendent in
4599 office, a vacancy shall exist which shall be filled as provided by
4600 law, otherwise the superintendent shall remain in office for the
4601 duration of his employment contract.

4602 (b) The State Board of Education may issue a written
4603 request with documentation to the Governor asking that the
4604 membership of the school board of the school district shall be
4605 subject to recall. Whenever the Governor declares that the



4606 membership of the school board is subject to recall, the county
4607 election commission or the local governing authorities, as the
4608 case may be, shall take the following action:

4609 (i) If the members of the local school board are
4610 elected to office, in those years in which the specific member's
4611 office is not up for election, the name of the school board member
4612 shall be submitted by the State Board of Education to the county
4613 election commission, and the county election commission at a
4614 special election shall submit the question to the voters eligible
4615 to vote for the particular member's office within the county or
4616 school district, as the case may be, and the special election
4617 shall be held within sixty (60) days from notification by the
4618 State Board of Education. The ballot shall read substantially as
4619 follows:

4620 "Members of the _____ (here the title of the school
4621 district shall be inserted) School Board who are not up for
4622 election this year are subject to recall because of the school
4623 district's failure to meet critical accountability standards as
4624 defined in the letter of notification to the Governor from the
4625 State Board of Education. Shall the member of the school board
4626 representing this area, _____ (here the name of the school
4627 board member holding the office shall be inserted), be retained in
4628 office? Yes _____ No _____"

4629 If a majority of those voting on the question vote against
4630 retaining the member of the school board in office, a vacancy in



4631 that board member's office shall exist, which shall be filled in
4632 the manner provided by law; otherwise, the school board member
4633 shall remain in office for the term of that office, and at the
4634 expiration of the term of office, the member shall be eligible for
4635 qualification and election to another term or terms of office.
4636 However, if a majority of the school board members are recalled in
4637 the special election, the Governor shall authorize the board of
4638 supervisors of the county in which the school district is situated
4639 to appoint members to fill the offices of the members recalled.
4640 The board of supervisors shall make those appointments in the
4641 manner provided by law for filling vacancies on the school board,
4642 and the appointed members shall serve until the office is filled
4643 at the next regular special election or general election.

4644 (ii) If the local school board is an appointed
4645 school board, the name of all school board members shall be
4646 submitted as a collective board by the president of the municipal
4647 or county governing authority, as the case may be, at the next
4648 regular meeting of the governing authority for retention in office
4649 or dismissal from office. If a majority of the governing
4650 authority voting on the question vote against retaining the board
4651 in office, a vacancy shall exist in each school board member's
4652 office, which shall be filled as provided by law; otherwise, the
4653 members of the appointed school board shall remain in office for
4654 the duration of their term of appointment, and those members may
4655 be reappointed.



4656 (iii) If the local school board is comprised of
4657 both elected and appointed members, the elected members shall be
4658 subject to recall in the manner provided in subparagraph (i) of
4659 this paragraph (b), and the appointed members shall be subject to
4660 recall in the manner provided in subparagraph (ii).

4661 (18) * * * The State Board of Education, acting through the
4662 Commission on School Accreditation, shall require each school
4663 district to comply with standards established by the State
4664 Department of Audit for the verification of fixed assets and the
4665 auditing of fixed assets records as a minimum requirement for
4666 accreditation.

4667 (19) * * * [Deleted]

4668 The State Superintendent of Public Education and the State
4669 Board of Education also shall develop a comprehensive
4670 accountability plan to ensure that local school boards,
4671 superintendents, principals and teachers are held accountable for
4672 student achievement. * * *

4673 (20) Before January 1, 2008, the State Board of Education
4674 shall evaluate and submit a recommendation to the Education
4675 Committees of the House of Representatives and the Senate on
4676 inclusion of graduation rate and dropout rate in the school level
4677 accountability system.

4678 (21) If a local school district is determined as failing and
4679 placed into district transformation status for reasons authorized
4680 by the provisions of this section, the interim superintendent



4681 appointed to the district shall, within forty-five (45) days after
4682 being appointed, present a detailed and structured corrective
4683 action plan to move the local school district out of district
4684 transformation status to the deputy superintendent. A copy of the
4685 interim superintendent's corrective action plan shall also be
4686 filed with the State Board of Education.

4687 **SECTION 62.** Section 37-17-17, Mississippi Code of 1972, is
4688 amended as follows:

4689 37-17-17. (1) There is created the Mississippi Achievement
4690 School District for the purpose of transforming persistently
4691 failing public schools and districts throughout the state into
4692 quality educational institutions. The Mississippi Achievement
4693 School District shall be a statewide school district, separate and
4694 distinct from all other school districts but not confined to any
4695 specified geographic boundaries, and may be comprised of any
4696 public schools or school districts in the state which, during two
4697 (2) consecutive school years, are designated an "F" school or
4698 district by the State Board of Education under the accountability
4699 rating system or which have been persistently failing and
4700 chronically underperforming.

4701 (2) The Mississippi Achievement School District shall be
4702 governed by the State Board of Education.

4703 (3) The State Board of Education shall obtain suitable
4704 office space to serve as the administrative office of the school
4705 district.



4706 (4) The State Board of Education shall select an individual
4707 to serve as superintendent of the Mississippi Achievement School
4708 District. The superintendent must be deemed by the board to be
4709 highly qualified with a demonstrable track record for producing
4710 results in a context relevant to that of Mississippi Achievement
4711 School District schools. The superintendent of the Mississippi
4712 Achievement School District shall exercise powers and duties that
4713 would afford significant autonomy but are bound by the governance
4714 of the State Board of Education.

4715 (5) (a) Each public school or district in the state which,
4716 during each of two (2) consecutive school years or during two (2)
4717 of three (3) consecutive school years, receives an "F" designation
4718 by the State Board of Education under the accountability rating
4719 system or has been persistently failing as defined by the State
4720 Board of Education may be absorbed into and become a part of the
4721 Mississippi Achievement School District. All eligible public
4722 schools and districts shall be prioritized by the Mississippi
4723 Achievement School District according to criteria set by the
4724 Mississippi Achievement School District and publicized prior to
4725 the annual release of accountability rating data. The Mississippi
4726 Achievement School District shall takeover only the number of
4727 schools and districts for which it has the capacity to serve. The
4728 transfer of the school's/district's governance from the local
4729 school district to the Mississippi Achievement School District
4730 shall take effect upon the approval of the State Board of



4731 Education unless, in the sole determination of the Mississippi
4732 Achievement School District, the transition may be more smoothly
4733 accomplished through a gradual transfer of control. If the
4734 Mississippi Achievement School District elects not to assume
4735 complete control of a school or district immediately after that
4736 school receives an "F" designation during each of two (2)
4737 consecutive school years or during two (2) of the three (3)
4738 consecutive school years, the State Board of Education shall
4739 prescribe the process and timetable by which the school or
4740 district shall be absorbed; however, in no event may the transfer
4741 of the school or district to the Mississippi Achievement School
4742 District be completed later than the beginning of the school year
4743 next succeeding the year during which the school or district
4744 receives the "F" designation. School districts that are eligible
4745 to be absorbed by the Achievement School District, but are not
4746 absorbed due to the capacity of the Achievement School District,
4747 shall develop and implement a district improvement plan with
4748 prescriptive guidance and support from the Mississippi Department
4749 of Education, with the goal of helping the district improve
4750 student achievement. Failure of the school board, superintendent
4751 and school district staff to implement the plan with fidelity and
4752 participate in the activities provided as support by the
4753 department shall result in the school district retaining its
4754 eligibility for the Mississippi Achievement School District.



4755 (b) The State Board of Education shall adopt rules and
4756 regulations governing the operation of the Mississippi Achievement
4757 School District.

4758 (c) Designations assigned to schools or districts under
4759 the accountability rating system by the State Board of Education
4760 before the 2015-2016 school year may not be considered in
4761 determining whether a particular school or district is subject to
4762 being absorbed by the Mississippi Achievement School District.
4763 During the 2017-2018 school year, any school or district receiving
4764 an "F" designation after also being designated an "F" school or
4765 district in the 2015-2016 and 2016-2017 school years may be
4766 absorbed immediately by the Mississippi Achievement School
4767 District, upon approval of the State Board of Education.

4768 (d) The school district from which an "F" school or
4769 district is being absorbed must cooperate fully with the
4770 Mississippi Achievement School District and the State Board of
4771 Education in order to provide as smooth a transition as possible
4772 in the school's/district's governance and operations for the
4773 students enrolled in the school or district. Upon completion of
4774 the transfer of a school or district to the Mississippi
4775 Achievement School District, the school or district shall be
4776 governed by the rules, regulations, policies and procedures
4777 established by the State Board of Education specifically for the
4778 Mississippi Achievement School District, and the school or
4779 district shall no longer be under the purview of the school board



4780 of the local school district. In the event of the transfer of
4781 governance and operations of a school district, the State Board of
4782 Education shall abolish the district as prescribed in Section
4783 37-17-13.

4784 (e) Upon the transfer of the school or school district
4785 to the Mississippi Achievement School District, the individual
4786 appointed by the State Board of Education to serve as
4787 superintendent for the Mississippi Achievement School District
4788 shall be responsible for the administration, management and
4789 operation of the school or school district, including the
4790 following activities: (i) approving or denying all financial
4791 obligations of the school or school district; (ii) approving or
4792 denying the employment, termination, nonrenewal and reassignment
4793 of all licensed and nonlicensed personnel; (iii) approving or
4794 denying contractual agreements and purchase orders; (iv)
4795 approving or denying all claim dockets and the issuance of checks;
4796 (v) supervising the day-to-day activities of the school or school
4797 district's staff in a manner which in the determination of the
4798 Mississippi Achievement School District will best suit the needs
4799 of the school or school district; (vi) approving or denying all
4800 athletic, band and other extracurricular activities and any
4801 matters related to those activities; (vii) honoring any reasonable
4802 financial commitment of the district being absorbed; and (viii)
4803 reporting periodically to the State Board of Education on the



4804 progress or lack of progress being made in the school or school
4805 district to improve the school or school district's impairments.

4806 (f) Upon attaining and maintaining a school or district
4807 accountability rating of "C" or better under the State Department
4808 of Education's accountability rating system for five (5)
4809 consecutive years, the State Board of Education may decide to
4810 revert the absorbed school or district back to local governance,
4811 provided the school or school(s) in question are not conversion
4812 charter schools. "Local governance" may include a traditional
4813 school board model of governance or other new form of governance
4814 such as mayoral control, or other type of governance. The State
4815 Board of Education shall determine the best form of local
4816 governance and school board composition after soliciting the input
4817 of local citizens and shall outline a process for establishing the
4818 type of governance selected. The manner and timeline for
4819 reverting a school or district back to local control shall be at
4820 the discretion of the State School Board, but in no case shall it
4821 exceed five (5) years.

4822 (6) The Superintendent of the Mississippi Achievement School
4823 District shall hire those persons to be employed as principals,
4824 teachers and noninstructional personnel in schools or districts
4825 absorbed into the Mississippi Achievement School District. Only
4826 highly qualified individuals having a demonstrable record of
4827 success may be selected by the superintendent for such positions
4828 in the Mississippi Achievement School District. The



4829 superintendent may choose to continue the employment of any person
4830 employed in an "F" rated school when the school or district is
4831 absorbed into the Mississippi Achievement School District;
4832 alternatively, the superintendent may elect not to offer continued
4833 employment to a person formerly employed at a school or district
4834 that is absorbed into the Mississippi Achievement School District.
4835 Any persons employed by the Mississippi Achievement School
4836 District shall not be subject to Sections 37-9-101 through
4837 37-9-113.

4838 (7) (a) The Mississippi Achievement School District may use
4839 a school building and all facilities and property that is a part
4840 of a school and recognized as part of the facilities or assets of
4841 the school before it is absorbed into the Mississippi Achievement
4842 School District. In addition, the Mississippi Achievement School
4843 District shall have access to those additional facilities that
4844 typically were available to that school or district, its students,
4845 faculty and staff before its absorption by the Mississippi
4846 Achievement School District. Use of facilities by a school or
4847 district in the Mississippi Achievement School District must be
4848 unrestricted and free of charge. However, the Mississippi
4849 Achievement School District shall be responsible for providing
4850 routine maintenance and repairs necessary to maintain the
4851 facilities in as good a condition as when the right of use was
4852 acquired by the Mississippi Achievement School District. The
4853 Mississippi Achievement School District shall be responsible for



4854 paying all utilities at the facilities used for the absorbed
4855 school. Any fixtures, improvements and tangible assets added to a
4856 school building or facility by the Mississippi Achievement School
4857 District must remain at the school or district building or
4858 facility if the school or district is returned to local
4859 governance.

4860 (b) The State Board of Education shall include in the
4861 rules and regulations adopted pursuant to subsection (5) of this
4862 section specific provisions addressing the rights and
4863 responsibilities of the Mississippi Achievement School District
4864 relating to the real and personal property of a school or district
4865 that is absorbed into the Mississippi Achievement School District.

4866 (8) (a) The Mississippi Achievement School District shall
4867 certify annually to the State Board of Education in which a
4868 Mississippi Achievement School District school or district is
4869 located the number of students residing in the school district
4870 which are enrolled in that school or district.

4871 (b) Whenever an increase in funding is requested by the
4872 school board for the support of schools within a particular school
4873 district absorbed into the Mississippi Achievement School
4874 District, the State Board of Education and the superintendent for
4875 the Mississippi Achievement School District shall hold a public
4876 meeting in the local municipality having jurisdiction of the
4877 absorbed school district to allow input of local residents on the
4878 matter, and subsequent to the conclusion of such meeting, the



4879 board of the Mississippi Achievement School District shall submit
4880 its request for ad valorem increase in dollars to the local
4881 governing authority having jurisdiction over the absorbed school
4882 district for approval of the request for increase in ad valorem
4883 tax effort. In a district in which a school or schools but not
4884 the entire district is absorbed into the Mississippi Achievement
4885 School District, the local school district shall pay directly to
4886 the Mississippi Achievement School District an amount for each
4887 student enrolled in that school equal to the ad valorem tax
4888 receipts and in-lieu payments received per pupil for the support
4889 of the local school district in which the student resides. The
4890 pro rata ad valorem receipts and in-lieu receipts to be
4891 transferred to the Mississippi Achievement School District shall
4892 include all levies for the support of the local school district
4893 under Sections 37-57-1 (local contribution to the * * * uniform
4894 per student funding formula) and 37-57-105 (school district
4895 operational levy) and may not include any taxes levied for the
4896 retirement of the local school district's bonded indebtedness or
4897 short-term notes or any taxes levied for the support of
4898 vocational-technical education programs, unless the school or
4899 schools absorbed include a high school at which
4900 vocational-technical education programs are offered. In no event
4901 may the payment exceed the pro rata amount of the local ad valorem
4902 payment to the * * * uniform per student funding formula under
4903 Section 37-57-1 for the school district in which the student



4904 resides. Payments made under this section by a school district to
4905 the Mississippi Achievement School District must be made before
4906 the expiration of three (3) business days after the funds are
4907 distributed to the local school district by the tax collector.

4908 (c) If an entire school district is absorbed into the
4909 Mississippi Achievement School District, the tax collector shall
4910 pay the amounts as described in paragraph (b) of this subsection,
4911 with the exception that all funds should transfer, including taxes
4912 levied for the retirement of the local school district's bonded
4913 indebtedness or short-term notes and any taxes levied for the
4914 support of vocational-technical education programs. The
4915 Mississippi Achievement School District shall pay funds raised to
4916 retire the district's debts to the appropriate creditors on behalf
4917 of the former district.

4918 (9) (a) The State Department of Education shall make
4919 payments to the Mississippi Achievement School District for each
4920 student in average daily membership at a Mississippi Achievement
4921 School District school equal to the state share of the * * *
4922 uniform per student funding formula payments for each student in
4923 average daily * * * membership at the local school district or
4924 former local school district in which that school is located. In
4925 calculating the local contribution for purposes of determining the
4926 state share of the * * * uniform per student funding formula
4927 payments, the department shall deduct the pro rata local



4928 contribution of the school district or former school district in
4929 which the student resides * * *.

4930 (b) Payments made pursuant to this subsection by the
4931 State Department of Education must be made at the same time and in
4932 the same manner as * * * uniform per student funding formula
4933 payments are made to all other school districts under Sections
4934 37-151-101 and 37-151-103. Amounts payable to the Mississippi
4935 Achievement School District must be determined by the State
4936 Department of Education in the same manner that such amounts are
4937 calculated for all other school districts under the * * * uniform
4938 per student funding formula.

4939 (10) The Mississippi Achievement School District shall be
4940 considered a local educational agency for the same purposes and to
4941 the same extent that all other school districts in the state are
4942 deemed local educational agencies under applicable federal laws.

4943 (11) The Mississippi Achievement School District may receive
4944 donations or grants from any public or private source, including
4945 any federal funding that may be available to the school district
4946 or individual schools within the Mississippi Achievement School
4947 District.

4948 (12) The Legislature may appropriate sufficient funding to
4949 the State Department of Education for the 2017 fiscal year for the
4950 specific purpose of funding the start-up, operational and any
4951 other required costs of the Mississippi Achievement School
4952 District during the 2017-2018 school year.



4953 **SECTION 63.** Section 37-19-7, Mississippi Code of 1972, is
4954 amended as follows:

4955 37-19-7. (1) * * * Teachers' salaries in each county and
4956 separate school district shall be determined and paid in
4957 accordance with the scale for teachers' salaries as provided in
4958 this subsection. For teachers holding the following types of
4959 licenses or the equivalent as determined by the State Board of
4960 Education, and the following number of years of teaching
4961 experience, the scale shall be as follows:

4962 * * *

4963 **2015-2016 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

4964 Years

4965	Exp.	AAAA	AAA	AA	A
4966	0	39,108.00	37,944.00	36,780.00	34,390.00
4967	1	39,108.00	37,944.00	36,780.00	34,390.00
4968	2	39,108.00	37,944.00	36,780.00	34,390.00
4969	3	39,902.00	38,671.00	37,440.00	34,885.00
4970	4	40,696.00	39,398.00	38,100.00	35,380.00
4971	5	41,490.00	40,125.00	38,760.00	35,875.00
4972	6	42,284.00	40,852.00	39,420.00	36,370.00
4973	7	43,078.00	41,579.00	40,080.00	36,865.00
4974	8	43,872.00	42,306.00	40,740.00	37,360.00
4975	9	44,666.00	43,033.00	41,400.00	37,855.00
4976	10	45,460.00	43,760.00	42,060.00	38,350.00
4977	11	46,254.00	44,487.00	42,720.00	38,845.00



4978	12	47,048.00	45,214.00	43,380.00	39,340.00
4979	13	47,842.00	45,941.00	44,040.00	39,835.00
4980	14	48,636.00	46,668.00	44,700.00	40,330.00
4981	15	49,430.00	47,395.00	45,360.00	40,825.00
4982	16	50,224.00	48,122.00	46,020.00	41,320.00
4983	17	51,018.00	48,849.00	46,680.00	41,815.00
4984	18	51,812.00	49,576.00	47,340.00	42,310.00
4985	19	52,606.00	50,303.00	48,000.00	42,805.00
4986	20	53,400.00	51,030.00	48,660.00	43,300.00
4987	21	54,194.00	51,757.00	49,320.00	43,795.00
4988	22	54,988.00	52,484.00	49,980.00	44,290.00
4989	23	55,782.00	53,211.00	50,640.00	44,785.00
4990	24	56,576.00	53,938.00	51,300.00	45,280.00
4991	25	59,430.00	56,725.00	54,020.00	47,835.00
4992	26	60,224.00	57,452.00	54,680.00	48,330.00
4993	27	61,018.00	58,179.00	55,340.00	48,825.00
4994	28	61,812.00	58,906.00	56,000.00	49,320.00
4995	29	62,606.00	59,633.00	56,660.00	49,815.00
4996	30	63,400.00	60,360.00	57,320.00	50,310.00
4997	31	64,194.00	61,087.00	57,980.00	50,805.00
4998	32	64,988.00	61,814.00	58,640.00	51,300.00
4999	33	65,782.00	62,541.00	59,300.00	51,795.00
5000	34	66,576.00	63,268.00	59,960.00	52,290.00
5001	35				
5002	& above	67,370.00	63,995.00	60,620.00	52,785.00



5003 It is the intent of the Legislature that any state funds made
5004 available for salaries of licensed personnel in excess of the
5005 funds paid for such salaries for the 1986-1987 school year shall
5006 be paid to licensed personnel pursuant to a personnel appraisal
5007 and compensation system implemented by the State Board of
5008 Education. The State Board of Education shall have the authority
5009 to adopt and amend rules and regulations as are necessary to
5010 establish, administer and maintain the system.

5011 All teachers employed on a full-time basis shall be paid a
5012 minimum salary in accordance with the above scale. However, no
5013 school district shall receive any funds under this section for any
5014 school year during which the local supplement paid to any
5015 individual teacher shall have been reduced to a sum less than that
5016 paid to that individual teacher for performing the same duties
5017 from local supplement during the immediately preceding school
5018 year. The amount actually spent for the purposes of group health
5019 and/or life insurance shall be considered as a part of the
5020 aggregate amount of local supplement but shall not be considered a
5021 part of the amount of individual local supplement.

5022 The level of professional training of each teacher to be used
5023 in establishing the salary * * * for the * * * teacher for each
5024 year shall be determined by the type of valid teacher's license
5025 issued to * * * that teacher on or before October 1 of the current
5026 school year. * * * However, * * * school districts are
5027 authorized, in their discretion, to negotiate the salary levels



5028 applicable to * * * licensed employees who are receiving
5029 retirement benefits from the retirement system of another
5030 state * * *.

5031 (2) (a) The following employees shall receive an annual
5032 salary supplement in the amount of Six Thousand Dollars
5033 (\$6,000.00), plus fringe benefits, in addition to any other
5034 compensation to which the employee may be entitled:

5035 (i) Any licensed teacher who has met the
5036 requirements and acquired a Master Teacher certificate from the
5037 National Board for Professional Teaching Standards and who is
5038 employed by a local school board or the State Board of Education
5039 as a teacher and not as an administrator. Such teacher shall
5040 submit documentation to the State Department of Education that the
5041 certificate was received prior to October 15 in order to be
5042 eligible for the full salary supplement in the current school
5043 year, or the teacher shall submit such documentation to the State
5044 Department of Education prior to February 15 in order to be
5045 eligible for a prorated salary supplement beginning with the
5046 second term of the school year.

5047 (ii) A licensed nurse who has met the requirements
5048 and acquired a certificate from the National Board for
5049 Certification of School Nurses, Inc., and who is employed by a
5050 local school board or the State Board of Education as a school
5051 nurse and not as an administrator. The licensed school nurse
5052 shall submit documentation to the State Department of Education



5053 that the certificate was received before October 15 in order to be
5054 eligible for the full salary supplement in the current school
5055 year, or the licensed school nurse shall submit the documentation
5056 to the State Department of Education before February 15 in order
5057 to be eligible for a prorated salary supplement beginning with the
5058 second term of the school year. Provided, however, that the total
5059 number of licensed school nurses eligible for a salary supplement
5060 under this subparagraph (ii) shall not exceed thirty-five (35).

5061 (iii) Any licensed school counselor who has met
5062 the requirements and acquired a National Certified School
5063 Counselor (NCSC) endorsement from the National Board of Certified
5064 Counselors and who is employed by a local school board or the
5065 State Board of Education as a counselor and not as an
5066 administrator. Such licensed school counselor shall submit
5067 documentation to the State Department of Education that the
5068 endorsement was received prior to October 15 in order to be
5069 eligible for the full salary supplement in the current school
5070 year, or the licensed school counselor shall submit such
5071 documentation to the State Department of Education prior to
5072 February 15 in order to be eligible for a prorated salary
5073 supplement beginning with the second term of the school year.
5074 However, any school counselor who started the National Board for
5075 Professional Teaching Standards process for school counselors
5076 between June 1, 2003, and June 30, 2004, and completes the
5077 requirements and acquires the Master Teacher certificate shall be



5078 entitled to the master teacher supplement, and those counselors
5079 who complete the process shall be entitled to a one-time
5080 reimbursement for the actual cost of the process as outlined in
5081 paragraph (b) of this subsection.

5082 (iv) Any licensed speech-language pathologist and
5083 audiologist who has met the requirements and acquired a
5084 Certificate of Clinical Competence from the American
5085 Speech-Language-Hearing Association and any certified academic
5086 language therapist (CALT) who has met the certification
5087 requirements of the Academic Language Therapy Association and who
5088 is employed by a local school board or is employed by a state
5089 agency under the State Personnel Board. The licensed
5090 speech-language pathologist and audiologist and certified academic
5091 language therapist shall submit documentation to the State
5092 Department of Education that the certificate or endorsement was
5093 received before October 15 in order to be eligible for the full
5094 salary supplement in the current school year, or the licensed
5095 speech-language pathologist and audiologist and certified academic
5096 language therapist shall submit the documentation to the State
5097 Department of Education before February 15 in order to be eligible
5098 for a prorated salary supplement beginning with the second term of
5099 the school year. However, the total number of certified academic
5100 language therapists eligible for a salary supplement under this
5101 paragraph (iv) shall not exceed twenty (20).



5102 (b) An employee shall be reimbursed for the actual cost
5103 of completing each component of acquiring the certificate or
5104 endorsement, excluding any costs incurred for postgraduate
5105 courses, not to exceed Five Hundred Dollars (\$500.00) for each
5106 component, not to exceed four (4) components, for a teacher,
5107 school counselor or speech-language pathologist and audiologist,
5108 regardless of whether or not the process resulted in the award of
5109 the certificate or endorsement. A local school district or any
5110 private individual or entity may pay the cost of completing the
5111 process of acquiring the certificate or endorsement for any
5112 employee of the school district described under paragraph (a), and
5113 the State Department of Education shall reimburse the school
5114 district for such cost, regardless of whether or not the process
5115 resulted in the award of the certificate or endorsement. If a
5116 private individual or entity has paid the cost of completing the
5117 process of acquiring the certificate or endorsement for an
5118 employee, the local school district may agree to directly
5119 reimburse the individual or entity for such cost on behalf of the
5120 employee.

5121 (c) All salary supplements, fringe benefits and process
5122 reimbursement authorized under this subsection shall be paid
5123 directly by the State Department of Education to the local school
5124 district and shall be in addition to its * * * uniform per student
5125 funding formula allotments and not a part thereof in accordance
5126 with regulations promulgated by the State Board of Education.



5127 Local school districts shall not reduce the local supplement paid
5128 to any employee receiving such salary supplement, and the employee
5129 shall receive any local supplement to which employees with similar
5130 training and experience otherwise are entitled. However, an
5131 educational employee shall receive the salary supplement in the
5132 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
5133 qualifying certifications authorized under paragraph (a) of this
5134 subsection. No school district shall provide more than one (1)
5135 annual salary supplement under the provisions of this subsection
5136 to any one individual employee holding multiple qualifying
5137 national certifications.

5138 (d) If an employee for whom such cost has been paid, in
5139 full or in part, by a local school district or private individual
5140 or entity fails to complete the certification or endorsement
5141 process, the employee shall be liable to the school district or
5142 individual or entity for all amounts paid by the school district
5143 or individual or entity on behalf of that employee toward his or
5144 her certificate or endorsement.

5145 (3) The following employees shall receive an annual salary
5146 supplement in the amount of Four Thousand Dollars (\$4,000.00),
5147 plus fringe benefits, in addition to any other compensation to
5148 which the employee may be entitled:

5149 Effective July 1, 2016, if funds are available for that
5150 purpose, any licensed teacher who has met the requirements and
5151 acquired a Master Teacher Certificate from the National Board for



5152 Professional Teaching Standards and who is employed in a public
5153 school district located in one (1) of the following counties:
5154 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
5155 Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington.

5156 The salary supplement awarded under the provisions of this
5157 subsection (3) shall be in addition to the salary supplement
5158 awarded under the provisions of subsection (2) of this section.

5159 Teachers who meet the qualifications for a salary supplement
5160 under this subsection (3) who are assigned for less than one (1)
5161 full year or less than full time for the school year shall receive
5162 the salary supplement in a prorated manner, with the portion of
5163 the teacher's assignment to the critical geographic area to be
5164 determined as of June 15th of the school year.

5165 (4) (a) This subsection shall be known and may be cited as
5166 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition
5167 to the minimum base pay described in this section, only * * * if
5168 funds are available for that purpose, the State of Mississippi may
5169 provide monies from state funds to school districts for the
5170 purposes of rewarding * * * licensed teachers, administrators and
5171 nonlicensed personnel at individual schools showing improvement in
5172 student test scores. The MPBP plan shall be developed by the
5173 State Department of Education based on the following criteria:

5174 (i) It is the express intent of this legislation
5175 that the MPBP plan shall utilize only existing standards of



5176 accreditation and assessment as established by the State Board of
5177 Education.

5178 (ii) To ensure that all of Mississippi's teachers,
5179 administrators and nonlicensed personnel at all schools have equal
5180 access to the monies set aside in this section, the MPBP program
5181 shall be designed to calculate each school's performance as
5182 determined by the school's increase in scores from the prior
5183 school year. The MPBP program shall be based on a standardized
5184 scores rating where all levels of schools can be judged in a
5185 statistically fair and reasonable way upon implementation. At the
5186 end of each year, after all student achievement scores have been
5187 standardized, the State Department of Education shall implement
5188 the MPBP plan.

5189 (iii) To ensure all teachers cooperate in the
5190 spirit of teamwork, individual schools shall submit a plan to the
5191 local school district to be approved before the beginning of each
5192 school year * * *. The plan shall include, but not be limited to,
5193 how all teachers, regardless of subject area, and administrators
5194 will be responsible for improving student achievement for their
5195 individual school.

5196 (b) The State Board of Education shall develop the
5197 processes and procedures for designating schools eligible to
5198 participate in the MPBP. State assessment results, growth in
5199 student achievement at individual schools and other measures
5200 deemed appropriate in designating successful student achievement



5201 shall be used in establishing MPBP criteria. The State Board of
5202 Education shall develop the MPBP policies * * *.

5203 (5) (a) * * * If funds are available for that purpose, each
5204 school in Mississippi shall have mentor teachers, as defined by
5205 Sections 37-9-201 through 37-9-213, who shall receive additional
5206 base compensation provided for by the State Legislature in the
5207 amount of One Thousand Dollars (\$1,000.00) per each beginning
5208 teacher that is being mentored. The additional state compensation
5209 shall be limited to those mentor teachers that provide mentoring
5210 services to beginning teachers. For the purposes of such funding,
5211 a beginning teacher shall be defined as any teacher in any school
5212 in Mississippi that has less than one (1) year of classroom
5213 experience teaching in a public school. For the purposes of such
5214 funding, no full-time academic teacher shall mentor more than two
5215 (2) beginning teachers.

5216 (b) To be eligible for this state funding, the
5217 individual school must have a classroom management program
5218 approved by the local school board.

5219 (6) Effective with the 2014-2015 school year, the school
5220 districts participating in the Pilot Performance-Based
5221 Compensation System pursuant to Section 37-19-9 may award
5222 additional teacher and administrator pay based thereon.

5223 **SECTION 64.** Section 37-21-6, Mississippi Code of 1972, is
5224 amended as follows:



5225 37-21-6. The Mississippi Early Childhood Education Program
5226 shall be the kindergarten program implemented by local school
5227 districts * * *.

5228 **SECTION 65.** Section 37-21-7, Mississippi Code of 1972, is
5229 amended as follows:

5230 37-21-7. (1) This section shall be referred to as the
5231 "Mississippi Elementary Schools Assistant Teacher Program," the
5232 purpose of which shall be to provide an early childhood education
5233 program that assists in the instruction of basic skills. The
5234 State Board of Education is authorized, empowered and directed to
5235 implement a statewide system of assistant teachers in kindergarten
5236 classes and in the first, second and third grades. The assistant
5237 teacher shall assist pupils in actual instruction under the strict
5238 supervision of a licensed teacher.

5239 (2) (a) Except as otherwise authorized under subsection
5240 (7), each school district shall employ the total number of
5241 assistant teachers funded under subsection (6) of this section.
5242 The superintendent of each district shall assign the assistant
5243 teachers to the kindergarten, first-, second- and third-grade
5244 classes in the district in a manner that will promote the maximum
5245 efficiency, as determined by the superintendent, in the
5246 instruction of skills such as verbal and linguistic skills,
5247 logical and mathematical skills, and social skills.

5248 (b) If a licensed teacher to whom an assistant teacher
5249 has been assigned is required to be absent from the classroom, the



5250 assistant teacher may assume responsibility for the classroom in
5251 lieu of a substitute teacher. However, no assistant teacher shall
5252 assume sole responsibility of the classroom for more than three
5253 (3) consecutive school days. Further, in no event shall any
5254 assistant teacher be assigned to serve as a substitute teacher for
5255 any teacher other than the licensed teacher to whom that assistant
5256 teacher has been assigned.

5257 (3) Assistant teachers shall have, at a minimum, a high
5258 school diploma or a High School Equivalency Diploma equivalent,
5259 and shall show demonstratable proficiency in reading and writing
5260 skills. The State Department of Education shall develop a testing
5261 procedure for assistant teacher applicants to be used in all
5262 school districts in the state.

5263 (4) (a) In order to receive funding, each school district
5264 shall:

5265 (i) Submit a plan on the implementation of a
5266 reading improvement program to the State Department of Education;
5267 and

5268 (ii) Develop a plan of educational accountability
5269 and assessment of performance, including pretests and posttests,
5270 for reading in Grades 1 through 6.

5271 (b) Additionally, each school district shall:

5272 (i) Provide annually a mandatory preservice
5273 orientation session, using an existing in-school service day, for
5274 administrators and teachers on the effective use of assistant



5275 teachers as part of a team in the classroom setting and on the
5276 role of assistant teachers, with emphasis on program goals;

5277 (ii) Hold periodic workshops for administrators
5278 and teachers on the effective use and supervision of assistant
5279 teachers;

5280 (iii) Provide training annually on specific
5281 instructional skills for assistant teachers;

5282 (iv) Annually evaluate their program in accordance
5283 with their educational accountability and assessment of
5284 performance plan; and

5285 (v) Designate the necessary personnel to supervise
5286 and report on their program.

5287 (5) The State Department of Education shall:

5288 (a) Develop and assist in the implementation of a
5289 statewide uniform training module, subject to the availability of
5290 funds specifically appropriated therefor by the Legislature, which
5291 shall be used in all school districts for training administrators,
5292 teachers and assistant teachers. The module shall provide for the
5293 consolidated training of each assistant teacher and teacher to
5294 whom the assistant teacher is assigned, working together as a
5295 team, and shall require further periodic training for
5296 administrators, teachers and assistant teachers regarding the role
5297 of assistant teachers;

5298 (b) Annually evaluate the program on the district and
5299 state level. Subject to the availability of funds specifically



5300 appropriated therefor by the Legislature, the department shall
5301 develop: (i) uniform evaluation reports, to be performed by the
5302 principal or assistant principal, to collect data for the annual
5303 overall program evaluation conducted by the department; or (ii) a
5304 program evaluation model that, at a minimum, addresses process
5305 evaluation; and

5306 (c) Promulgate rules, regulations and such other
5307 standards deemed necessary to effectuate the purposes of this
5308 section. Noncompliance with the provisions of this section and
5309 any rules, regulations or standards adopted by the department may
5310 result in a violation of compulsory accreditation standards as
5311 established by the State Board of Education and the Commission on
5312 School Accreditation.

5313 (6) * * * No assistant teacher shall be paid less than the
5314 amount he or she received in the prior school year. No school
5315 district shall receive any funds under this section for any school
5316 year during which the aggregate amount of the local contribution
5317 to the salaries of assistant teachers by the district shall have
5318 been reduced below such amount for the previous year.

5319 For the 2007-2008 school year and school years thereafter,
5320 the minimum salary for assistant teachers shall be Twelve Thousand
5321 Five Hundred Dollars (\$12,500.00).

5322 In addition, for each one percent (1%) that the Sine Die
5323 General Fund Revenue Estimate Growth exceeds five percent (5%) in
5324 fiscal year 2006, as certified by the Legislative Budget Office to



5325 the State Board of Education and subject to the specific
5326 appropriation therefor by the Legislature, the State Board of
5327 Education shall revise the salary scale in the appropriate year to
5328 provide an additional one percent (1%) across-the-board increase
5329 in the base salaries for assistant teachers. The State Board of
5330 Education shall revise the salaries prescribed above for assistant
5331 teachers to conform to any adjustments made in prior fiscal years
5332 due to revenue growth over and above five percent (5%). The
5333 assistant teachers shall not be restricted to working only in the
5334 grades for which the funds were allotted, but may be assigned to
5335 other classes as provided in subsection (2)(a) of this section.

5336 (7) (a) As an alternative to employing assistant teachers,
5337 any school district may use the allotment provided under
5338 subsection (6) of this section for the purpose of employing
5339 licensed teachers for kindergarten, first-, second- and
5340 third-grade classes; however, no school district shall be
5341 authorized to use the allotment for assistant teachers for the
5342 purpose of employing licensed teachers unless the district has
5343 established that the employment of licensed teachers using such
5344 funds will reduce the teacher:student ratio in the kindergarten,
5345 first-, second- and third-grade classes. All state funds for
5346 assistant teachers shall be applied to reducing teacher:student
5347 ratio in Grades K-3.

5348 It is the intent of the Legislature that no school district
5349 shall dismiss any assistant teacher for the purpose of using the



5350 assistant teacher allotment to employ licensed teachers. School
5351 districts may rely only upon normal attrition to reduce the number
5352 of assistant teachers employed in that district.

5353 (b) Districts meeting the highest levels of
5354 accreditation standards, as defined by the State Board of
5355 Education, shall be exempted from the provisions of subsection (4)
5356 of this section.

5357 **SECTION 66.** Section 37-22-5, Mississippi Code of 1972, is
5358 amended as follows:

5359 37-22-5. There is * * * created an Emergency Fund Loss
5360 Assistance Program to provide temporary grants to eligible school
5361 districts. The purpose of the program shall be to provide relief
5362 to school districts suffering losses of financial assistance under
5363 federal programs, such as the IMPACT Program, designed to serve
5364 the educational needs of children of government employees and
5365 Choctaw Indian children. Any school district which has sustained
5366 losses in direct payments from the federal government for the
5367 purpose of educating the children of federal government employees
5368 and Choctaw Indian children living on United States government
5369 owned reservation land shall be entitled to an Emergency Fund Loss
5370 Assistance Grant, in the amount of the reduction of the grant
5371 funds received from the federal government from prior years. This
5372 grant shall be limited to losses resulting from reductions in the
5373 level of federal funding allocated to school districts from prior
5374 years and not from reductions resulting from a loss of students



5375 served by the school districts. Losses incurred prior to July 1,
5376 1987, shall not be considered for purposes of determining the
5377 amount of the grant. There is hereby established an Emergency
5378 Fund Loss Assistance Fund in the State Treasury which shall be
5379 used to distribute the emergency grants to school districts.
5380 Expenditures from this fund shall not exceed One Million Dollars
5381 (\$1,000,000.00) in any fiscal year. If the total of all grant
5382 entitlements from local school districts exceeds such sum, then
5383 the grants to the school districts shall be prorated accordingly.

5384 * * *

5385 **SECTION 67.** Section 37-23-1, Mississippi Code of 1972, is
5386 amended as follows:

5387 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
5388 is to mandate free appropriate public educational services and
5389 equipment for exceptional children in the age range three (3)
5390 through twenty (20) for whom the regular school programs are not
5391 adequate and to provide, on a permissive basis, a free appropriate
5392 public education, as a part of the state's early intervention
5393 system in accordance with regulations developed in collaboration
5394 with the agency designated as "lead agency" under Part C of the
5395 Individuals with Disabilities Education Act. The portion of the
5396 regulations developed in collaboration with the lead agency which
5397 are necessary to implement the programs under the authority of the
5398 State Board of Education shall be presented to the State Board of
5399 Education for adoption. This specifically includes, but shall not



5400 be limited to, provision for day schools for the deaf and blind of
5401 an age under six (6) years, where early training is in accordance
5402 with the most advanced and best approved scientific methods of
5403 instruction, always taking into consideration the best interests
5404 of the child and his improvement at a time during which he is most
5405 susceptible of improvement. Educational programs to exceptional
5406 children under the age of three (3) years shall be eligible
5407 for * * * uniform per student funding formula funds.

5408 All references in the laws of this state to the "Individuals
5409 with Disabilities Education Act" or to the "IDEA" shall be
5410 construed to include any subsequent amendments to that act.

5411 The educational programs and services provided for
5412 exceptional children in Sections 37-23-1 through 37-23-15,
5413 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
5414 shall be designed to provide individualized appropriate special
5415 education and related services that enable a child to reach his or
5416 her appropriate and uniquely designed goals for success. The
5417 State Board of Education shall establish an accountability system
5418 for special education programs and students with disabilities.
5419 The system shall establish accountability standards for services
5420 provided to improve the educational skills designed to prepare
5421 children for life after their years in school. These standards
5422 shall be a part of the accreditation system and shall be
5423 implemented before July 1, 1996.



5424 The State Department of Education shall establish goals for
5425 the performance of children with disabilities that will promote
5426 the purpose of IDEA and are consistent, to the maximum extent
5427 appropriate, with other goals and standards for children
5428 established by the State Department of Education. Performance
5429 indicators used to assess progress toward achieving those goals
5430 that, at a minimum, address the performance of children with
5431 disabilities on assessments, drop-out rates, and graduation rates
5432 shall be developed. Every two (2) years, the progress toward
5433 meeting the established performance goals shall be reported to the
5434 public.

5435 **SECTION 68.** Section 37-23-15, Mississippi Code of 1972, is
5436 amended as follows:

5437 37-23-15. (1) The State Department of Education, in
5438 accordance with Sections 37-23-1 through 37-23-75, and any
5439 additional authority granted in this chapter, shall:

5440 (a) Adopt pilot programs under which certain students
5441 enrolled or enrolling in public schools in this state shall be
5442 tested for dyslexia and related disorders as may be necessary.
5443 The pilot programs shall provide that upon the request of a
5444 parent, student, school nurse, classroom teacher or other school
5445 personnel who has reason to believe that a student has a need to
5446 be tested for dyslexia, such student shall be reviewed for
5447 appropriate services. However, a student shall not be tested for
5448 dyslexia whose parent or guardian objects thereto on grounds that



5449 such testing conflicts with his conscientiously held religious
5450 beliefs.

5451 (b) In accordance with the pilot programs adopted by
5452 the State Department of Education, such school boards shall
5453 provide remediation in an appropriate multi-sensory, systematic
5454 language-based regular education program or programs, as
5455 determined by the school district, such as the Texas Scottish Rite
5456 Hospital Dyslexia Training Program, pertinent to the child's
5457 physical and educational disorders or the sensory area in need of
5458 remediation for those students who do not qualify for special
5459 education services.

5460 (c) The State Department of Education, by not later
5461 than January 1, 1997, shall make recommendations to the school
5462 boards designated for the pilot programs for the delivery of
5463 services to students who are identified as dyslexic.

5464 (d) For the purposes of this section:

5465 (i) "Dyslexia" means a language processing
5466 disorder which may be manifested by difficulty processing
5467 expressive or receptive, oral or written language despite adequate
5468 intelligence, educational exposure and cultural opportunity.
5469 Specific manifestations may occur in one or more areas, including
5470 difficulty with the alphabet, reading comprehension, writing and
5471 spelling.

5472 (ii) "Related disorders" shall include disorders
5473 similar to or related to dyslexia such as developmental auditory



5474 imperception, dysphasia, specific developmental dyslexia,
5475 dyspraxia, developmental dysgraphia and developmental spelling
5476 disability.

5477 (e) Local school districts designated for the pilot
5478 programs may utilize any source of funds other than * * * uniform
5479 per student funding formula funds to provide any services under
5480 this section.

5481 (f) Nothing in this section shall be construed to
5482 require any school district to implement this section unless the
5483 local school board, by resolution spread on its minutes,
5484 voluntarily agrees to comply with this section and any regulations
5485 promulgated under this section. Any local school board may
5486 withdraw from participation in the program authorized under this
5487 section by providing written notice of its determination to
5488 withdraw to the State Department of Education no later than June 1
5489 of the preceding fiscal year.

5490 (2) State funding for the pilot programs for testing
5491 students for dyslexia shall be subject to the availability of
5492 funds specifically appropriated therefor by the Legislature.

5493 (3) The State Department of Education shall prepare a report
5494 for the 1999 Regular Session of the Legislature to be submitted to
5495 the Chairmen of the Education Committees of the Senate and House
5496 of Representatives not later than November 1, 1998, with
5497 recommendations as to the effectiveness of the pilot programs for



5498 students with dyslexia and whether or not the pilot programs
5499 should be expanded or discontinued.

5500 **SECTION 69.** Section 37-23-69, Mississippi Code of 1972, is
5501 amended as follows:

5502 37-23-69. The State Department of Education may determine
5503 and pay the amount of the financial assistance to be made
5504 available to each applicant, and see that all applicants and the
5505 programs for them meet the requirements of the program for
5506 exceptional children. No financial assistance shall exceed the
5507 obligation actually incurred by the applicant for educational
5508 costs, which shall include special education and related services
5509 as defined by the Mississippi Department of Education Policies and
5510 Procedures Regarding Children with Disabilities under the federal
5511 Individuals with Disabilities Education Act (IDEA). Within the
5512 amount of available state funds * * * for that purpose, each such
5513 applicant may receive assistance according to the following
5514 allowances:

5515 (a) If the applicant chooses to attend a private
5516 school, a parochial school or a speech, hearing and/or language
5517 clinic having an appropriate program for the applicant, and if the
5518 school or clinic meets federal and state regulations, then the
5519 educational costs reimbursement will be one hundred percent (100%)
5520 of the first Six Hundred Dollars (\$600.00) in educational costs
5521 charged by the school or clinic; or, if the applicant is under six
5522 (6) years of age, and no program appropriate for the child exists



5523 in the public schools of his domicile, then the reimbursement
5524 shall be one hundred percent (100%) of the first Six Hundred
5525 Dollars (\$600.00) in educational costs charged by the school or
5526 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
5527 (\$800.00) in educational costs charged by the school or clinic;

5528 (b) A public school district shall be reimbursed for
5529 the educational costs of an applicant up to an annual maximum
5530 based on a * * * cost factor * * * determined by the State Board
5531 of Education if the following conditions are met: (i) an
5532 applicant in the age range six (6) through twenty (20) requests
5533 the public school district where he resides to provide an
5534 education for him and the nature of the applicant's educational
5535 problem is such that, according to best educational practices, it
5536 cannot be met in the public school district where the child
5537 resides; (ii) the public school district decides to provide the
5538 applicant a free appropriate education by placing him in a private
5539 school, a parochial school or a speech, hearing and/or language
5540 clinic having an appropriate program for the applicant; (iii) the
5541 program meets federal and state regulations; and (iv) the
5542 applicant is approved for financial assistance by a State Level
5543 Review Board established by the State Board of Education. The
5544 Review Board will act on financial assistance requests within five
5545 (5) working days of receipt. Nothing in this paragraph shall
5546 prevent two (2) or more public school districts from forming a
5547 cooperative to meet the needs of low incidence exceptional



5548 children, nor shall the public school be relieved of its
5549 responsibility to provide an education for all children. If state
5550 monies are not sufficient to fund all applicants, there will be a
5551 ratable reduction for all recipients receiving state funds under
5552 this section. School districts may pay additional educational
5553 costs from available federal, state and local funds.

5554 If an exceptional child, as defined in Section 37-23-3, is
5555 placed in a therapeutic or other group home licensed or approved
5556 by the state that has no educational program associated with it,
5557 the local school district in which the home is located shall offer
5558 an appropriate educational program to that child.

5559 At any time that the Individualized Education Program (IEP)
5560 Committee in the district where the home is located determines
5561 that an exceptional child, as defined in Section 37-23-3, residing
5562 in that home can no longer be provided a free appropriate public
5563 education in that school district, and the State Department of
5564 Education agrees with that decision, then the State Department of
5565 Education shall recommend to the Department of Human Services
5566 placement of the child by the Department of Human Services, which
5567 shall take appropriate action. The placement of the exceptional
5568 child in the facility shall be at no cost to the local school
5569 district. Funds available under Sections 37-23-61 through
5570 37-23-77, as well as any available federal funds, may be used to
5571 provide the educational costs of the placement. If the
5572 exceptional child is under the guardianship of the Department of



5573 Human Services or another state agency, the State Department of
5574 Education shall pay only for the educational costs of that
5575 placement, and the other agency shall be responsible for the room,
5576 board and any other costs. The special education and related
5577 services provided to the child shall be in compliance with State
5578 Department of Education and any related federal regulations. The
5579 State Board of Education may promulgate regulations that are
5580 necessary to implement this section; and

5581 (c) If an appropriate local or regional system of care,
5582 including a free appropriate public education, is available for
5583 exceptional children who are currently being served in
5584 out-of-district or Department of Human Services placements under
5585 Section 37-23-69(b) or 37-23-77, then the state funds from the
5586 State Department of Education that would have been used for those
5587 placements may be paid into a pool of funds with funds from other
5588 state agencies to be used for the implementation of the
5589 individualized plans of care for those children. If there are
5590 sufficient funds to serve additional exceptional children because
5591 of cost savings as a result of serving these students at home
5592 and/or matching the pooled funds with federal dollars, the funds
5593 may be used to implement individualized plans of care for those
5594 additional exceptional children. Each local or regional provider
5595 of services included in the individualized plans of care shall
5596 comply with all appropriate state and federal regulations. The



5597 State Board of Education may promulgate regulations that are
5598 necessary to implement this section.

5599 The State Department of Education may also provide for the
5600 payment of that financial assistance in installments and for
5601 proration of that financial assistance in the case of children
5602 attending a school or clinic for less than a full school session
5603 and, if available funds are insufficient, may allocate the
5604 available funds among the qualified applicants and local school
5605 districts by reducing the maximum assistance provided for in this
5606 section.

5607 Any monies provided an applicant under Sections 37-23-61
5608 through 37-23-75 shall be applied by the receiving educational
5609 institution as a reduction in the amount of the educational costs
5610 paid by the applicant, and the total educational costs paid by the
5611 applicant shall not exceed the total educational costs paid by any
5612 other child in similar circumstances enrolled in the same program
5613 in that institution. However, this limitation shall not prohibit
5614 the waiving of all or part of the educational costs for a limited
5615 number of children based upon demonstrated financial need, and the
5616 State Department of Education may adopt and enforce reasonable
5617 rules and regulations to carry out the intent of these provisions.

5618 **SECTION 70.** Section 37-23-109, Mississippi Code of 1972, is
5619 amended as follows:

5620 37-23-109. Any child development center created under the
5621 provisions of Sections 37-23-91 through 37-23-111 shall be



5622 entitled to receive all contributions and benefits allowed to the
5623 other school districts from the federal and state governments
5624 including, but not limited to, contributions on the basis of the
5625 average daily * * * membership per child, school textbooks and
5626 school lunch program.

5627 **SECTION 71.** Section 37-23-179, Mississippi Code of 1972, is
5628 amended as follows:

5629 37-23-179. (1) The board shall specifically promulgate
5630 rules, regulations and guidelines which establish model programs
5631 of gifted education and also establish minimum criteria for gifted
5632 education programs. In providing programs of gifted education,
5633 the local district may use the model programs prepared by the
5634 board or may itself develop programs of gifted education which,
5635 prior to being implemented, shall be approved by the board,
5636 provided, that no such plan or program shall be approved or
5637 continued unless it meets the minimum criteria established by the
5638 board.

5639 (2) There is hereby created within the department an office
5640 for gifted education which shall be staffed by such professional,
5641 support and clerical personnel as may be necessary to implement
5642 the provisions of Sections 37-23-171 through 37-23-181.

5643 (3) All local school districts may have programs of gifted
5644 education for intellectually, creatively and/or artistically
5645 gifted students in Grades 2 through 12 and for academically gifted
5646 students in Grades 9 through 12 approved by the board. Beginning



5647 with the 1993-1994 school year, all local school districts shall
5648 have programs of gifted education for intellectually gifted
5649 students in Grade 2, subject to the approval of the State Board of
5650 Education and the availability of funds appropriated therefor by
5651 line-item. Beginning with the 1994-1995 school year, all local
5652 school districts shall have programs of gifted education for
5653 intellectually gifted students in Grades 2 and 3, subject to the
5654 approval of the State Board of Education. Beginning with the
5655 1995-1996 school year, all local school districts shall have
5656 programs of gifted education for intellectually gifted students in
5657 Grades 2, 3 and 4 subject to the approval of the State Board of
5658 Education. Beginning with the 1996-1997 school year, all local
5659 school districts shall have programs of gifted education for
5660 intellectually gifted students in Grades 2, 3, 4 and 5, subject to
5661 the approval of the State Board of Education. Beginning with the
5662 1997-1998 school year, all local school districts shall have
5663 programs of gifted education for intellectually gifted students in
5664 Grades 2, 3, 4, 5 and 6, subject to the approval of the State
5665 Board of Education. * * * Each local school district shall
5666 include as a part of its five-year plan a description of any
5667 proposed gifted education programs of the district. * * *

5668 **SECTION 72.** Section 37-27-55, Mississippi Code of 1972, is
5669 amended as follows:

5670 37-27-55. When any pupils shall attend any agricultural high
5671 school or community or junior college under the provisions of



5672 Section 37-27-51, such pupils shall be reported and accounted for
5673 the allocation of * * * uniform per student funding formula funds
5674 and building funds just as though such pupils were attending the
5675 regular schools of the district in which they reside. For this
5676 purpose reports shall be made to the board of trustees of the
5677 school district involved by the agricultural high school or
5678 community or junior college of the number of children in average
5679 daily * * * membership, and the average daily * * * membership of
5680 such pupils shall thereupon be included in reports made to the
5681 county or school district under the provisions of Chapters 19 and
5682 47 of this title. The allocation of * * * uniform per student
5683 funding formula funds and state public school building funds shall
5684 be made for such children just as though such children were
5685 attending the regular schools of the district. However, all * * *
5686 uniform per student funding formula funds which accrue to any
5687 district as a result of the pupils who are in attendance at such
5688 agricultural high school or community or junior college * * *
5689 shall be paid by the board of trustees of the municipal separate
5690 school district or the county board of education, as the case may
5691 be, to the agricultural high school or community or junior college
5692 at which the pupils are in attendance, and shall be expended by
5693 said agricultural high school or community or junior college for
5694 the instruction of said pupils * * *. Funds allotted to the
5695 school district for building purposes under Chapter 47 of this
5696 title, shall, however, be retained by the school district entitled



5697 thereto. The term "school district" as used in Sections 37-27-51
5698 through 37-27-59 shall be defined as including all public school
5699 districts in this state and also all agricultural high schools not
5700 located on the campus of a community or junior college.

5701 **SECTION 73.** Section 37-27-57, Mississippi Code of 1972, is
5702 amended as follows:

5703 37-27-57. Any additional or supplemental expenses incurred
5704 by the agricultural high school or community or junior college in
5705 the instruction of such pupils above that defrayed by * * *
5706 uniform per student funding formula funds as provided in Section
5707 37-27-55, shall be paid either from the amounts received from the
5708 state appropriation for the support of agricultural high schools
5709 or from the tax levy for the support of such agricultural high
5710 school or community or junior college or from any other funds
5711 which such agricultural high school or community or junior college
5712 may have available for such purpose.

5713 **SECTION 74.** Section 37-28-5, Mississippi Code of 1972, is
5714 amended as follows:

5715 37-28-5. As used in this chapter, the following words and
5716 phrases have the meanings ascribed in this section unless the
5717 context clearly indicates otherwise:

5718 (a) "Applicant" means any person or group that develops
5719 and submits an application for a charter school to the authorizer.



5720 (b) "Application" means a proposal from an applicant to
5721 the authorizer to enter into a charter contract whereby the
5722 proposed school obtains charter school status.

5723 (c) "Authorizer" means the Mississippi Charter School
5724 Authorizer Board established under Section 37-28-7 to review
5725 applications, decide whether to approve or reject applications,
5726 enter into charter contracts with applicants, oversee charter
5727 schools, and decide whether to renew, not renew, or revoke charter
5728 contracts.

5729 (d) "Charter contract" means a fixed-term, renewable
5730 contract between a charter school and the authorizer which
5731 outlines the roles, powers, responsibilities and performance
5732 expectations for each party to the contract.

5733 (e) "Charter school" means a public school that is
5734 established and operating under the terms of charter contract
5735 between the school's governing board and the authorizer. The term
5736 "charter school" includes a conversion charter school and start-up
5737 charter school.

5738 (f) "Conversion charter school" means a charter school
5739 that existed as a noncharter public school before becoming a
5740 charter school.

5741 (g) "Education service provider" means a charter
5742 management organization, school design provider or any other
5743 partner entity with which a charter school intends to contract for
5744 educational design, implementation or comprehensive management.



5745 (h) "Governing board" means the independent board of a
5746 charter school which is party to the charter contract with the
5747 authorizer and whose members have been elected or selected
5748 pursuant to the school's application.

5749 (i) "Noncharter public school" means a public school
5750 that is under the direct management, governance and control of a
5751 school board or the state.

5752 (j) "Parent" means a parent, guardian or other person
5753 or entity having legal custody of a child.

5754 (k) "School board" means a school board exercising
5755 management and control over a local school district and the
5756 schools of that district pursuant to the State Constitution and
5757 state statutes.

5758 (l) "School district" means a governmental entity that
5759 establishes and supervises one or more public schools within its
5760 geographical limits pursuant to state statutes.

5761 (m) "Start-up charter school" means a charter school
5762 that did not exist as a noncharter public school before becoming a
5763 charter school.

5764 (n) "Student" means any child who is eligible for
5765 attendance in a public school in the state.

5766 (o) "Underserved students" means students participating
5767 in the federal free lunch program * * * and students who are
5768 identified as having special educational needs.



5769 **SECTION 75.** Section 37-28-53, Mississippi Code of 1972, is
5770 amended as follows:

5771 37-28-53. (1) Each charter school shall certify annually to
5772 the State Department of Education its student enrollment, average
5773 daily * * * membership and student participation in the national
5774 school lunch program, special education, vocational education,
5775 gifted education, alternative school program and federal programs
5776 in the same manner as school districts.

5777 (2) Each charter school shall certify annually to the school
5778 board of the school district in which the charter school is
5779 located the number of enrolled charter school students residing in
5780 the school district.

5781 **SECTION 76.** Section 37-28-55, Mississippi Code of 1972, is
5782 amended as follows:

5783 37-28-55. (1) (a) The State Department of Education shall
5784 make payments to charter schools for each student in average
5785 daily * * * membership at the charter school equal to the state
5786 share of the * * * uniform per student funding formula payments
5787 for each student in average daily * * * membership at the school
5788 district in which the charter school is located. In calculating
5789 the local contribution for purposes of determining the state share
5790 of the * * * uniform per student funding formula payments, the
5791 department shall deduct the pro rata local contribution of the
5792 school district in which the student resides * * *.



5793 (b) Payments made pursuant to this subsection by the
5794 State Department of Education must be made at the same time and in
5795 the same manner as * * * uniform per student funding formula
5796 payments are made to school districts under Sections 37-151-101
5797 and 37-151-103. Amounts payable to a charter school must be
5798 determined by the State Department of Education. Amounts payable
5799 to a charter school over its charter term must be based on the
5800 enrollment projections set forth over the term of the charter
5801 contract. Such projections must be reconciled with the average
5802 daily * * * membership (ADM) using months two (2) and three
5803 (3) * * * ADM for the current year for which * * * uniform per
5804 student funding formula funds are being appropriated and any
5805 necessary adjustments must be made to payments during the school's
5806 following year of operation.

5807 (2) For students attending a charter school located in the
5808 school district in which the student resides, the school district
5809 in which a charter school is located shall pay directly to the
5810 charter school an amount for each student enrolled in the charter
5811 school equal to the ad valorem tax receipts and in-lieu payments
5812 received per pupil for the support of the local school district in
5813 which the student resides. The pro rata ad valorem receipts and
5814 in-lieu receipts to be transferred to the charter school shall
5815 include all levies for the support of the local school district
5816 under Sections 37-57-1 (local contribution to the * * * uniform
5817 per student funding formula) and 37-57-105 (school district



5818 operational levy) and may not include any taxes levied for the
5819 retirement of the local school district's bonded indebtedness or
5820 short-term notes or any taxes levied for the support of
5821 vocational-technical education programs. The amount of funds
5822 payable to the charter school by the school district must be based
5823 on the previous year's enrollment data and ad valorem receipts and
5824 in-lieu receipts of the local school district in which the student
5825 resides. The pro rata amount must be calculated by dividing the
5826 local school district's months one (1) through nine (9) average
5827 daily membership into the total amount of ad valorem receipts and
5828 in-lieu receipts, as reported to the State Department of Education
5829 by the local school district. The local school district shall pay
5830 an amount equal to this pro rata amount multiplied by the number
5831 of students enrolled in the charter school, based on the charter
5832 school's end of first month enrollment for the current school
5833 year. The amount must be paid by the school district to the
5834 charter school before January 16 of the current fiscal year. If
5835 the local school district does not pay the required amount to the
5836 charter school before January 16, the State Department of
5837 Education shall reduce the local school district's January
5838 transfer of * * * Mississippi Uniform Per Student Funding Formula
5839 funds by the amount owed to the charter school and shall redirect
5840 that amount to the charter school. Any such payments made under
5841 this subsection (2) by the State Department of Education to a
5842 charter school must be made at the same time and in the same



5843 manner as * * * uniform per student funding formula payments are
5844 made to school districts under Sections 37-151-101 and 37-151-103.

5845 (3) For students attending a charter school located in a
5846 school district in which the student does not reside, the State
5847 Department of Education shall pay to the charter school in which
5848 the student is enrolled an amount as follows: the pro rata ad
5849 valorem receipts and in-lieu payments per pupil for the support of
5850 the local school district in which the student resides under
5851 Sections 37-57-1 (local contribution to the * * * uniform per
5852 student funding formula) and 37-57-105 (school district
5853 operational levy), however, not including any taxes levied for the
5854 retirement of the local school district's bonded indebtedness or
5855 short-term notes or any taxes levied for the support of
5856 vocational-technical education programs. The amount of funds
5857 payable to the charter school by the school district must be based
5858 on the previous year's enrollment data and ad valorem receipts and
5859 in-lieu receipts of the local school district in which the student
5860 resides. The pro rata amount must be calculated by dividing the
5861 local school district's months one (1) through nine (9) average
5862 daily membership into the total amount of ad valorem receipts and
5863 in-lieu receipts, as reported to the State Department of Education
5864 by the transferor local school district. The payable amount shall
5865 be equal to this pro rata amount multiplied by the number of
5866 students enrolled in the charter school, based on the charter
5867 school's end of first month enrollment for the current school



5868 year. The State Department of Education shall reduce the school
5869 district's January transfer of * * * Mississippi Uniform Per
5870 Student Funding Formula funds by the amount owed to the charter
5871 school and shall redirect that amount to the charter school. Any
5872 such payments made under this subsection (3) by the State
5873 Department of Education to a charter school must be made at the
5874 same time and in the same manner as * * * uniform per student
5875 funding formula payments are made to school districts under
5876 Sections 37-151-101 and 37-151-103.

5877 (4) (a) The State Department of Education shall direct the
5878 proportionate share of monies generated under federal and state
5879 categorical aid programs, including special education, vocational,
5880 gifted and alternative school programs, to charter schools serving
5881 students eligible for such aid. The department shall ensure that
5882 charter schools with rapidly expanding enrollments are treated
5883 equitably in the calculation and disbursement of all federal and
5884 state categorical aid program dollars. Each charter school that
5885 serves students who may be eligible to receive services provided
5886 through such programs shall comply with all reporting requirements
5887 to receive the aid.

5888 (b) A charter school shall pay to a local school
5889 district any federal or state aid attributable to a student with a
5890 disability attending the charter school in proportion to the level
5891 of services for that student which the local school district
5892 provides directly or indirectly.



5893 (c) Subject to the approval of the authorizer, a
5894 charter school and a local school district may negotiate and enter
5895 into a contract for the provision of and payment for special
5896 education services, including, but not necessarily limited to, a
5897 reasonable reserve not to exceed five percent (5%) of the local
5898 school district's total budget for providing special education
5899 services. The reserve may be used by the local school district
5900 only to offset excess costs of providing services to students with
5901 disabilities enrolled in the charter school.

5902 * * *

5903 (5) * * * A charter school may enter into a contract with a
5904 school district or private provider to provide transportation to
5905 the school's students.

5906 **SECTION 77.** Section 37-29-1, Mississippi Code of 1972, is
5907 amended as follows:

5908 37-29-1. (1) The creation, establishment, maintenance and
5909 operation of community colleges is authorized. Community colleges
5910 may admit students if they have earned one (1) unit less than the
5911 number of units required for high school graduation established by
5912 State Board of Education policy or have earned a High School
5913 Equivalency Diploma in courses correlated to those of senior
5914 colleges or professional schools. Subject to the provisions of
5915 Section 75-76-34, they shall offer, without limitation, education
5916 and training preparatory for occupations such as agriculture,
5917 industry of all kinds, business, homemaking and for other



5918 occupations on the semiprofessional and vocational-technical
5919 level. They may offer courses and services to students regardless
5920 of their previous educational attainment or further academic
5921 plans.

5922 (2) The boards of trustees of the community college
5923 districts are authorized to establish an early admission program
5924 under which applicants having a minimum ACT composite score of
5925 twenty-six (26) or the equivalent SAT score may be admitted as
5926 full-time college students if the principal or guidance counselor
5927 of the student recommends in writing that it is in the best
5928 educational interest of the student. Such recommendation shall
5929 also state that the student's age will not keep him from being a
5930 successful full-time college student. Students admitted in the
5931 early admission program shall not be counted for * * * uniform per
5932 student funding formula purposes in the average daily * * *
5933 membership of the school district in which they reside, and
5934 transportation required by a student to participate in the early
5935 admission program shall be the responsibility of the parents or
5936 legal guardians of the student. Grades and college credits earned
5937 by students admitted to the early admission program shall be
5938 recorded on the college transcript at the community college where
5939 the student attends classes, and may be released to another
5940 institution or used for college graduation requirements only after
5941 the student has successfully completed one (1) full semester of
5942 course work.



5943 (3) The community colleges shall provide, through courses or
5944 other acceptable educational measures, the general education
5945 necessary to individuals and groups which will tend to make them
5946 capable of living satisfactory lives consistent with the ideals of
5947 a democratic society.

5948 **SECTION 78.** Section 37-29-272, Mississippi Code of 1972, is
5949 amended as follows:

5950 37-29-272. The board of trustees of any community college
5951 district in the state maintaining and operating an agricultural
5952 high school on July 1, 1994, is hereby authorized to transfer the
5953 control, maintenance and operation of said agricultural high
5954 school, including the transfer of title to all real and personal
5955 property used for agricultural high school purposes, to the county
5956 board of education of the county in which the school is located.
5957 Upon the acceptance by the county board of education and before an
5958 order authorizing such transfer shall be entered, the board of
5959 trustees of the community college district and the county board of
5960 education in which such school is located shall by joint
5961 resolution agree in writing on the terms of such transfer, the
5962 extent of the rights of use and occupancy of the school and
5963 grounds, and the control, management, preservation and
5964 responsibility of transportation of students to such premises, to
5965 be spread upon the minutes of each governing authority. Upon such
5966 transfer, the county board of education may abolish the
5967 agricultural high school as a distinct school, and merge its



5968 activities, programs and students into the regular high school
5969 curricula of the school district. When a community college has
5970 transferred operation of an agricultural high school as provided
5971 herein, the pupils attending such school shall be reported,
5972 accounted for allocation of * * * uniform per student funding
5973 formula funds and entitled to school transportation as though such
5974 pupils were attending the schools of the school district in which
5975 they reside, as provided in Sections 37-27-53 and 37-27-55,
5976 Mississippi Code of 1972. When any agricultural high school is
5977 transferred by the board of trustees of a community college to the
5978 county board of education as provided in this section, all laws
5979 relating to agricultural high school tax levies for the support or
5980 retirement of bonded indebtedness for agricultural high schools
5981 shall continue in full force and effect for the transferring
5982 community college district until current obligations on all bonded
5983 indebtednesses related to agriculture high schools have been
5984 satisfied and retired.

5985 **SECTION 79.** Section 37-29-303, Mississippi Code of 1972, is
5986 amended as follows:

5987 37-29-303. As used in Sections 37-29-301 through 37-29-305,
5988 the following terms shall be defined as provided in this section:

5989 (a) "Full-time equivalent (FTE) enrollment" means the
5990 process by which the Southern Regional Education Board (SREB)
5991 calculates FTE by taking total undergraduate semester credit hours
5992 divided by thirty (30); total undergraduate quarter hours divided



5993 by forty-five (45); total graduate semester credit hours divided
5994 by twenty-four (24); and total graduate quarter hours divided by
5995 thirty-six (36).

5996 (b) "State funds" means all funds appropriated by the
5997 Legislature including funds from the State General Fund, Education
5998 Enhancement Fund, Budget Contingency Fund and Health Care
5999 Expendable Fund.

6000 (c) "E & G operations" means education and general
6001 expenses of the colleges and universities.

6002 (d) * * * "Average daily membership (ADM)" has the same
6003 meaning as ascribed to that term under Section 37-151-203.

6004 **SECTION 80.** Section 37-31-13, Mississippi Code of 1972, is
6005 amended as follows:

6006 37-31-13. (1) Any appropriation that may be made under the
6007 provisions of Sections 37-31-1 through 37-31-15 shall be used by
6008 the board for the promotion of vocational education as provided
6009 for in the "Smith-Hughes Act" and for the purpose set forth in
6010 Sections 37-31-1 through 37-31-15. The state appropriation shall
6011 not be used for payments to high schools which are now receiving
6012 other state funds, except in lieu of not more than one-half (1/2)
6013 the amount that may be due such high schools from federal funds.
6014 Only such portion of the state appropriation shall be used as may
6015 be absolutely necessary to carry out the provisions of Sections
6016 37-31-1 through 37-31-15, and to meet the federal requirements.
6017 Except as provided in subsection (2) of this section, the state



6018 appropriation shall not be used for payments to high schools for
6019 conducting vocational programs for more than ten (10) months in
6020 any school year, and only funds other than * * * uniform per
6021 student funding formula funds may be expended for such purpose.

6022 (2) Subject to annual approval by the State Board of
6023 Education, extended contracts for vocational agriculture education
6024 services and other related vocational education services which
6025 contribute to economic development may be conducted by local
6026 school districts, and state appropriations may be used for
6027 payments to school districts providing such services. The board
6028 of trustees of each school district shall determine whether any
6029 proposed services contribute to the economic development of the
6030 area. Local districts may apply to the Division of Vocational and
6031 Technical Education of the State Department of Education for any
6032 state funds available for these extended contracts. The State
6033 Board of Education shall establish the application process and the
6034 selection criteria for this program. The number of state funded
6035 extended contracts approved by the State Board of Education will
6036 be determined by the availability of funds specified for this
6037 purpose. The State Board of Education's decision shall be final.
6038 Payments under this subsection shall only be available to those
6039 high schools whose teachers of vocational programs are responsible
6040 for the following programs of instruction during those months
6041 between the academic years: (a) supervision and instruction of
6042 students in agricultural or other vocational experience programs;



6043 (b) group and individual instruction of farmers and
6044 agribusinessmen; (c) supervision of student members of youth
6045 groups who are involved in leadership training or other activity
6046 required by state or federal law; or (d) any program of vocational
6047 agriculture or other vocational-related services established by
6048 the Division of Vocational and Technical Education of the State
6049 Department of Education that contribute to the economic
6050 development of the geographic area.

6051 **SECTION 81.** Section 37-31-75, Mississippi Code of 1972, is
6052 amended as follows:

6053 37-31-75. The various counties, municipalities, school
6054 districts and junior college districts which may become parties to
6055 any agreement authorized by Sections 37-31-71 through 37-31-79 are
6056 authorized to appropriate and expend any and all funds which may
6057 be required to carry out the terms of the agreement from any funds
6058 available to any party to the agreement not otherwise appropriated
6059 without limitation as to the source of the funds, including * * *
6060 uniform per student funding formula funds, sixteenth section
6061 funds, funds received from the federal government or other sources
6062 by way of grant, donation or otherwise, and funds which may be
6063 available to any such party through the Department of Education or
6064 any other agency of the state, regardless of the party to the
6065 agreement designated by the agreement to be primarily responsible
6066 for the construction or operation of the regional education center
6067 and regardless of the limitation on the expenditure of any funds



6068 imposed by any other statute. However, no funds whose use was
6069 originally limited to the construction of capital improvements
6070 shall be utilized for the purpose of defraying the administrative
6071 or operating costs of any regional education center. Any one or
6072 more of the parties to an agreement may be designated as the
6073 fiscal agent or contracting party in carrying out any of the
6074 purposes of the agreement, and any and all funds authorized to be
6075 spent by any of the parties may be paid over to the fiscal agent
6076 or contracting party for disbursement by the fiscal agent or
6077 contracting party. Disbursements shall be made and contracted for
6078 under the laws and regulations applicable to the fiscal or
6079 disbursing agent, except to the extent they may be extended or
6080 modified by the provisions of Sections 37-31-71 through 37-31-79.
6081 All of the parties to the agreement may issue bonds, negotiable
6082 notes or other evidences of indebtedness for the purpose of
6083 providing funds for the acquisition of land and for the
6084 construction of buildings and permanent improvements under the
6085 terms of the agreement under any existing laws authorizing the
6086 issuance or sale of bonds, negotiable notes or other evidences of
6087 indebtedness to provide funds for any capital improvement.

6088 **SECTION 82.** Section 37-35-3, Mississippi Code of 1972, is
6089 amended as follows:

6090 37-35-3. (1) The board of trustees of any school district,
6091 including any community or junior college, may establish and
6092 maintain classes for adults, including general educational



6093 development classes, under the regulations authorized in this
6094 chapter and pursuant to the standards prescribed in subsection
6095 (3). The property and facilities of the public school districts
6096 may be used for this purpose where such use does not conflict with
6097 uses already established.

6098 (2) The trustees of any school district desiring to
6099 establish such program may request the taxing authority of the
6100 district to levy additional ad valorem taxes for the support of
6101 this program. The board of supervisors, in the case of a county
6102 school district, a special municipal separate school district, or
6103 a community or junior college district, and the governing
6104 authority of any municipality, in the case of a municipal separate
6105 school district, is authorized, in its discretion, to levy a tax
6106 not exceeding one (1) mill upon all the taxable property of the
6107 district for the support of this program. The tax shall be in
6108 addition to all other taxes authorized by law to be levied. In
6109 addition to the funds realized from any such levy, the board of
6110 trustees of any school district is authorized to use any surplus
6111 funds that it may have or that may be made available to it from
6112 local sources to supplement this program.

6113 (3) (a) Any student participating in an approved High
6114 School Equivalency Diploma Option program administered by a local
6115 school district or a local school district with an approved
6116 contractual agreement with a community or junior college or other
6117 local entity shall not be considered a dropout. Students in such



6118 a program administered by a local school district shall be
6119 considered as enrolled within the school district of origin for
6120 the purpose of enrollment for * * * the uniform per student
6121 funding formula only. Such students shall not be considered as
6122 enrolled in the regular school program for academic or
6123 programmatic purposes.

6124 (b) Students participating in an approved High School
6125 Equivalency Diploma Option program shall have an individual career
6126 plan developed at the time of placement to insure that the
6127 student's academic and job skill needs will be met. The
6128 Individual Career Plan will address, but is not limited to, the
6129 following:

6130 (i) Academic and instructional needs of the
6131 student;

6132 (ii) Job readiness needs of the student; and

6133 (iii) Work experience program options available
6134 for the student.

6135 (c) Students participating in an approved High School
6136 Equivalency Diploma Option program may participate in existing job
6137 and skills development programs or in similar programs developed
6138 in conjunction with the High School Equivalency Diploma Option
6139 program and the vocational director.

6140 (d) High School Equivalency Diploma Option programs may
6141 be operated by local school districts or may be operated by two
6142 (2) or more adjacent school districts, pursuant to a contract



6143 approved by the State Board of Education. When two (2) or more
6144 school districts contract to operate a High School Equivalency
6145 Diploma Option program, the school board of a district designated
6146 to be the lead district shall serve as the governing board of the
6147 High School Equivalency Diploma Option program. Transportation
6148 for students placed in the High School Equivalency Diploma Option
6149 program shall be the responsibility of the school district of
6150 origin. The expense of establishing, maintaining and operating
6151 such High School Equivalency Diploma Option programs may be paid
6152 from funds made available to the school district through
6153 contributions, * * * uniform per student funding formula funds or
6154 from local district maintenance funds.

6155 (e) The State Department of Education will develop
6156 procedures and criteria for placement of a student in the High
6157 School Equivalency Diploma Option programs. Students placed in
6158 High School Equivalency Diploma Option programs shall have
6159 parental approval for such placement and must meet the following
6160 criteria:

6161 (i) The student must be at least sixteen (16)
6162 years of age;

6163 (ii) The student must be at least one (1) full
6164 grade level behind his or her ninth grade cohort or must have
6165 acquired less than four (4) Carnegie units;



6166 (iii) The student must have taken every
6167 opportunity to continue to participate in coursework leading to a
6168 diploma; and

6169 (iv) The student must be certified to be eligible
6170 to participate in the GED course by the school district
6171 superintendent, based on the developed criteria.

6172 (f) Students participating in an approved High School
6173 Equivalency Diploma Option program, who are enrolled in subject
6174 area courses through January 31 in a school with a traditional
6175 class schedule or who are enrolled in subject area courses through
6176 October 31 or through March 31 in a school on a block schedule,
6177 shall be required to take the end-of-course subject area tests for
6178 those courses in which they are enrolled.

6179 **SECTION 83.** Section 37-37-3, Mississippi Code of 1972, is
6180 amended as follows:

6181 37-37-3. In addition to all auditors and other employees now
6182 or hereafter provided by law, the State Auditor may appoint and
6183 employ examiners in the Department of Audit. The examiners shall
6184 make such audits as may be necessary to determine the correctness
6185 and accuracy of all reports made to the State Department of
6186 Education by any school district or school official concerning the
6187 number of educable students in any school district, the number of
6188 students enrolled in any school district, the number of students
6189 in average daily * * * membership in any school district, and the



6190 number of students being transported or entitled to transportation
6191 to any of the public schools of this state.

6192 **SECTION 84.** Section 37-41-7, Mississippi Code of 1972, is
6193 amended as follows:

6194 37-41-7. The local school board is hereby authorized,
6195 empowered and directed to lay out all transportation routes and
6196 provide transportation for all school children who are entitled to
6197 transportation within their respective counties and school
6198 districts.

6199 Any school district may, in the discretion of the school
6200 board, expend funds from any funds available to the school
6201 district other than * * * uniform per student funding formula
6202 funds, including the amounts derived from district tax levies,
6203 sixteenth section funds, and all other available funds, for the
6204 purpose of supplementing funds available to the school board for
6205 paying transportation costs * * * not covered by * * * uniform per
6206 student funding formula funds.

6207 **SECTION 85.** Section 37-45-49, Mississippi Code of 1972, is
6208 amended as follows:

6209 37-45-49. Any cost or fees provided by this chapter to be
6210 paid by any county board of education or board of trustees of a
6211 municipal separate school district may be paid by the county board
6212 of education from the administrative fund provided by Section
6213 37-19-31, or from any school funds of the district other
6214 than * * * uniform per student funding formula funds, and by the



6215 municipal separate school district from the maintenance funds of
6216 the district, other than * * * uniform per student funding formula
6217 funds. Any fees or costs provided by this chapter to be paid by
6218 the * * * department may be paid from the funds appropriated for
6219 its operation.

6220 **SECTION 86.** Section 37-47-9, Mississippi Code of 1972, is
6221 amended as follows:

6222 37-47-9. It is found and determined that the state should
6223 make an annual grant of Twenty-four Dollars (\$24.00) for each
6224 child in average daily * * * membership in the public schools of
6225 the various school districts of this state during each school
6226 year, and that such monies should be applied for the purpose of
6227 establishing and maintaining adequate physical facilities for the
6228 public school district and/or the payment of existing debt
6229 therefor.

6230 The grant to which each public school is entitled under the
6231 provisions of this section shall be credited to the school
6232 district of which such school is part. If any change is made in
6233 the operation or boundaries of any such school district, equitable
6234 reallocations shall be made by the * * * department of all
6235 balances to the credit of such school district, and all debits
6236 charged against the districts affected by the change in the
6237 boundaries or system of operation. The obligation of the state to
6238 make remittance of the sums appropriated or otherwise provided to
6239 make the annual grants provided by this section shall be



6240 subordinate to the pledge made to secure the state school bonds
6241 authorized under this chapter and the sinking fund created for
6242 their retirement. The grants shall be computed annually as soon
6243 as practicable after the end of the school year, and shall be
6244 based on the average daily * * * membership for such school year
6245 in all of the public schools operated by each school district as
6246 determined by the State Department of Education.

6247 **SECTION 87.** Section 37-47-17, Mississippi Code of 1972, is
6248 amended as follows:

6249 37-47-17. Applications for the expenditure of funds to the
6250 credit of any school district in the state public school building
6251 fund shall originate with the school board of the school district
6252 entitled to such funds. Before any funds to the credit of a
6253 school district shall be expended for capital improvements or the
6254 retirement of outstanding bonded indebtedness, the school board of
6255 such school district shall prepare and submit an application in
6256 such form as may be prescribed by the * * * department. There
6257 shall be included with such application a statement in which there
6258 is set forth the enrollment and average daily * * * membership in
6259 the schools of the district divided as to schools and grades, the
6260 number of teachers employed, the facilities in use, the facilities
6261 to be provided with the funds to be expended, the outstanding
6262 school indebtedness, and such other information as the * * *
6263 department may require. Such application and statement shall be
6264 submitted directly to the * * * department and approved or



6265 disapproved by it. The decision of the * * * department shall be
6266 final, unless an appeal to the chancery court shall be taken in
6267 the manner provided by law. In the event any application shall be
6268 disapproved by the * * * department, the school board submitting
6269 same shall be notified of such disapproval, which notice of
6270 disapproval shall be accompanied by a statement of the reason or
6271 reasons for such disapproval.

6272 The * * * department shall approve only those applications
6273 which are found to be proper under the provisions of this chapter
6274 and the applicable rules and regulations of the * * * department.
6275 When an application is approved for the expenditure of funds for
6276 capital improvements, the contract for the construction of such
6277 capital improvements shall be entered into and awarded by the
6278 school board of the school district in the manner provided in this
6279 chapter; however, the contract for construction of a secondary
6280 vocational and technical training center for exclusive use and
6281 operation by a school district may be entered into and awarded by
6282 the board of trustees of a * * * community college district where
6283 a grant of federal funds by the Appalachian Commission has been
6284 made to the board of trustees of such * * * community college
6285 district to assist in financing construction of such secondary
6286 vocational and technical training facility for such school
6287 district.

6288 **SECTION 88.** Section 37-47-25, Mississippi Code of 1972, is
6289 amended as follows:



6290 37-47-25. Whenever the State Department of Education shall
6291 determine that any school district is in need of capital
6292 improvements to an extent in excess of that which may be financed
6293 by the credit then due such school district by the department, the
6294 department shall be empowered to advance or lend said school
6295 district such sums as in the opinion of the department are
6296 necessary to be expended for capital improvements by said school
6297 district. Such loans or advances shall be evidenced by
6298 appropriate agreements, and shall be repayable in principal by the
6299 school district from the annual grants to which the school
6300 district shall become entitled and from such other funds as may be
6301 available. Such loans or advances shall not constitute a debt of
6302 the school district within the meaning of any provision or
6303 limitation of the Constitution or statutes of the State of
6304 Mississippi. The department shall not advance or lend to any
6305 school district any sum in excess of seventy-five percent (75%) of
6306 the estimated sum which will accrue to the said school district on
6307 account of grants to be made to the said school district within
6308 the twenty (20) years next following the date of the loan or
6309 advance. In determining the maximum allowable advance or loan,
6310 the department shall assume that the average daily * * *
6311 membership in the schools of the school district for the past
6312 preceding scholastic year as confirmed by the audit of average
6313 daily * * * membership made by the State Department of Audit will
6314 continue for the period during which the loan is to be repaid.



6315 **SECTION 89.** Section 37-47-33, Mississippi Code of 1972, is
6316 amended as follows:

6317 37-47-33. For the purpose of: (a) providing funds to enable
6318 the State Board of Education to make loans or advances to school
6319 districts as provided by Section 37-47-25 * * *; and for the
6320 purpose of (b) providing funds for the payment and redemption of
6321 certificates of credit issued to school districts under Section
6322 37-47-23, when such funds are not otherwise available * * *; or
6323 for the purpose of (c) providing funds in an amount not exceeding
6324 Twenty Million Dollars (\$20,000,000.00) for the payment of
6325 allocations of Mississippi Adequate Education Program funds to
6326 school districts for capital expenditures approved by the State
6327 Board of Education which have not been pledged for debt by the
6328 school district, when such funds are not otherwise
6329 available * * *; or for any of such purposes, the State Bond
6330 Commission is authorized and empowered to issue state school bonds
6331 under the conditions prescribed in this chapter. The aggregate
6332 principal amount of such bonds outstanding at any one (1) time,
6333 after deducting the amount of the sinking fund provided for the
6334 retirement of bonds issued for such purposes, shall never exceed
6335 the sum of One Hundred Million Dollars (\$100,000,000.00). Within
6336 such limits, however, state school bonds may be issued from time
6337 to time under the conditions prescribed in this chapter. None of
6338 such bonds so issued shall have a maturity date later than July 1,
6339 2021.



6340 **SECTION 90.** Section 37-57-1, Mississippi Code of 1972, is
6341 amended as follows:

6342 37-57-1. (1) (a) The boards of supervisors of the counties
6343 shall levy and collect all taxes for and on behalf of all school
6344 districts which were within the county school system or designated
6345 as special municipal separate school districts prior to July 1,
6346 1986. Such taxes shall be collected by the county tax collector
6347 at the same time and in the same manner as county taxes are
6348 collected by him, and the same penalties for delinquency shall be
6349 applicable.

6350 The governing authorities of the municipalities shall levy
6351 and collect all taxes for and on behalf of all school districts
6352 which were designated as municipal separate school districts prior
6353 to July 1, 1986. Such taxes shall be collected by the municipal
6354 tax collector at the same time and in the same manner as municipal
6355 taxes are collected by him, and the same penalties for delinquency
6356 shall be applicable.

6357 Except as otherwise provided in Section 19-9-171, the county
6358 or municipal tax collector, as the case may be, shall pay such tax
6359 collections, except for taxes collected for the payment of the
6360 principal of and interest on school bonds or notes and except for
6361 taxes collected to defray collection costs, into the school
6362 depository and report to the school board of the appropriate
6363 school district at the same time and in the same manner as the tax



6364 collector makes his payments and reports of other taxes collected
6365 by him.

6366 Provided, however, the State Board of Education shall
6367 determine the appropriate levying authority for any school
6368 district created or reorganized after July 1, 1987.

6369 (b) For the purposes of this chapter and any other laws
6370 pertaining to taxes levied or bonds or notes issued for and on
6371 behalf of school districts, the term "levying authority" means the
6372 board of supervisors of the county or the governing authorities of
6373 the municipality, whichever levies taxes for and on behalf of the
6374 particular school district as provided in paragraphs (a) and (b)
6375 of this subsection.

6376 (2) The levying authority for the school district shall, at
6377 the same time and in the same manner as other taxes are levied by
6378 the levying authority, levy a tax of not less than twenty-eight
6379 (28) mills for the then current fiscal year, less the estimated
6380 amount of the yield of the School Ad Valorem Tax Reduction Fund
6381 grant to the school district as determined by the State Department
6382 of Education or twenty-seven percent (27%) of the * * * uniform
6383 per student funding formula cost for such school district,
6384 whichever is a lesser amount, upon all of the taxable property of
6385 the school district * * *. However, in no case shall the minimum
6386 local ad valorem tax effort for any school district be equal to an
6387 amount that would require a millage rate exceeding fifty-five (55)
6388 mills in that school district. Provided, however, that if a



6389 levying authority is levying in excess of fifty-five (55) mills on
6390 July 1, 1997, the levying authority may levy an additional amount
6391 not exceeding three (3) mills in the aggregate for the period
6392 beginning July 1, 1997, and ending June 30, 2003, subject to the
6393 limitation on increased receipts from ad valorem taxes prescribed
6394 in Sections 37-57-105 and 37-57-107. Nothing in this subsection
6395 shall be construed to require any school district that is levying
6396 more than fifty-five (55) mills pursuant to Sections 37-57-1 and
6397 37-57-105 to decrease its millage rate to fifty-five (55) mills or
6398 less. In making such levy, the levying authority shall levy an
6399 additional amount sufficient to cover anticipated delinquencies
6400 and costs of collection so that the net amount of money to be
6401 produced by such levy shall be equal to the amount which the
6402 school district is required to contribute as its said minimum
6403 local ad valorem tax effort. The tax so levied shall be collected
6404 by the tax collector at the same time and in the same manner as
6405 other ad valorem taxes are collected by him. The amount of taxes
6406 so collected as a result of such levy shall be paid into the
6407 district maintenance fund of the school district by the tax
6408 collector at the same time and in the same manner as reports and
6409 payments of other ad valorem taxes are made by said tax collector,
6410 except that the amount collected to defray costs of collection may
6411 be paid into the county general fund. The levying authority shall
6412 have the power and authority to direct and cause warrants to be
6413 issued against such fund for the purpose of refunding any amount



6414 of taxes erroneously or illegally paid into such fund where such
6415 refund has been approved in the manner provided by law.

6416 **SECTION 91.** Section 37-57-104, Mississippi Code of 1972, is
6417 amended as follows:

6418 37-57-104. (1) Each school board shall submit to the
6419 levying authority for the school district a certified copy of an
6420 order adopted by the school board requesting an ad valorem tax
6421 effort in dollars for the support of the school district. The
6422 copy of the order shall be submitted by the school board when the
6423 copies of the school district's budget are filed with the levying
6424 authority pursuant to Section 37-61-9. Upon receipt of the school
6425 board's order requesting the ad valorem tax effort in dollars, the
6426 levying authority shall determine the millage rate necessary to
6427 generate funds equal to the dollar amount requested by the school
6428 board. For the purpose of calculating this millage rate, any
6429 additional amount that is levied pursuant to Section 37-57-105(1)
6430 to cover anticipated delinquencies and costs of collection or any
6431 amount that may be levied for the payment of the principal and
6432 interest on school bonds or notes shall be excluded from the
6433 limitation of fifty-five (55) mills provided for in subsection (2)
6434 of this section.

6435 (2) (a) Except as otherwise provided under paragraph (b) or
6436 (c) of this subsection, if the millage rate necessary to generate
6437 funds equal to the dollar amount requested by the school board is
6438 greater than fifty-five (55) mills, and if this millage rate is



6439 higher than the millage then being levied pursuant to the school
6440 board's order requesting the ad valorem tax effort for the
6441 currently existing fiscal year, then the levying authority shall
6442 call a referendum on the question of exceeding, during the next
6443 fiscal year, the then existing millage rate being levied for
6444 school district purposes. The referendum shall be scheduled for
6445 not more than six (6) weeks after the date on which the levying
6446 authority receives the school board's order requesting the ad
6447 valorem tax effort.

6448 When a referendum has been called, notice of the referendum
6449 shall be published at least five (5) days per week, unless the
6450 only newspaper published in the school district is published less
6451 than five (5) days per week, for at least three (3) consecutive
6452 weeks, in at least one (1) newspaper published in the school
6453 district. The notice shall be no less than one-fourth (1/4) page
6454 in size, and the type used shall be no smaller than eighteen (18)
6455 point and surrounded by a one-fourth-inch solid black border. The
6456 notice may not be placed in that portion of the newspaper where
6457 legal notices and classified advertisements appear. The first
6458 publication of the notice shall be made not less than twenty-one
6459 (21) days before the date fixed for the referendum, and the last
6460 publication shall be made not more than seven (7) days before that
6461 date. If no newspaper is published in the school district, then
6462 the notice shall be published in a newspaper having a general
6463 circulation in the school district. The referendum shall be held,



6464 as far as is practicable, in the same manner as other referendums
6465 and elections are held in the county or municipality. At the
6466 referendum, all registered, qualified electors of the school
6467 district may vote. The ballots used at the referendum shall have
6468 printed thereon a brief statement of the amount and purpose of the
6469 increased tax levy and the words "FOR INCREASING THE MILLAGE
6470 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
6471 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
6472 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR
6473 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
6474 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
6475 MILLS." The voter shall vote by placing a cross (X) or checkmark
6476 (√) opposite his choice on the proposition.

6477 If a majority of the registered, qualified electors of the
6478 school district who vote in the referendum vote in favor of the
6479 question, then the ad valorem tax effort in dollars requested by
6480 the school board shall be approved. However, if a majority of the
6481 registered, qualified electors who vote in the referendum vote
6482 against the question, the millage rate levied by the levying
6483 authority shall not exceed the millage then being levied pursuant
6484 to the school board's order requesting the ad valorem tax effort
6485 for the then currently existing fiscal year.

6486 Nothing in this subsection shall be construed to require any
6487 school district that is levying more than fifty-five (55) mills
6488 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage



6489 rate to fifty-five (55) mills or less. Further, nothing in this
6490 subsection shall be construed to require a referendum in a school
6491 district where the requested ad valorem tax effort in dollars
6492 requires a millage rate of greater than fifty-five (55) mills but
6493 the requested dollar amount does not require any increase in the
6494 then existing millage rate. Further, nothing in this subsection
6495 shall be construed to require a referendum in a school district
6496 where, because of a decrease in the assessed valuation of the
6497 district, a millage rate of greater than fifty-five (55) mills is
6498 necessary to generate funds equal to the dollar amount generated
6499 by the ad valorem tax effort for the currently existing fiscal
6500 year.

6501 (b) Provided, however, that if a levying authority is
6502 levying in excess of fifty-five (55) mills on July 1, 1997, the
6503 levying authority may levy an additional amount not exceeding
6504 three (3) mills in the aggregate for the period beginning July 1,
6505 1997, and ending June 30, 2003, subject to the limitation on
6506 increased receipts from ad valorem taxes prescribed in Sections
6507 37-57-105 and 37-57-107.

6508 (c) If the levying authority for any school district
6509 lawfully has decreased the millage levied for school district
6510 purposes, but subsequently determines that there is a need to
6511 increase the millage rate due to a disaster in which the Governor
6512 has declared a disaster emergency or the President of the United
6513 States has declared an emergency or major disaster, then the



6514 levying authority may increase the millage levied for school
6515 district purposes up to an amount that does not exceed the millage
6516 rate in any one (1) of the immediately preceding ten (10) fiscal
6517 years without any referendum that otherwise would be required
6518 under this subsection.

6519 (3) If the millage rate necessary to generate funds equal to
6520 the dollar amount requested by the school board is equal to
6521 fifty-five (55) mills or less, but the dollar amount requested by
6522 the school board exceeds the next preceding fiscal year's ad
6523 valorem tax effort in dollars by more than four percent (4%), but
6524 not more than seven percent (7%) (as provided for under subsection
6525 (4) of this section), then the school board shall publish notice
6526 thereof at least five (5) days per week, unless the only newspaper
6527 published in the school district is published less than five (5)
6528 days per week, for at least three (3) consecutive weeks in a
6529 newspaper published in the school district. The notice shall be
6530 no less than one-fourth (1/4) page in size, and the type used
6531 shall be no smaller than eighteen (18) point and surrounded by a
6532 one-fourth-inch solid black border. The notice may not be placed
6533 in that portion of the newspaper where legal notices and
6534 classified advertisements appear. The first publication shall be
6535 made not less than fifteen (15) days before the final adoption of
6536 the budget by the school board. If no newspaper is published in
6537 the school district, then the notice shall be published in a
6538 newspaper having a general circulation in the school district. If



6539 at any time before the adoption of the budget a petition signed by
6540 not less than twenty percent (20%) or fifteen hundred (1500),
6541 whichever is less, of the registered, qualified electors of the
6542 school district is filed with the school board requesting that a
6543 referendum be called on the question of exceeding the next
6544 preceding fiscal year's ad valorem tax effort in dollars by more
6545 than four percent (4%), then the school board shall adopt, not
6546 later than the next regular meeting, a resolution calling a
6547 referendum to be held within the school district upon the
6548 question. The referendum shall be called and held, and notice
6549 thereof shall be given, in the same manner provided for in
6550 subsection (2) of this section. The ballot shall contain the
6551 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
6552 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
6553 majority of the registered, qualified electors of the school
6554 district who vote in the referendum vote in favor of the question,
6555 then the increase requested by the school board shall be approved.
6556 For the purposes of this subsection, the revenue sources excluded
6557 from the increase limitation under Section 37-57-107 also shall be
6558 excluded from the limitation described in this subsection in the
6559 same manner as they are excluded under Section 37-57-107.
6560 Provided, however, that any increases requested by the school
6561 board as a result of the required local contribution to the * * *
6562 Mississippi Uniform Per Student Funding Formula, as certified to
6563 the local school district by the State Board of Education under



6564 Section * * * 37-151-227, shall not be subject to the four percent
6565 (4%) and/or seven percent (7%) tax increase limitations provided
6566 in this section.

6567 (4) If the millage rate necessary to generate funds equal to
6568 the dollar amount requested by the school board is equal to
6569 fifty-five (55) mills or less, but the dollar amount requested by
6570 the school board exceeds the seven percent (7%) increase
6571 limitation provided for in Section 37-57-107, the school board may
6572 exceed the seven percent (7%) increase limitation only after the
6573 school board has determined the need for additional revenues and
6574 three-fifths (3/5) of the registered, qualified electors voting in
6575 a referendum called by the levying authority have voted in favor
6576 of the increase. The notice and manner of holding the referendum
6577 shall be as prescribed in subsection (2) of this section for a
6578 referendum on the question of increasing the millage rate in
6579 school districts levying more than fifty-five (55) mills for
6580 school district purposes.

6581 (5) The aggregate receipts from ad valorem taxes levied for
6582 school district purposes pursuant to Sections 37-57-1 and
6583 37-57-105, excluding collection fees, additional revenue from the
6584 ad valorem tax on any newly constructed properties or any existing
6585 properties added to the tax rolls or any properties previously
6586 exempt which were not assessed in the next preceding year, and
6587 amounts received by school districts from the School Ad Valorem
6588 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject



6589 to the increase limitation under this section and Section
6590 37-57-107.

6591 (6) The school board shall pay to the levying authority all
6592 costs that are incurred by the levying authority in the calling
6593 and holding of any election under this section.

6594 (7) The provisions of this section shall not be construed to
6595 affect in any manner the authority of school boards to levy
6596 millage for the following purposes:

6597 (a) The issuance of bonds, notes and certificates of
6598 indebtedness, as authorized in Sections 37-59-1 through 37-59-45
6599 and Sections 37-59-101 through 37-59-115;

6600 (b) The lease of property for school purposes, as
6601 authorized under the Emergency School Leasing Authority Act of
6602 1986 (Sections 37-7-351 through 37-7-359);

6603 (c) The lease or lease-purchase of school buildings, as
6604 authorized under Section 37-7-301;

6605 (d) The issuance of promissory notes in the event of a
6606 shortfall of ad valorem taxes and/or revenue from local sources,
6607 as authorized under Section 27-39-333; and

6608 (e) The construction of school buildings outside the
6609 school district, as authorized under Section 37-7-401.

6610 Any millage levied for the purposes specified in this
6611 subsection shall be excluded from the millage limitations
6612 established under this section.



6613 **SECTION 92.** Section 37-57-105, Mississippi Code of 1972, is
6614 amended as follows:

6615 37-57-105. (1) In addition to the taxes levied under
6616 Section 37-57-1, the levying authority for the school district, as
6617 defined in Section 37-57-1, upon receipt of a certified copy of an
6618 order adopted by the school board of the school district
6619 requesting an ad valorem tax effort in dollars for the support of
6620 the school district, shall, at the same time and in the same
6621 manner as other ad valorem taxes are levied, levy an annual ad
6622 valorem tax in the amount fixed in such order upon all of the
6623 taxable property of such school district, which shall not be less
6624 than the millage rate certified by the State Board of Education as
6625 the uniform minimum school district ad valorem tax levy for the
6626 support of the * * * uniform per student funding formula in such
6627 school district under Section 37-57-1. Provided, however, that
6628 any school district levying less than the uniform minimum school
6629 district ad valorem tax levy on July 1, 1997, shall only be
6630 required to increase its local district maintenance levy in four
6631 (4) mill annual increments in order to attain such millage
6632 requirements. In making such levy, the levying authority shall
6633 levy an additional amount sufficient to cover anticipated
6634 delinquencies and costs of collection so that the net amount of
6635 money to be produced by such levy shall be equal to the amount
6636 which is requested by said school board. The proceeds of such tax
6637 levy, excluding levies for the payment of the principal of and



6638 interest on school bonds or notes and excluding levies for costs
6639 of collection, shall be placed in the school depository to the
6640 credit of the school district and shall be expended in the manner
6641 provided by law for the purpose of supplementing teachers'
6642 salaries, extending school terms, purchasing furniture, supplies
6643 and materials, and for all other lawful operating and incidental
6644 expenses of such school district, funds for which are not provided
6645 by * * * uniform per student funding formula allotments.

6646 The monies authorized to be received by school districts from
6647 the School Ad Valorem Tax Reduction Fund pursuant to Section
6648 37-61-35 shall be included as ad valorem tax receipts. The
6649 levying authority for the school district, as defined in Section
6650 37-57-1, shall reduce the ad valorem tax levy for such school
6651 district in an amount equal to the amount distributed to such
6652 school district from the School Ad Valorem Tax Reduction Fund each
6653 calendar year pursuant to said Section 37-61-35. Such reduction
6654 shall not be less than the millage rate necessary to generate a
6655 reduction in ad valorem tax receipts equal to the funds
6656 distributed to such school district from the School Ad Valorem Tax
6657 Reduction Fund pursuant to Section 37-61-35. * * * The millage
6658 levy certified by the State Board of Education as the uniform
6659 minimum ad valorem tax levy or the millage levy that would
6660 generate funds in an amount equal to a school district's district
6661 entitlement, as defined in Section 37-22-1(2)(e), shall be subject
6662 to the provisions of this paragraph.



6663 In any county where there is located a nuclear generating
6664 power plant on which a tax is assessed under Section 27-35-309(3),
6665 such required levy and revenue produced thereby may be reduced by
6666 the levying authority in an amount in proportion to a reduction in
6667 the base revenue of any such county from the previous year. Such
6668 reduction shall be allowed only if the reduction in base revenue
6669 equals or exceeds five percent (5%). "Base revenue" shall mean
6670 the revenue received by the county from the ad valorem tax levy
6671 plus the revenue received by the county from the tax assessed
6672 under Section 27-35-309(3) and authorized to be used for any
6673 purposes for which a county is authorized by law to levy an ad
6674 valorem tax. For purposes of determining if the reduction equals
6675 or exceeds five percent (5%), a levy of millage equal to the prior
6676 year's millage shall be hypothetically applied to the current
6677 year's ad valorem tax base to determine the amount of revenue to
6678 be generated from the ad valorem tax levy. For the purposes of
6679 this section and Section 37-57-107, the portion of the base
6680 revenue used for the support of any school district shall be
6681 deemed to be the aggregate receipts from ad valorem taxes for the
6682 support of any school district. This paragraph shall apply to
6683 taxes levied for the 1987 fiscal year and for each fiscal year
6684 thereafter. If the Mississippi Supreme Court or another court
6685 finally adjudicates that the tax levied under Section 27-35-309(3)
6686 is unconstitutional, then this paragraph shall stand repealed.



6687 (2) When the tax is levied upon the territory of any school
6688 district located in two (2) or more counties, the order of the
6689 school board requesting the levying of such tax shall be certified
6690 to the levying authority of each of the counties involved, and
6691 each of the levying authorities shall levy the tax in the manner
6692 specified herein. The taxes so levied shall be collected by the
6693 tax collector of the levying authority involved and remitted by
6694 the tax collector to the school depository of the home county to
6695 the credit of the school district involved as provided above,
6696 except that taxes for collection fees may be retained by the
6697 levying authority for deposit into its general fund.

6698 (3) The aggregate receipts from ad valorem taxes levied for
6699 school district purposes, excluding collection fees, pursuant to
6700 this section and Section 37-57-1 shall be subject to the increased
6701 limitation under Section 37-57-107; however, if the ad valorem tax
6702 effort in dollars requested by the school district for the fiscal
6703 year exceeds the next preceding fiscal year's ad valorem tax
6704 effort in dollars by more than four percent (4%) but not more than
6705 seven percent (7%), then the school board shall publish notice
6706 thereof once each week for at least three (3) consecutive weeks in
6707 a newspaper having general circulation in the school district
6708 involved, with the first publication thereof to be made not less
6709 than fifteen (15) days prior to the final adoption of the budget
6710 by the school board. If at any time prior to said adoption a
6711 petition signed by not less than twenty percent (20%) or fifteen



6712 hundred (1500), whichever is less, of the qualified electors of
6713 the school district involved shall be filed with the school board
6714 requesting that an election be called on the question of exceeding
6715 the next preceding fiscal year's ad valorem tax effort in dollars
6716 by more than four percent (4%) but not more than seven percent
6717 (7%), then the school board shall, not later than the next regular
6718 meeting, adopt a resolution calling an election to be held within
6719 such school district upon such question. The election shall be
6720 called and held, and notice thereof shall be given, in the same
6721 manner for elections upon the questions of the issuance of the
6722 bonds of school districts, and the results thereof shall be
6723 certified to the school board. The ballot shall contain the
6724 language "For the School Tax Increase Over Four Percent (4%)" and
6725 "Against the School Tax Increase Over Four Percent (4%)." If a
6726 majority of the qualified electors of the school district who
6727 voted in such election shall vote in favor of the question, then
6728 the stated increase requested by the school board shall be
6729 approved. For the purposes of this paragraph, the revenue sources
6730 excluded from the increased limitation under Section 37-57-107
6731 shall also be excluded from the limitation described herein in the
6732 same manner as they are excluded under Section 37-57-107.

6733 **SECTION 93.** Section 37-57-107, Mississippi Code of 1972, is
6734 amended as follows:

6735 37-57-107. (1) Beginning with the tax levy for the 1997
6736 fiscal year and for each fiscal year thereafter, the aggregate



6737 receipts from taxes levied for school district purposes pursuant
6738 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
6739 receipts from those sources during any one (1) of the immediately
6740 preceding three (3) fiscal years, as determined by the school
6741 board, plus an increase not to exceed seven percent (7%). For the
6742 purpose of this limitation, the term "aggregate receipts" when
6743 used in connection with the amount of funds generated in a
6744 preceding fiscal year shall not include excess receipts required
6745 by law to be deposited into a special account. However, the term
6746 "aggregate receipts" includes any receipts required by law to be
6747 paid to a charter school. The additional revenue from the ad
6748 valorem tax on any newly constructed properties or any existing
6749 properties added to the tax rolls or any properties previously
6750 exempt which were not assessed in the next preceding year may be
6751 excluded from the seven percent (7%) increase limitation set forth
6752 herein. Taxes levied for payment of principal of and interest on
6753 general obligation school bonds issued heretofore or hereafter
6754 shall be excluded from the seven percent (7%) increase limitation
6755 set forth herein. Any additional millage levied to fund any new
6756 program mandated by the Legislature shall be excluded from the
6757 limitation for the first year of the levy and included within such
6758 limitation in any year thereafter. For the purposes of this
6759 section, the term "new program" shall include, but shall not be
6760 limited to, (a) the Early Childhood Education Program required to
6761 commence with the 1986-1987 school year as provided by Section



6762 37-21-7 and any additional millage levied and the revenue
6763 generated therefrom, which is excluded from the limitation for the
6764 first year of the levy, to support the mandated Early Childhood
6765 Education Program shall be specified on the minutes of the school
6766 board and of the governing body making such tax levy; (b) any
6767 additional millage levied and the revenue generated therefrom,
6768 which shall be excluded from the limitation for the first year of
6769 the levy, for the purpose of generating additional local
6770 contribution funds required for the * * * uniform per student
6771 funding formula; and (c) any additional millage levied and the
6772 revenue generated therefrom which shall be excluded from the
6773 limitation for the first year of the levy, for the purpose of
6774 support and maintenance of any agricultural high school which has
6775 been transferred to the control, operation and maintenance of the
6776 school board by the board of trustees of the community college
6777 district under provisions of Section 37-29-272.

6778 (2) The seven percent (7%) increase limitation prescribed in
6779 this section may be increased an additional amount only when the
6780 school board has determined the need for additional revenues and
6781 has held an election on the question of raising the limitation
6782 prescribed in this section. The limitation may be increased only
6783 if three-fifths (3/5) of those voting in the election shall vote
6784 for the proposed increase. The resolution, notice and manner of
6785 holding the election shall be as prescribed by law for the holding
6786 of elections for the issuance of bonds by the respective school



6787 boards. Revenues collected for the fiscal year in excess of the
6788 seven percent (7%) increase limitation pursuant to an election
6789 shall be included in the tax base for the purpose of determining
6790 aggregate receipts for which the seven percent (7%) increase
6791 limitation applies for subsequent fiscal years.

6792 (3) Except as otherwise provided for excess revenues
6793 generated pursuant to an election, if revenues collected as the
6794 result of the taxes levied for the fiscal year pursuant to this
6795 section and Section 37-57-1 exceed the increase limitation, then
6796 it shall be the mandatory duty of the school board of the school
6797 district to deposit such excess receipts over and above the
6798 increase limitation into a special account and credit it to the
6799 fund for which the levy was made. It will be the further duty of
6800 such board to hold said funds and invest the same as authorized by
6801 law. Such excess funds shall be calculated in the budgets for the
6802 school districts for the purpose for which such levies were made,
6803 for the succeeding fiscal year. Taxes imposed for the succeeding
6804 year shall be reduced by the amount of excess funds available.
6805 Under no circumstances shall such excess funds be expended during
6806 the fiscal year in which such excess funds are collected.

6807 (4) For the purposes of determining ad valorem tax receipts
6808 for a preceding fiscal year under this section, the term "fiscal
6809 year" means the fiscal year beginning October 1 and ending
6810 September 30.



6811 (5) Beginning with the 2013-2014 school year, each school
6812 district in which a charter school is located shall pay to the
6813 charter school an amount for each student enrolled in the charter
6814 school equal to the ad valorem taxes levied per pupil for the
6815 support of the school district in which the charter school is
6816 located. The pro rata ad valorem taxes to be transferred to the
6817 charter school must include all levies for the support of the
6818 school district under Sections 37-57-1 (local contribution to
6819 the * * * uniform per student funding formula) and 37-57-105
6820 (school district operational levy) but may not include any taxes
6821 levied for the retirement of school district bonded indebtedness
6822 or short-term notes or any taxes levied for the support of
6823 vocational-technical education programs. Payments made pursuant
6824 to this subsection by a school district to a charter school must
6825 be made before the expiration of three (3) business days after the
6826 funds are distributed to the school district.

6827 **SECTION 94.** Section 37-61-3, Mississippi Code of 1972, is
6828 amended as follows:

6829 37-61-3. The * * * uniform per student funding formula
6830 allotments * * * to the public school districts and the funds
6831 derived from the supplemental school district tax levies
6832 authorized by law shall be used exclusively for the support,
6833 maintenance and operation of the schools in the manner provided by
6834 law for the fiscal years for which such funds were appropriated,
6835 collected or otherwise made available, and no part of said funds



6836 or allotments shall be used in paying any expenses incurred during
6837 any preceding fiscal year. However, this shall not be construed to
6838 prohibit the payment of expenses incurred during the fiscal year
6839 after the close of such fiscal year from amounts remaining on hand
6840 at the end of such fiscal year, provided that such expenses were
6841 properly payable from such amounts. Moreover, this shall not be
6842 construed to prohibit the payment of the salaries of
6843 superintendents, principals and teachers and other school
6844 employees whose salaries are payable in twelve (12) monthly
6845 installments after the close of the fiscal year from amounts on
6846 hand for such purpose at the end of the fiscal year.

6847 **SECTION 95.** Section 37-61-5, Mississippi Code of 1972, is
6848 amended as follows:

6849 37-61-5. If in any year there should remain a balance in
6850 the * * * uniform per student funding formula funds of any school
6851 district on June 30 which amount is not to be used or is not
6852 needed in the payment of expenses for the preceding fiscal year
6853 properly payable out of such * * * uniform per student funding
6854 formula funds, then such balance on hand to the credit of
6855 such * * * uniform per student funding formula funds of the school
6856 district shall be carried forward as a part of such * * * uniform
6857 per student funding formula funds for the next succeeding fiscal
6858 year. The proper pro rata part of the amount so carried forward,
6859 to be determined by the percentage which the state * * * uniform
6860 per student funding formula funds * * * during the year bore to



6861 the entire amount * * * of the school district's uniform per
6862 student funding formula funds, shall be charged against and
6863 deducted from the amount which the school district is allotted
6864 from state * * * uniform per student funding formula funds for the
6865 succeeding fiscal year, in a manner prescribed by the State
6866 Auditor. The remainder of the amount so carried forward may be
6867 deducted from the amount which the school district is required to
6868 produce as its local minimum ad valorem tax effort for the support
6869 of the * * * uniform per student funding formula for the
6870 succeeding fiscal year * * *.

6871 **SECTION 96.** Section 37-61-7, Mississippi Code of 1972, is
6872 amended as follows:

6873 37-61-7. If at the end of any fiscal year there should
6874 remain a balance in the school district fund of any school
6875 district which is not needed and is not to be used for paying the
6876 expenses properly payable out of such district fund for the
6877 preceding fiscal year, such balance shall be carried forward as a
6878 part of the school district fund for the next fiscal year and used
6879 and expended in the manner otherwise provided by law. Nothing in
6880 this section shall be construed as applying to balances * * * of
6881 uniform per student funding formula funds of a school district,
6882 and balances remaining in such funds shall be governed by Section
6883 37-61-5.

6884 **SECTION 97.** Section 37-61-19, Mississippi Code of 1972, is
6885 amended as follows:



6886 37-61-19. It shall be the duty of the superintendents of
6887 schools and the school boards of all school districts to limit the
6888 expenditure of school funds during the fiscal year to the
6889 resources available. It shall be unlawful for any school district
6890 to budget expenditures from a fund in excess of the resources
6891 available within that fund. Furthermore, it shall be unlawful for
6892 any contract to be entered into or any obligation incurred or
6893 expenditure made in excess of the resources available for such
6894 fiscal year. Any member of the school board, superintendent of
6895 schools, or other school official, who shall knowingly enter into
6896 any contract, incur any obligation, or make any expenditure in
6897 excess of the amount available for the fiscal year shall be
6898 personally liable for the amount of such excess. However, no
6899 school board member, superintendent or other school official shall
6900 be personally liable (a) in the event of any reduction in * * *
6901 uniform per student funding formula payments by action of the
6902 Governor acting through the Department of Finance and
6903 Administration, or (b) for claims, damages, awards or judgments,
6904 on account of any wrongful or tortious act or omission or breach
6905 of implied term or condition of any warranty or contract;
6906 provided, however, that the foregoing immunity provisions shall
6907 not be a defense in cases of fraud, criminal action or an
6908 intentional breach of fiduciary obligations imposed by statute.

6909 **SECTION 98.** Section 37-61-29, Mississippi Code of 1972, is
6910 amended as follows:



6911 37-61-29. The State Department of Audit is hereby authorized
6912 and empowered to post-audit and investigate the financial affairs
6913 and all transactions involving the school funds of the * * *
6914 school district including the * * * uniform per student funding
6915 formula funds and supplementary district school funds, and to make
6916 separate and special audits thereof, as now provided by Sections
6917 7-7-201 through 7-7-215 * * *.

6918 **SECTION 99.** Section 37-61-33, Mississippi Code of 1972, is
6919 amended as follows:

6920 37-61-33. (1) There is created within the State Treasury a
6921 special fund to be designated the "Education Enhancement Fund"
6922 into which shall be deposited all the revenues collected pursuant
6923 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

6924 (2) Of the amount deposited into the Education Enhancement
6925 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
6926 appropriated each fiscal year to the State Department of Education
6927 to be distributed to all school districts. Such money shall be
6928 distributed to all school districts in the proportion that the
6929 average daily * * * membership of each school district bears to
6930 the average daily * * * membership of all school districts within
6931 the state for the following purposes:

6932 (a) Purchasing, erecting, repairing, equipping,
6933 remodeling and enlarging school buildings and related facilities,
6934 including gymnasiums, auditoriums, lunchrooms, vocational training
6935 buildings, libraries, teachers' homes, school barns,



6936 transportation vehicles (which shall include new and used
6937 transportation vehicles) and garages for transportation vehicles,
6938 and purchasing land therefor.

6939 (b) Establishing and equipping school athletic fields
6940 and necessary facilities connected therewith, and purchasing land
6941 therefor.

6942 (c) Providing necessary water, light, heating,
6943 air-conditioning and sewerage facilities for school buildings, and
6944 purchasing land therefor.

6945 (d) As a pledge to pay all or a portion of the debt
6946 service on debt issued by the school district under Sections
6947 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
6948 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
6949 and 37-41-81, or debt issued by boards of supervisors for
6950 agricultural high schools pursuant to Section 37-27-65, if such
6951 pledge is accomplished pursuant to a written contract or
6952 resolution approved and spread upon the minutes of an official
6953 meeting of the district's school board or board of supervisors.
6954 The annual grant to such district in any subsequent year during
6955 the term of the resolution or contract shall not be reduced below
6956 an amount equal to the district's grant amount for the year in
6957 which the contract or resolution was adopted. The intent of this
6958 provision is to allow school districts to irrevocably pledge a
6959 certain, constant stream of revenue as security for long-term
6960 obligations issued under the code sections enumerated in this



6961 paragraph or as otherwise allowed by law. It is the intent of the
6962 Legislature that the provisions of this paragraph shall be
6963 cumulative and supplemental to any existing funding programs or
6964 other authority conferred upon school districts or school boards.
6965 Debt of a district secured by a pledge of sales tax revenue
6966 pursuant to this paragraph shall not be subject to any debt
6967 limitation contained in the foregoing enumerated code sections.

6968 (3) The remainder of the money deposited into the Education
6969 Enhancement Fund shall be appropriated as follows:

6970 (a) To the State Department of Education as follows:

6971 (i) Sixteen and sixty-one one-hundredths percent
6972 (16.61%) to the cost of the * * * uniform per student funding
6973 formula determined under * * * Chapter 151, Title 37, Mississippi
6974 Code of 1972; of the funds generated by the percentage set forth
6975 in this section for the support of the * * * uniform per student
6976 funding formula, one and one hundred seventy-eight one-thousandths
6977 percent (1.178%) of the funds shall be appropriated to be used by
6978 the State Department of Education for the purchase of textbooks to
6979 be loaned under Sections 37-43-1 through 37-43-59 to approved
6980 nonpublic schools, as described in Section 37-43-1. The funds to
6981 be distributed to each nonpublic school shall be in the proportion
6982 that the average daily * * * membership of each nonpublic school
6983 bears to the total average daily * * * membership of all nonpublic
6984 schools;



6985 (ii) Seven and ninety-seven one-hundredths percent
6986 (7.97%) to assist the funding of transportation operations and
6987 maintenance * * *; and

6988 (iii) Nine and sixty-one one-hundredths percent
6989 (9.61%) for classroom supplies, instructional materials and
6990 equipment, including computers and computer software, to be
6991 distributed to all eligible teachers within the state through the
6992 use of procurement cards. Classroom supply funds shall not be
6993 expended for administrative purposes. On or before September 1 of
6994 each year, local school districts shall determine and submit to
6995 the State Department of Education the number of teachers eligible
6996 to receive an allocation for the current year. For purposes of
6997 this subparagraph, "teacher" means any employee of the school
6998 board of a school district, or the Mississippi School for the
6999 Arts, the Mississippi School for Math and Science, the Mississippi
7000 School for the Blind or the Mississippi School for the Deaf, who
7001 is required by law to obtain a teacher's license from the State
7002 Department of Education and who is assigned to an instructional
7003 area of work as defined by the department, but shall not include a
7004 federally funded teacher. It is the intent of the Legislature
7005 that all classroom teachers shall utilize these funds in a manner
7006 that addresses individual classroom needs and supports the overall
7007 goals of the school regarding supplies, instructional materials,
7008 equipment, computers or computer software under the provisions of
7009 this subparagraph, including the type, quantity and quality of



7010 such supplies, materials and equipment. Classroom supply funds
7011 allocated under this subparagraph shall supplement, not replace,
7012 other local and state funds available for the same purposes. The
7013 State Board of Education shall develop and promulgate rules and
7014 regulations for the administration of this subparagraph consistent
7015 with the above criteria, with particular emphasis on allowing the
7016 individual teachers to expend funds as they deem appropriate.
7017 Effective with the 2013-2014 school year, the local school board
7018 shall require each school to issue procurement cards provided by
7019 the Department of Finance and Administration under the provisions
7020 of Section 31-7-9(1)(c) for the use of teachers and necessary
7021 support personnel in making instructional supply fund expenditures
7022 under this section, consistent with the regulations of the
7023 Mississippi Department of Finance and Administration pursuant to
7024 Section 31-7-9. Such procurement cards shall be issued at the
7025 beginning of the school year and shall be issued in equal amounts
7026 per teacher determined by the total number of qualifying personnel
7027 and the current state appropriation for classroom supplies with
7028 the Education Enhancement Fund. Such cards will expire on a
7029 pre-determined date at the end of each school year. All
7030 unexpended amounts will be carried forward, combined with the
7031 following year's allocation of Education Enhancement Fund
7032 instructional supplies funds and reallocated for the following
7033 year;



7034 (b) Twenty-two and nine one-hundredths percent (22.09%)
7035 to the Board of Trustees of State Institutions of Higher Learning
7036 for the purpose of supporting institutions of higher learning; and

7037 (c) Fourteen and forty-one one-hundredths percent
7038 (14.41%) to the Mississippi Community College Board for the
7039 purpose of providing support to community and junior colleges.

7040 (4) The amount remaining in the Education Enhancement Fund
7041 after funds are distributed as provided in subsections (2) and (3)
7042 of this section shall be disbursed as follows:

7043 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
7044 be deposited into the Working Cash-Stabilization Reserve Fund
7045 created pursuant to Section 27-103-203(1), until the balance in
7046 such fund reaches the maximum balance of seven and one-half
7047 percent (7-1/2%) of the General Fund appropriations in the
7048 appropriate fiscal year. After the maximum balance in the Working
7049 Cash-Stabilization Reserve Fund is reached, such money shall
7050 remain in the Education Enhancement Fund to be appropriated in the
7051 manner provided for in paragraph (b) of this subsection.

7052 (b) The remainder shall be appropriated for other
7053 educational needs.

7054 (5) None of the funds appropriated pursuant to subsection
7055 (3)(a) of this section shall be used to reduce the state's General
7056 Fund appropriation * * * pursuant to * * * subsection (3)(a)(ii)
7057 of this section * * * in the amount of Thirty-six Million Seven
7058 Hundred Thousand Dollars (\$36,700,000.00) * * *.



7059 * * *

7060 (6) Any funds appropriated from the Education Enhancement
7061 Fund that are unexpended at the end of a fiscal year shall lapse
7062 into the Education Enhancement Fund, except as otherwise provided
7063 in subsection (3) (a) (iii) of this section.

7064 **SECTION 100.** Section 37-61-35, Mississippi Code of 1972, is
7065 amended as follows:

7066 37-61-35. There is hereby created a special fund in the
7067 State Treasury to be designated School Ad Valorem Tax Reduction
7068 Fund into which proceeds collected pursuant to Sections
7069 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with
7070 the 1994 state fiscal year, the entire amount of monies in such
7071 special fund shall be appropriated annually to the State
7072 Department of Education which shall distribute the appropriated
7073 amount to the various school districts in the proportion that the
7074 average daily * * * membership of each school district bears to
7075 the average daily * * * membership of all school districts within
7076 the state. On or before June 1, 1993, and on or before June 1 of
7077 each succeeding year, the State Department of Education shall
7078 notify each school district of the amount to which such district
7079 is entitled pursuant to this section.

7080 **SECTION 101.** Section 37-61-37, Mississippi Code of 1972, is
7081 amended as follows:

7082 37-61-37. There is established in the State Treasury a fund
7083 known as the "Mississippi Public Education Support Fund"



7084 (hereinafter referred to as "fund"). The fund shall consist of
7085 monies required to be deposited therein under Section 27-19-56.34,
7086 and such other monies as the Legislature may authorize or direct
7087 to be deposited into the fund. Monies in the fund, upon
7088 appropriation by the Legislature, may be expended by the
7089 Mississippi Department of Education for classroom supplies,
7090 instructional materials and equipment, including computers and
7091 computer software, to be distributed to all school districts in
7092 the proportion that the average daily * * * membership of each
7093 school district bears to the average daily * * * membership of all
7094 school districts within the state. Unexpended amounts remaining
7095 in the fund at the end of the fiscal year shall not lapse into the
7096 State General Fund, and any interest earned or investment earnings
7097 on amounts in the fund shall be deposited to the credit of the
7098 fund.

7099 **SECTION 102.** Section 37-131-7, Mississippi Code of 1972, is
7100 amended as follows:

7101 37-131-7. When any pupils shall attend any demonstration or
7102 practice school under the provisions of Section 37-131-3, such
7103 children shall be reported and accounted for the allocation
7104 of * * * uniform per student funding formula funds and state
7105 public school building funds just as though such children were
7106 attending the regular schools of the district in which they
7107 reside. For this purpose, reports shall be made to the school
7108 district involved by the demonstration or practice school of the



7109 number of pupils in average daily * * * membership, and the
7110 average daily * * * membership of such children shall thereupon be
7111 included in reports made to the State Board of Education * * * by
7112 the * * * school district * * *.

7113 Allocation of * * * uniform per student funding formula funds
7114 shall be made by the State Board of Education for such children
7115 just as though such children were attending the regular schools of
7116 the district. All * * * uniform per student funding formula
7117 funds * * * which accrue to any district as a result of such
7118 children who are in attendance at a demonstration or practice
7119 school shall be paid by the board of trustees of the municipal
7120 separate school district or by the county board of education to
7121 the demonstration or practice school, and shall be used to defray
7122 the cost and expense of maintaining, operating and conducting such
7123 demonstration or practice school.

7124 All state public school building funds which accrue as a
7125 result of such children in attendance at a demonstration or
7126 practice school shall be credited directly to such demonstration
7127 or practice school, and all of the provisions of Chapter 47 of
7128 this title shall be fully applicable thereto.

7129 **SECTION 103.** Section 37-131-9, Mississippi Code of 1972, is
7130 amended as follows:

7131 37-131-9. In addition to the amounts paid to the
7132 demonstration or practice school from * * * uniform per student
7133 funding formula funds, as provided in Section 37-131-7, the board



7134 of trustees of the school district involved may contract with the
7135 said demonstration or practice school for the payment of
7136 additional amounts thereto to defray expenses over and above those
7137 defrayed by * * * uniform per student funding formula funds, which
7138 additional amounts shall be paid from any funds available to the
7139 school district other than * * * uniform per student funding
7140 formula funds, whether produced by a supplemental district tax
7141 levy or otherwise.

7142 If the total funds paid to the demonstration or practice
7143 school by the school district are inadequate to defray the cost
7144 and expense of maintaining and operating such demonstration or
7145 practice school then the president or executive head of the
7146 institution may, subject to the approval of the Board of Trustees
7147 of State Institutions of Higher Learning, require the payment of
7148 additional fees or tuition in an amount to be fixed by the
7149 president or executive head of the institution, subject to the
7150 approval of the Board of Trustees of State Institutions of Higher
7151 Learning, which amount shall be paid by and collected from the
7152 student or his parents.

7153 Boards of trustees of school districts involved may designate
7154 an area within the jurisdiction of the board as an attendance
7155 center as provided by law, and may require students in such area
7156 to attend demonstration or practice schools, subject to a
7157 satisfactory contract between the school board and the president
7158 or executive head of the institution operating the demonstration



7159 or practice school. In such event, all fees and tuition must be
7160 borne by the school district and in no case shall the child or the
7161 parents of the child assigned to such demonstration or practice
7162 school be required to pay any fees or tuition.

7163 The president or executive head of the institution, subject
7164 to the approval of the Board of Trustees of State Institutions of
7165 Higher Learning, may also fix the amount of fees and tuition to be
7166 paid by students desiring to attend such demonstration or practice
7167 school in cases where there is no contract with the board of
7168 trustees of the school district in which the students reside
7169 therefor.

7170 All funds received by an institution, under the provisions of
7171 this section, shall be deposited in a special fund and shall be
7172 used and expended solely for the purpose of defraying and paying
7173 the cost and expense of operating, maintaining and conducting such
7174 teachers demonstration and practice school. Such funds may be
7175 supplemented by and used in connection with any other funds
7176 available to the institutions for such purpose whether made
7177 available by legislative appropriation or otherwise.

7178 **SECTION 104.** Section 37-131-11, Mississippi Code of 1972, is
7179 amended as follows:

7180 37-131-11. All demonstration or practice schools established
7181 under the provisions of Section 37-131-1 shall, as far as may be
7182 practicable, be subject to and governed by the same laws as other
7183 public schools of the State of Mississippi, and shall make all



7184 reports required by law to be made by public schools to the State
7185 Board of Education * * * at the same time and in the same manner
7186 as such reports are made by other public schools. However, for
7187 the purpose of the allocation of * * * uniform per student funding
7188 formula funds, the reports of children in average daily * * *
7189 membership shall be made to the school district involved by said
7190 demonstration or practice school, and a copy thereof shall be
7191 filed with the State Board of Education. The school district
7192 shall use said reports so filed with it in making its reports to
7193 the State Board of Education for the purpose of the allocation
7194 of * * * uniform per student funding formula funds but the average
7195 daily * * * membership of the pupils attending such demonstration
7196 or practice school shall be segregated and separated in such
7197 reports from the average daily * * * membership in the regular
7198 schools of the district.

7199 **SECTION 105.** Section 37-151-7.1, Mississippi Code of 1972,
7200 is amended as follows:

7201 37-151-7.1. (1) Before February 1 of each year, the tax
7202 assessor of each county shall file a report or reports with the
7203 State Department of Education which provide information essential
7204 to the department in determining the amount that each school
7205 district shall be required to provide toward the cost of the * * *
7206 Mississippi Uniform Per Student Funding Formula. A separate
7207 report must be filed for each school district or part of a school



7208 district situated in the county and must include the following
7209 information:

7210 (a) The total assessed valuation of nonexempt property
7211 for school purposes in the school district;

7212 (b) The assessed value of exempt property owned by
7213 homeowners aged sixty-five (65) or older or disabled, as defined
7214 in Section 27-33-67(2), in the school district;

7215 (c) The school district's tax loss from exemptions
7216 provided to applicants under the age of sixty-five (65) and not
7217 disabled, as defined in Section 27-33-67(1); and

7218 (d) The school district's homestead reimbursement
7219 revenues.

7220 (2) The State Department of Education shall prepare and make
7221 available to the tax assessor of each county a form for the
7222 reports required under this section.

7223 **SECTION 106.** Section 37-151-9, Mississippi Code of 1972, is
7224 amended as follows:

7225 37-151-9. (1) The State Board of Education and State
7226 Superintendent of Education shall establish within the State
7227 Department of Education a special unit at the division level
7228 called the Office of Educational Accountability. The Director of
7229 the Office of Educational Accountability shall hold a position
7230 comparable to a deputy superintendent and shall be appointed by
7231 the State Board of Education with the advice and consent of the
7232 Senate. He shall serve at the will and pleasure of the State



7233 Board of Education and may employ necessary professional,
7234 administrative and clerical staff. The Director of the Office of
7235 Educational Accountability shall provide all reports to the
7236 Legislature, Governor, Mississippi Commission on School
7237 Accreditation and State Board of Education and respond to any
7238 inquiries for information.

7239 (2) The Office of Educational Accountability is responsible
7240 for monitoring and reviewing programs developed under the
7241 Education Reform Act, the Mississippi Adequate Education Program
7242 Act of 1994, the Education Enhancement Fund, the Mississippi
7243 Uniform Per Student Funding Formula Act of 2018, and subsequent
7244 education initiatives, and shall provide information,
7245 recommendations and an annual assessment to the Legislature,
7246 Governor, Mississippi Commission on School Accreditation and the
7247 State Board of Education. * * * The annual assessment of
7248 education reform programs shall be performed by the Office of
7249 Educational Accountability by December 1 of each year. * * *

7250 (3) In addition, the Office of Educational Accountability
7251 shall have the following specific duties and responsibilities:

7252 (a) Developing and maintaining a system of
7253 communication with school district personnel;

7254 (b) Provide opportunities for public comment on the
7255 current functions of the State Department of Education's programs,
7256 needed public education services and innovative suggestions; and



7257 (c) Assess both positive and negative impact on school
7258 districts of new education programs, including but not limited to
7259 The Mississippi Report Card and alternative school programs.

7260 **SECTION 107.** Section 37-151-10, Mississippi Code of 1972, is
7261 amended as follows:

7262 37-151-10. (1) There is established a Center for Education
7263 Analysis which shall be an advisory group attached to the Public
7264 Education Forum of Mississippi. The Center for Education Analysis
7265 shall create a structure to systematically collect, compile and
7266 coordinate data that can be disseminated to business, legislative
7267 and education entities for decision-making purposes relating to
7268 public education. The Center for Education Analysis may enter
7269 into a contractual agreement with the Public Education Forum of
7270 Mississippi in order to place the center within the administrative
7271 framework of the Public Education Forum under the following
7272 conditions:

7273 (a) All new programs authorized in this section are
7274 subject to the availability of funds specifically appropriated
7275 therefor by the Legislature from the Education Enhancement Fund to
7276 the Public Education Forum for the support and maintenance of the
7277 programs of the Center for Education Analysis.

7278 (b) The Public Education Forum will provide a business
7279 framework to coordinate its recommendations and reports with the
7280 programs of the Center for Education Analysis.



7281 (c) The Public Education Forum shall employ a director
7282 for the Center for Education Analysis with appropriate
7283 qualifications. Any public funds expended pursuant to this
7284 section shall be audited by the Mississippi Department of Audit.

7285 There is created in the State Treasury a special fund to be
7286 known as the "Center for Education Analysis Fund." Monies may be
7287 expended out of such funds pursuant to appropriation by the
7288 Legislature, to implement the public education analysis program
7289 established under the provisions of this section. Disbursements
7290 from such fund shall be made only upon requisition of the Director
7291 for the Center for Education Analysis.

7292 (2) The Center for Education Analysis established in
7293 subsection (1) shall develop and submit to the Legislature and the
7294 Governor an annual report on the implementation of the * * *
7295 uniform per student funding formula and the Interim School
7296 District Capital Expenditure Fund program. * * * The report shall
7297 become a distinct part of the Mississippi Report Card
7298 describing * * * implementation of the * * * uniform per student
7299 funding formula. The annual report shall include the following:

7300 (a) A description of the amount of * * * Mississippi
7301 Uniform Per Student Funding Formula funds available to each school
7302 district * * *;

7303 (b) A description of each school district's capital
7304 expenditure plan, including:



7305 (i) A listing of the school district facilities to
7306 be constructed, purchased, repaired, renovated, remodeled or
7307 enlarged, with designation of the nature of each such project as
7308 new construction, retrofitting/renovation, or site work and/or
7309 preparation;

7310 (ii) For each completed capital improvement
7311 project and upon the completion of any approved capital
7312 expenditure plan, a listing by individual project of:

7313 (A) The total dimensions of each
7314 construction, renovation or site preparation project;

7315 (B) The total project cost in dollars;

7316 (C) The project cost per square foot of newly
7317 constructed space or, in the case of renovation, per square foot
7318 of the principal structure affected by such renovation;

7319 (D) The total cost of all furniture and
7320 equipment per project;

7321 (E) The total amount of nonconstruction fees
7322 per project;

7323 (F) The total of other costs associated with
7324 the project not otherwise included in items (A) through (E) above;
7325 and

7326 (G) The number of classrooms created and/or
7327 affected by the project;

7328 (iii) A listing of all school district State Aid
7329 Capital Improvement Bonds secured by Mississippi Adequate



7330 Education Program funds issued by school districts and the capital
7331 improvements funded through such bond issue;

7332 (iv) A description of any other local bond issue
7333 proceeds combined with such funds for capital improvement
7334 purposes; and

7335 (v) Any other appropriate information relating to
7336 capital improvements by school districts as determined by the
7337 State Board of Education;

7338 (c) An annual assessment of the impact of additional or
7339 less funding under the * * * Mississippi Uniform Per Student
7340 Funding Formula on * * * school districts with less than a * * *
7341 "C" designation under the state accreditation system; and

7342 (d) An annual assessment of the impact of teacher
7343 recruitment incentives on the employment of licensed teachers in
7344 critical teacher shortage geographic areas * * *.

7345 **SECTION 108.** Section 37-151-87, Mississippi Code of 1972, is
7346 amended as follows:

7347 37-151-87. No school district shall pay any teacher less
7348 than the state minimum salary. * * * However, * * * school
7349 districts are authorized to reduce the state minimum salary by a
7350 pro rata daily amount in order to comply with the school district
7351 employee furlough provisions of Section 37-7-308. From and after
7352 July 1, 2012, no school district shall receive any funds under the
7353 provisions of this chapter for any school year during which the
7354 aggregate amount of local supplement * * * is reduced below such



7355 amount for the previous year. However, (a) where there has been a
7356 reduction in * * * uniform per student funding formula allocations
7357 for such district in such year, (b) where there has been a
7358 reduction in the amount of federal funds to such district below
7359 the previous year, or (c) where there has been a reduction in ad
7360 valorem taxes to such school district for the 1986-1987 school
7361 year below the amount for the previous year due to the exemption
7362 of nuclear generating plants from ad valorem taxation pursuant to
7363 Section 27-35-309, * * * the aggregate amount of local supplement
7364 in such district may be reduced in the discretion of the local
7365 school board without loss of funds under this chapter. No school
7366 district may receive any funds under the provisions of this
7367 chapter for any school year if the aggregate amount of support
7368 from ad valorem taxation shall be reduced during such school year
7369 below such amount for the previous year; however, where there is a
7370 loss in * * * uniform per student funding formula allocations, or
7371 where there is or heretofore has been a decrease in the total
7372 assessed value of taxable property within a school district, the
7373 aggregate amount of such support may be reduced proportionately.
7374 Nothing herein contained shall prohibit any school district from
7375 adopting or continuing a program or plan whereby teachers are paid
7376 varying salaries according to the teaching ability, classroom
7377 performance and other similar standards.

7378 For purposes of this section, the term "local supplement"
7379 means the additional amount paid to an individual teacher over and



7380 above the salary schedule prescribed in Section 37-19-7 for the
7381 performance of regular teaching duties by that teacher.

7382 **SECTION 109.** Section 37-151-89, Mississippi Code of 1972, is
7383 amended as follows:

7384 37-151-89. The minimum base pay for all classroom teachers
7385 may be increased by the district from any funds available to
7386 it * * *.

7387 **SECTION 110.** Section 37-151-91, Mississippi Code of 1972, is
7388 amended as follows:

7389 37-151-91. The school boards of all school districts may
7390 establish salary schedules based on training, experience and other
7391 such factors as may be incorporated therein, including student
7392 progress and performance as developed by the State Board of
7393 Education, paying teachers greater amounts than the scale
7394 provided * * * in Section 37-19-7, but no teacher may be paid less
7395 than the amount based upon the minimum scale of pay provided
7396 in * * * Section 37-19-7, * * * and all supplements paid from
7397 local funds shall be based upon the salary schedules so
7398 established. The school boards may call upon the State Department
7399 of Education for aid and assistance in formulating and
7400 establishing such salary schedules, and it shall be the duty of
7401 the State Department of Education, when so called upon, to render
7402 such aid and assistance. The amount actually paid to each teacher
7403 shall be based upon and determined by the type of * * * license
7404 held by such teacher.



7405 **SECTION 111.** Section 37-151-93, Mississippi Code of 1972, is
7406 amended as follows:

7407 37-151-93. (1) Legally transferred students going from one
7408 school district to another shall be counted for * * * uniform per
7409 student funding formula allotments by the school district wherein
7410 the pupils attend school * * *. The school boards of the school
7411 districts which approve the transfer of a student under the
7412 provisions of Section 37-15-31 shall enter into an agreement and
7413 contract for the payment or nonpayment of any portion of their
7414 local maintenance funds which they deem fair and equitable in
7415 support of any transferred student. Except as provided in
7416 subsection (2) of this section, local maintenance funds shall be
7417 transferred only to the extent specified in the agreement and
7418 contract entered into by the affected school districts. The terms
7419 of any local maintenance fund payment transfer contract shall be
7420 spread upon the minutes of both of the affected school district
7421 school boards. The school district accepting any transfer
7422 students shall be authorized to accept tuition from such students
7423 under the provisions of Section 37-15-31(1) and such agreement may
7424 remain in effect for any length of time designated in the
7425 contract. The terms of such student transfer contracts and the
7426 amounts of any tuition charged any transfer student shall be
7427 spread upon the minutes of both of the affected school boards. No
7428 school district accepting any transfer students under the
7429 provisions of Section 37-15-31(2), which provides for the transfer



7430 of certain school district employee dependents, shall be
7431 authorized to charge such transfer students any tuition fees.

7432 (2) Local maintenance funds shall be paid by the home school
7433 district to the transferee school district for students granted
7434 transfers under the provisions of Sections 37-15-29(3) and
7435 37-15-31(3), * * * not to exceed the * * * student base amount, as
7436 defined in Section * * * 37-151-203, multiplied by the number of
7437 such legally transferred students.

7438 **SECTION 112.** Section 37-151-95, Mississippi Code of 1972, is
7439 amended as follows:

7440 37-151-95. * * * Uniform per student funding formula funds
7441 shall * * * cover one hundred percent (100%) of the cost of the
7442 State and School Employees' Life and Health Insurance Plan created
7443 under Article 7, Chapter 15, Title 25, Mississippi Code of 1972,
7444 for all district employees who work no less than twenty (20) hours
7445 during each week and regular nonstudent school bus drivers
7446 employed by the district.

7447 Where the use of federal funding is allowable to defray, in
7448 full or in part, the cost of participation in the insurance plan
7449 by district employees who work no less than twenty (20) hours
7450 during each week and regular nonstudent school bus drivers, whose
7451 salaries are paid, in full or in part, by federal funds, the * * *
7452 use of uniform per student funding formula funds as required under
7453 this section shall be reduced to the extent of the federal
7454 funding. Where the use of federal funds is allowable but not



7455 available, it is the intent of the Legislature that school
7456 districts contribute the cost of participation for such employees
7457 from local funds, except that parent fees for child nutrition
7458 programs shall not be increased to cover such cost.

7459 The State Department of Education, in accordance with rules
7460 and regulations established by the State Board of Education, may
7461 withhold a school district's * * * uniform per student funding
7462 formula funds for failure of the district to timely report
7463 student, fiscal and personnel data necessary to meet state and/or
7464 federal requirements. The rules and regulations promulgated by
7465 the State Board of Education shall require the withholding
7466 of * * * uniform per student funding formula funds for those
7467 districts that fail to remit premiums, interest penalties and/or
7468 late charges under the State and School Employees' Life and Health
7469 Insurance Plan. Noncompliance with such rules and regulations
7470 shall result in a violation of compulsory accreditation standards
7471 as established by the State Board of Education and Commission on
7472 School Accreditation.

7473 **SECTION 113.** Section 37-151-97, Mississippi Code of 1972, is
7474 amended as follows:

7475 37-151-97. The State Department of Education shall develop
7476 an annual reporting process to inform the Legislature, local
7477 district personnel and the general public as to the ongoing and
7478 future plans for the state's educational programs. The annual
7479 reporting process will include those vital statistics that are



7480 commonly reported by schools and districts and that can provide
7481 clear demographic, strategic and educational information to
7482 constituencies such as, but not limited to, the following
7483 information:

7484 (a) Student enrollment * * * and attendance * * *
7485 reported in the aggregate and specifically for each student
7486 population that is subject to weighting under the uniform per
7487 student funding formula, and drop-out and graduation data;

7488 (b) Overall student and district achievement;

7489 (c) Budget, administrative costs and other pertinent
7490 fiscal information, including:

7491 (i) The receipts and disbursements of all school
7492 funds handled by the board;

7493 (ii) Reports of expenditures for public schools,
7494 which, upon request must be made available on an individual
7495 district basis by the State Department of Education;

7496 1. Total Student Expenditures:

7497 a. Instruction (1000s);

7498 b. Other Student Instructional

7499 Expenditures (2100s, 2200s);

7500 2. General Administration (2300s and 2500s);

7501 3. School Administration (2400s);

7502 4. Other Expenditures (2600s, 2700s, 2800s,

7503 3100s, 3200s); and



7504 5. Nonoperational Expenditures (4000s, 5000s,
7505 6000s);

7506 (iii) The number of school districts, school
7507 teachers employed, school administrators employed, pupils taught
7508 and the attendance record of pupils therein;

7509 (iv) County and district levies for each school
7510 district and agricultural high school;

7511 (v) The condition of vocational education, a list
7512 of schools to which federal and state aid has been given, and a
7513 detailed statement of the expenditures of federal funds and the
7514 state funds that may be provided, and the ranking of subjects
7515 taught as compared with the state's needs.

7516 (d) Other as directed by the State Board of Education.

7517 Further, the reporting process will include an annual report
7518 developed specifically to relate the mission and goals of the
7519 State Board of Education, state superintendent and departments.
7520 This document will become the method through which the strategic
7521 planning and management process of the department is articulated
7522 to the public. It will explain and inform the public of the major
7523 initiatives of the department and clearly identify rationale for
7524 program development and/or elimination. The report will establish
7525 benchmarks, future plans and discuss the effectiveness of
7526 educational programs.

7527 In addition to the information specified herein, the State
7528 Board of Education shall have full and plenary authority and power



7529 to require the furnishing of such further, additional and
7530 supplementary information as it may deem necessary for the purpose
7531 of determining the cost of the * * * uniform per student funding
7532 formula in such school district for the succeeding fiscal year,
7533 the amount of the * * * uniform per student funding formula funds
7534 to be allotted to each school district for the succeeding fiscal
7535 year, and for any other purpose authorized by law or deemed
7536 necessary by said State Board of Education.

7537 It shall be the duty of the State Department of Education to
7538 prescribe the forms for the reports provided for in this section.

7539 **SECTION 114.** Section 37-151-99, Mississippi Code of 1972, is
7540 amended as follows:

7541 37-151-99. Based upon the information obtained pursuant to
7542 Section 37-151-97 and upon such other and further information as
7543 provided by law, the State Department of Education shall, on or
7544 before June 1 of each year, or as soon thereafter as is practical,
7545 furnish each school board the preliminary estimate of the amount
7546 each will receive from * * * the * * * uniform per student funding
7547 formula for the succeeding scholastic year, and at the same time
7548 shall furnish each such school board with a tentative estimate of
7549 the cost of the * * * uniform per student funding formula in the
7550 school district for such succeeding fiscal year.

7551 **SECTION 115.** Section 37-151-101, Mississippi Code of 1972,
7552 is amended as follows:



7553 37-151-101. It shall be the duty of the State Department of
7554 Education to file with the State Treasurer and the State Fiscal
7555 Officer such data and information as may be required to enable the
7556 said State Treasurer and State Fiscal Officer to distribute
7557 the * * * uniform per student funding formula funds by electronic
7558 funds transfer to the several school districts and charter schools
7559 at the time required and provided under the provisions of this
7560 chapter. Such data and information so filed shall show in detail
7561 the amount of funds to which each school district and charter
7562 school is entitled * * * under the uniform per student funding
7563 formula. Such data and information so filed may be revised from
7564 time to time as necessitated by law. At the time provided by law,
7565 the State Treasurer and the State Fiscal Officer shall distribute
7566 to the several school districts and charter schools the amounts to
7567 which they are entitled * * * under the uniform per student
7568 funding formula as provided by this chapter. Such distribution
7569 shall be made by electronic funds transfer to the depositories of
7570 the several school districts and charter schools designated in
7571 writing to the State Treasurer based upon the data and information
7572 supplied by the State Department of Education for such
7573 distribution. In such instances, the State Treasurer shall submit
7574 a request for an electronic funds transfer to the State Fiscal
7575 Officer, which shall set forth the purpose, amount and payees, and
7576 shall be in such form as may be approved by the State Fiscal
7577 Officer so as to provide the necessary information as would be



7578 required for a requisition and issuance of a warrant. A copy of
7579 the record of said electronic funds transfers shall be transmitted
7580 by the school district and charter school depositories to the
7581 Treasurer, who shall file duplicates with the State Fiscal
7582 Officer. The Treasurer and State Fiscal Officer shall jointly
7583 promulgate regulations for the utilization of electronic funds
7584 transfers to school districts and charter schools.

7585 **SECTION 116.** Section 37-151-103, Mississippi Code of 1972,
7586 is amended as follows:

7587 37-151-103. (1) Funds due each school district and charter
7588 school under * * * the * * * Mississippi Uniform Per Student
7589 Funding Formula shall be paid in the following manner: Two (2)
7590 business days prior to the last working day of each month there
7591 shall be paid to each school district and charter school, by
7592 electronic funds transfer, one-twelfth (1/12) of the funds to
7593 which the district or charter school is entitled from funds
7594 appropriated for the * * * Mississippi Uniform Per Student Funding
7595 Formula. However, in December those payments shall be made on
7596 December 15th or the next business day after that date. All
7597 school districts shall process a single monthly payroll for
7598 licensed employees and may process a single monthly or a
7599 semimonthly payroll for nonlicensed employees, in the discretion
7600 of the local school board, with electronic settlement of payroll
7601 checks secured through direct deposit of net pay for all school
7602 district employees. In addition, the State Department of



7603 Education may pay school districts and charter schools * * * under
7604 the * * * Mississippi Uniform Per Student Funding Formula on a
7605 date earlier than provided for by this section if it is determined
7606 that it is in the best interest of school districts and charter
7607 schools to do so.

7608 * * * However, * * * if the cash balance in the State
7609 General Fund is not adequate on the due date to pay the amounts
7610 due to all school districts and charter schools in the state as
7611 determined by the State Superintendent of Public Education, the
7612 State Fiscal Officer shall not transfer said funds payable to any
7613 school district or districts or charter schools until money is
7614 available to pay the amount due to all districts and charter
7615 schools.

7616 * * *

7617 (* * * 2) In the event of an inordinately large number of
7618 absentees in any school district or charter school as a result of
7619 epidemic, natural disaster, or any concerted activity discouraging
7620 school attendance, then in such event school attendance for the
7621 purposes of determining average daily * * * membership for
7622 the * * * uniform per student funding formula shall be based upon
7623 the average daily * * * membership for the preceding school year
7624 for such school district or charter school.

7625 **SECTION 117.** Section 37-151-105, Mississippi Code of 1972,
7626 is amended as follows:



7627 37-151-105. The State Board of Education shall have the
7628 authority to make such regulations not inconsistent with law which
7629 it deems necessary for the administration of this chapter. The
7630 State Board of Education, if it deems such practice necessary, may
7631 use reports of the first six (6) months of school for the purpose
7632 of determining average daily * * * membership.

7633 **SECTION 118.** Section 37-151-107, Mississippi Code of 1972,
7634 is amended as follows:

7635 37-151-107. Any superintendent of education, member of the
7636 local school board of any school district, superintendent,
7637 principal, teacher, carrier, bus driver or member or employee of
7638 the State Department of Education or State Board of Education, or
7639 any other person, who shall willfully violate any of the
7640 provisions of this chapter, or who shall willfully make any false
7641 report, list or record, or who shall willfully make use of any
7642 false report, list or record, concerning the number of school
7643 children in average daily * * * membership shall be guilty of a
7644 misdemeanor and upon conviction shall be punished by imprisonment
7645 in the county jail for a period not to exceed sixty (60) days or
7646 by a fine of not less than One Hundred Dollars (\$100.00), nor more
7647 than Three Hundred Dollars (\$300.00), or by both such fine and
7648 imprisonment, in the discretion of the court. In addition, any
7649 such person shall be civilly liable for all amounts of public
7650 funds which are illegally, unlawfully or wrongfully expended or
7651 paid out by virtue of or pursuant to such false report, list or



7652 record, and upon conviction or adjudication of civil liability
7653 hereunder, such person shall forfeit his license to teach for a
7654 period of three (3) years, if such person is the holder of such a
7655 license. Any suit to recover such funds illegally, unlawfully or
7656 wrongfully expended or paid out may be brought in the name of the
7657 State of Mississippi by the Attorney General or the proper
7658 district attorney or county attorney, and, in the event such suit
7659 be brought against a person who is under bond, the sureties upon
7660 such bond shall likewise be liable for such amount illegally,
7661 unlawfully or wrongfully expended or paid out.

7662 **SECTION 119.** Section 37-173-9, Mississippi Code of 1972, is
7663 amended as follows:

7664 37-173-9. (1) (a) The parent or legal guardian is not
7665 required to accept the offer of enrolling in another public school
7666 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
7667 to a nonpublic school. However, if the parent or legal guardian
7668 chooses the public school option, the student may continue
7669 attending a public school chosen by the parent or legal guardian
7670 until the student completes Grade 12.

7671 (b) If the parent or legal guardian chooses a public
7672 school within the district, the school district shall provide
7673 transportation to the public school selected by the parent or
7674 legal guardian. However, if the parent or legal guardian chooses
7675 a public school in another district, the parent or legal guardian
7676 is responsible to provide transportation to the school of choice.



7677 (2) Each local school district shall make an initial
7678 determination of whether a student diagnosed with dyslexia
7679 qualifies under the Individuals with Disabilities Education Act
7680 (IDEA) to receive services and funding under the provisions of the
7681 IDEA before proceeding to the development of a 504 Plan for each
7682 dyslexic student eligible for educational services or equipment,
7683 or both, under Sections 37-23-1 through 37-23-157. If a student's
7684 diagnosis of dyslexia results in a determination that the
7685 disability is not a disability which would qualify the student as
7686 eligible under the IDEA, then in developing the written 504 Plan
7687 for each dyslexia student, there shall be a presumption that
7688 proficiency in spelling, reading and writing are essential for the
7689 student to achieve appropriate educational progress. Each local
7690 school district shall develop interventions and strategies to
7691 address the needs of those students diagnosed with dyslexia which
7692 provide the necessary accommodations to enable the student to
7693 achieve appropriate educational progress. The interventions and
7694 strategies developed shall include, but not be limited to, the use
7695 of the 3-Tier Instructional Model and the utilization of
7696 provisions of the IDEA and Section 504 to address those needs.

7697 Furthermore, these provisions do not prohibit a parent or
7698 legal guardian of a student diagnosed with dyslexia, at any time,
7699 from choosing the option of a Mississippi Dyslexia Therapy
7700 Scholarship which would allow the student to attend another public
7701 school or nonpublic special purpose school.



7702 (3) If the parent or legal guardian chooses the nonpublic
7703 school option and the student is accepted by the nonpublic school
7704 pending the availability of a space for the student, the parent or
7705 legal guardian of the student must notify the department thirty
7706 (30) days before the first scholarship payment and before entering
7707 the nonpublic school in order to be eligible for the scholarship
7708 when a space becomes available for the student in the nonpublic
7709 school.

7710 (4) The parent or legal guardian of a student may choose, as
7711 an alternative, to enroll the student in and transport the student
7712 to a public school in an adjacent school district which has
7713 available space and has a program with dyslexia services that
7714 provide daily dyslexia therapy sessions delivered by a department
7715 licensed dyslexia therapist, and that school district shall accept
7716 the student and report the student for purposes of the district's
7717 funding under the Mississippi * * * Uniform Per Student Funding
7718 Formula.

7719 **SECTION 120.** Section 37-173-13, Mississippi Code of 1972, is
7720 amended as follows:

7721 37-173-13. (1) The maximum scholarship granted per eligible
7722 student with dyslexia shall be an amount equivalent to the * * *
7723 student base amount under the Mississippi Uniform Per Student
7724 Funding Formula.

7725 (2) (a) The nonpublic school under this program shall
7726 report to the Mississippi Department of Education the number of



7727 students with dyslexia who are enrolled in nonpublic schools on
7728 the Mississippi Dyslexia Therapy Scholarships as of September 30
7729 of each year in order to determine funding for the subsequent
7730 year. Funds may not be transferred from any funding provided to
7731 the Mississippi School for the Deaf and the Blind for program
7732 participants who are eligible under Section 37-173-5.

7733 (b) The Mississippi Department of Education will
7734 disburse payments to nonpublic schools under this program in
7735 twelve (12) substantially equal installments. The initial payment
7736 shall be made after department verification of admission
7737 acceptance, and subsequent payments shall be made upon
7738 verification of continued enrollment and attendance at the
7739 nonpublic school.

7740 **SECTION 121.** Section 37-175-13, Mississippi Code of 1972, is
7741 amended as follows:

7742 37-175-13. (1) The maximum scholarship granted per eligible
7743 student with speech-language impairment shall be an amount
7744 equivalent to the * * * student base amount under the Mississippi
7745 Uniform Per Student Funding Formula.

7746 (2) (a) Any nonpublic school under this program shall
7747 report to the State Department of Education the number of students
7748 with speech-language impairment who are enrolled in nonpublic
7749 schools on the Mississippi Speech-Language Therapy Scholarships as
7750 of September 30 of each year in order to determine funding for the
7751 subsequent year. Funds may not be transferred from any funding



7752 provided to the Mississippi School for the Deaf and the Blind for
7753 program participants who are eligible under Section 37-175-5.

7754 (b) The State Department of Education shall make
7755 payments to nonpublic schools for each student at the nonpublic
7756 school equal to the state share of the * * * uniform per student
7757 funding formula payments for each student in average daily * * *
7758 membership at the school district from which the student
7759 transferred. In calculating the local contribution for purposes
7760 of determining the state share of the * * * uniform per student
7761 funding formula payments, the department shall deduct the pro rata
7762 local contribution of the school district in which the student
7763 resides, to be determined as provided in Section * * *
7764 37-151-227(1).

7765 (c) Payments made pursuant to this subsection by the
7766 State Department of Education must be made at the same time and in
7767 the same manner as * * * uniform per student funding formula
7768 payments are made to school districts under Sections 37-151-101
7769 and 37-151-103. Amounts payable to a nonpublic school must be
7770 determined by the State Department of Education.

7771 (3) If the parent opts to remove a child from a public
7772 school to a nonpublic special purpose school and to receive a
7773 scholarship under this chapter, then transportation shall be
7774 provided at the parent's or guardian's expense.

7775 **SECTION 122.** Section 37-179-3, Mississippi Code of 1972, is
7776 amended as follows:



7777 37-179-3. (1) A district which is an applicant to be
7778 designated as a district of innovation under Section 37-179-1
7779 shall:

7780 (a) Establish goals and performance targets for the
7781 district of innovation proposal, which may include:

7782 (i) Reducing achievement gaps among groups of
7783 public school students by expanding learning experiences for
7784 students who are identified as academically low-achieving;

7785 (ii) Increasing pupil learning through the
7786 implementation of high, rigorous standards for pupil performance;

7787 (iii) Increasing the participation of students in
7788 various curriculum components and instructional components within
7789 selected schools to enhance at each grade level;

7790 (iv) Increasing the number of students who are
7791 college and career-ready;

7792 (v) Motivating students at different grade levels
7793 by offering more curriculum choices and student learning
7794 opportunities to parents and students within the district;

7795 (b) Identify changes needed in the district and schools
7796 to lead to better prepared students for success in life and work;

7797 (c) Have a district wide plan of innovation that
7798 describes and justifies which schools and innovative practices
7799 will be incorporated;



7800 (d) Provide documentation of community, educator,
7801 parental, and the local board's support of the proposed
7802 innovations;

7803 (e) Provide detailed information regarding the
7804 rationale of requests for waivers from Title 37, Mississippi Code
7805 of 1972, which relate to the elementary and secondary education of
7806 public school students, and administrative regulations, and
7807 exemptions for selected schools regarding waivers of local school
7808 board policies;

7809 (f) Document the fiscal and human resources the board
7810 will provide throughout the term of the implementation of the
7811 innovations within its plan; and

7812 (g) Provide other materials as required by the
7813 department in compliance with the board's administrative
7814 regulations and application procedures.

7815 (2) The district and all schools participating in a
7816 district's innovation plan shall:

7817 (a) Ensure the same health, safety, civil rights, and
7818 disability rights requirements as are applied to all public
7819 schools;

7820 (b) Ensure students meet compulsory attendance
7821 requirements under Sections 37-13-91 and 37-13-92;

7822 (c) Ensure that high school course offerings meet or
7823 exceed the minimum required under Sections 37-16-7 and 37-3-49,



7824 for high school graduation or meet early graduation requirements
7825 that may be enacted by the Mississippi Legislature;

7826 (d) Ensure the student performance standards meet or
7827 exceed those adopted by the State Board of Education as required
7828 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
7829 with the statewide assessment system specified in Chapter 16,
7830 Title 37, Mississippi Code of 1972;

7831 (e) Adhere to the same financial audits, audit
7832 procedures, and audit requirements as are applied under Section
7833 7-7-211(e);

7834 (f) Require state and criminal background checks for
7835 staff and volunteers as required of all public school employees
7836 and volunteers within the public schools and specified in Section
7837 37-9-17;

7838 (g) Comply with open records and open meeting
7839 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

7840 (h) Comply with purchasing requirements and limitations
7841 under Chapter 39, Title 37, Mississippi Code of 1972;

7842 (i) Provide overall instructional time that is
7843 equivalent to or greater than that required under Sections 37-1-11
7844 and 37-13-67, but which may include on-site instruction, distance
7845 learning, online courses, and work-based learning on
7846 nontraditional school days or hours; and

7847 (j) Provide data to the department as deemed necessary
7848 to generate school and district reports.



7849 (3) (a) Only schools that choose to be designated as
7850 schools of innovation shall be included in a district's
7851 application;

7852 (b) As used in this paragraph, "eligible employees"
7853 means employees that are regularly employed at the school and
7854 those employees whose primary job duties will be affected by the
7855 plan; and

7856 (c) Notwithstanding the provisions of paragraph (a) of
7857 this subsection, a local school board may require a school that
7858 has been identified as a persistently low-achieving school under
7859 provisions of Section 37-17-6 to participate in the district's
7860 plan of innovation.

7861 (4) Notwithstanding any statutes to the contrary, the board
7862 may approve the requests of districts of innovation to:

7863 (a) Use capital outlay funds for operational costs;

7864 (b) Hire persons for classified positions in
7865 nontraditional school and district assignments who have bachelors
7866 and advanced degrees from postsecondary education institutions
7867 accredited by a regional accrediting association (Southern
7868 Association of Colleges and Schools) or by an organization
7869 affiliated with the National Commission on Accrediting;

7870 (c) Employ teachers on extended employment contracts or
7871 extra duty contracts and compensate them on a salary schedule
7872 other than the single salary schedule;



7873 (d) Extend the school days as is appropriate within the
7874 district with compensation for the employees as determined
7875 locally;

7876 (e) Establish alternative education programs and
7877 services that are delivered in nontraditional hours and which may
7878 be jointly provided in cooperation with another school district or
7879 consortia of districts;

7880 (f) Establish online classes within the district for
7881 delivering alternative classes in a blended environment to meet
7882 high school graduation requirements;

7883 (g) Use a flexible school calendar;

7884 (h) Convert existing schools into schools of
7885 innovation; and

7886 (i) Modify the formula under * * * Chapter 151, Title
7887 37, Mississippi Code of 1972, for distributing * * * uniform per
7888 student funding formula funds for students in average daily * * *
7889 membership in nontraditional programming time, including
7890 alternative programs and virtual programs. Funds granted to a
7891 district shall not exceed those that would have otherwise been
7892 distributed based on average daily * * * membership during regular
7893 instructional days.

7894 **SECTION 123.** Section 37-181-7, Mississippi Code of 1972, is
7895 amended as follows:

7896 37-181-7. (1) The ESA program created in this chapter shall
7897 be limited to five hundred (500) students in the school year



7898 2015-2016, with new enrollment limited to five hundred (500)
7899 additional students each year thereafter. Subject to
7900 appropriation from the General Fund, each student's ESA shall be
7901 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school
7902 year 2015-2016. For each subsequent year, this amount shall
7903 increase or decrease by the same proportion as the * * * student
7904 base amount under Section * * * 37-151-207 is increased or
7905 decreased.

7906 (2) Subject to appropriation, eligible students shall be
7907 approved for participation in the program as follows:

7908 (a) Until participation in the program reaches fifty
7909 percent (50%) of the annual enrollment limits in subsection (1) of
7910 this section, students shall be approved on a first-come,
7911 first-served basis, with applications being reviewed on a rolling
7912 basis;

7913 (b) After participation reaches fifty percent (50%) of
7914 the annual enrollment limits in subsection (1) of this section,
7915 the department shall set annual application deadlines for the
7916 remaining number of available ESAs and begin to maintain a waiting
7917 list of eligible students. If the number of eligible students who
7918 apply for the program exceeds the remaining number of ESAs
7919 available, the department shall fill the available spaces using a
7920 random selection process that gives preference to students with an
7921 active Individualized Education Program (IEP); and



7922 (c) Participating students who remain eligible for the
7923 program are automatically approved for participation for the
7924 following year and are not subject to the random selection
7925 process.

7926 (3) No funds for an ESA may be expended from the * * *
7927 Mississippi Uniform Per Student Funding Formula, nor shall any
7928 school district be required to provide funding for an ESA.

7929 **SECTION 124.** Section 41-79-5, Mississippi Code of 1972, is
7930 amended as follows:

7931 41-79-5. (1) There is hereby established within the State
7932 Department of Health a school nurse intervention program,
7933 available to all public school districts in the state.

7934 (2) By the school year 1998-1999, each public school
7935 district shall have employed a school nurse, to be known as a
7936 Health Service Coordinator, pursuant to the school nurse
7937 intervention program prescribed under this section. The school
7938 nurse intervention program shall offer any of the following
7939 specific preventive services, and other additional services
7940 appropriate to each grade level and the age and maturity of the
7941 pupils:

7942 (a) Reproductive health education and referral to
7943 prevent teen pregnancy and sexually transmitted diseases, which
7944 education shall include abstinence;

7945 (b) Child abuse and neglect identification;



7946 (c) Hearing and vision screening to detect problems
7947 which can lead to serious sensory losses and behavioral and
7948 academic problems;

7949 (d) Alcohol, tobacco and drug abuse education to reduce
7950 abuse of these substances;

7951 (e) Scoliosis screening to detect this condition so
7952 that costly and painful surgery and lifelong disability can be
7953 prevented;

7954 (f) Coordination of services for handicapped children
7955 to ensure that these children receive appropriate medical
7956 assistance and are able to remain in public school;

7957 (g) Nutrition education and counseling to prevent
7958 obesity and/or other eating disorders which may lead to
7959 life-threatening conditions, for example, hypertension;

7960 (h) Early detection and treatment of head lice to
7961 prevent the spread of the parasite and to reduce absenteeism;

7962 (i) Emergency treatment of injury and illness to
7963 include controlling bleeding, managing fractures, bruises or
7964 contusions and cardiopulmonary resuscitation (CPR);

7965 (j) Applying appropriate theory as the basis for
7966 decision making in nursing practice;

7967 (k) Establishing and maintaining a comprehensive school
7968 health program;

7969 (l) Developing individualized health plans;



7970 (m) Assessing, planning, implementing and evaluating
7971 programs and other school health activities, in collaboration with
7972 other professionals;

7973 (n) Providing health education to assist students,
7974 families and groups to achieve optimal levels of wellness;

7975 (o) Participating in peer review and other means of
7976 evaluation to assure quality of nursing care provided for students
7977 and assuming responsibility for continuing education and
7978 professional development for self while contributing to the
7979 professional growth of others;

7980 (p) Participating with other key members of the
7981 community responsible for assessing, planning, implementing and
7982 evaluating school health services and community services that
7983 include the broad continuum or promotion of primary, secondary and
7984 tertiary prevention; and

7985 (q) Contributing to nursing and school health through
7986 innovations in theory and practice and participation in research.

7987 (3) Public school nurses shall be specifically prohibited
7988 from providing abortion counseling to any student or referring any
7989 student to abortion counseling or abortion clinics. Any violation
7990 of this subsection shall disqualify the school district employing
7991 such public school nurse from receiving any state administered
7992 funds under this section.

7993 (4) Repealed.



7994 (5) Beginning with the 1997-1998 school year, to the extent
7995 that federal or state funds are available therefor and pursuant to
7996 appropriation therefor by the Legislature, in addition to the
7997 school nurse intervention program funds administered under
7998 subsection (4), the State Department of Health shall establish and
7999 implement a Prevention of Teen Pregnancy Pilot Program to be
8000 located in the public school districts with the highest numbers of
8001 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
8002 the following education services directly through public school
8003 nurses in the pilot school districts: health education sessions
8004 in local schools, where contracted for or invited to provide,
8005 which target issues including reproductive health, teen pregnancy
8006 prevention and sexually transmitted diseases, including syphilis,
8007 HIV and AIDS. When these services are provided by a school nurse,
8008 training and counseling on abstinence shall be included.

8009 (6) In addition to the school nurse intervention program
8010 funds administered under subsection (4) and the Teen Pregnancy
8011 Pilot Program funds administered under subsection (5), to the
8012 extent that federal or state funds are available therefor and
8013 pursuant to appropriation therefor by the Legislature, the State
8014 Department of Health shall establish and implement an Abstinence
8015 Education Pilot Program to provide abstinence education,
8016 mentoring, counseling and adult supervision to promote abstinence
8017 from sexual activity, with a focus on those groups which are most
8018 likely to bear children out of wedlock. Such abstinence education



8019 services shall be provided by the State Department of Health
8020 through its clinics, public health nurses, school nurses and
8021 through contracts with rural and community health centers in order
8022 to reach a larger number of targeted clients. For purposes of
8023 this subsection, the term "abstinence education" means an
8024 educational or motivational program which:

8025 (a) Has as its exclusive purpose, teaching the social,
8026 psychological and health gains to be realized by abstaining from
8027 sexual activity;

8028 (b) Teaches abstinence from sexual activity outside
8029 marriage as the expected standard for all school-age children;

8030 (c) Teaches that abstinence from sexual activity is the
8031 only certain way to avoid out-of-wedlock pregnancy, sexually
8032 transmitted diseases and other associated health problems;

8033 (d) Teaches that a mutually faithful monogamous
8034 relationship in context of marriage is the expected standard of
8035 human sexual activity;

8036 (e) Teaches that sexual activity outside of the context
8037 of marriage is likely to have harmful psychological and physical
8038 effects;

8039 (f) Teaches that bearing children out of wedlock is
8040 likely to have harmful consequences for the child, the child's
8041 parents and society;



8042 (g) Teaches young people how to reject sexual advances
8043 and how alcohol and drug use increase vulnerability to sexual
8044 advances; and

8045 (h) Teaches the importance of attaining
8046 self-sufficiency before engaging in sexual activity.

8047 (7) * * * Pursuant to appropriation therefor by the
8048 Legislature, in addition to other funds allotted under the * * *
8049 uniform per student funding formula, each school district shall be
8050 allotted an additional * * * amount for the purpose of employing
8051 qualified public school nurses in such school district, which in
8052 no event shall be less than one (1) * * * nurse per school
8053 district, for such purpose. In the event the Legislature provides
8054 less funds than the total state funds needed for the public school
8055 nurse allotment, those school districts with fewer * * * nurses
8056 per the number of students in average daily membership shall be
8057 the first funded for such purpose, to the extent of funds
8058 available.

8059 (8) Prior to the 1998-1999 school year, nursing staff
8060 assigned to the program shall be employed through the local county
8061 health department and shall be subject to the supervision of the
8062 State Department of Health with input from local school officials.
8063 Local county health departments may contract with any
8064 comprehensive private primary health care facilities within their
8065 county to employ and utilize additional nursing staff. Beginning
8066 with the 1998-1999 school year, nursing staff assigned to the



8067 program shall be employed by the local school district and shall
8068 be designated as "health service coordinators," and shall be
8069 required to possess a bachelor's degree in nursing as a minimum
8070 qualification.

8071 (9) Upon each student's enrollment, the parent or guardian
8072 shall be provided with information regarding the scope of the
8073 school nurse intervention program. The parent or guardian may
8074 provide the school administration with a written statement
8075 refusing all or any part of the nursing service. No child shall
8076 be required to undergo hearing and vision or scoliosis screening
8077 or any other physical examination or tests whose parent objects
8078 thereto on the grounds such screening, physical examination or
8079 tests are contrary to his sincerely held religious beliefs.

8080 (10) A consent form for reproductive health education shall
8081 be sent to the parent or guardian of each student upon his
8082 enrollment. If a response from the parent or guardian is not
8083 received within seven (7) days after the consent form is sent, the
8084 school shall send a letter to the student's home notifying the
8085 parent or guardian of the consent form. If the parent or guardian
8086 fails to respond to the letter within ten (10) days after it is
8087 sent, then the school principal shall be authorized to allow the
8088 student to receive reproductive health education. Reproductive
8089 health education shall include the teaching of total abstinence
8090 from premarital sex and, wherever practicable, reproductive health
8091 education should be taught in classes divided according to gender.



8092 All materials used in the reproductive health education program
8093 shall be placed in a convenient and easily accessible location for
8094 parental inspection. School nurses shall not dispense birth
8095 control pills or contraceptive devices in the school. Dispensing
8096 of such shall be the responsibility of the State Department of
8097 Health on a referral basis only.

8098 (11) No provision of this section shall be construed as
8099 prohibiting local school districts from accepting financial
8100 assistance of any type from the State of Mississippi or any other
8101 governmental entity, or any contribution, donation, gift, decree
8102 or bequest from any source which may be utilized for the
8103 maintenance or implementation of a school nurse intervention
8104 program in a public school system of this state.

8105 **SECTION 125.** Section 43-17-5, Mississippi Code of 1972, is
8106 amended as follows:

8107 43-17-5. (1) The amount of Temporary Assistance for Needy
8108 Families (TANF) benefits which may be granted for any dependent
8109 child and a needy caretaker relative shall be determined by the
8110 county department with due regard to the resources and necessary
8111 expenditures of the family and the conditions existing in each
8112 case, and in accordance with the rules and regulations made by the
8113 Department of Human Services which shall not be less than the
8114 Standard of Need in effect for 1988, and shall be sufficient when
8115 added to all other income (except that any income specified in the
8116 federal Social Security Act, as amended, may be disregarded) and



8117 support available to the child to provide such child with a
8118 reasonable subsistence compatible with decency and health. The
8119 first family member in the dependent child's budget may receive an
8120 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
8121 the second family member in the dependent child's budget may
8122 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
8123 month; and each additional family member in the dependent child's
8124 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
8125 month. The maximum for any individual family member in the
8126 dependent child's budget may be exceeded for foster or medical
8127 care or in cases of children with an intellectual disability or a
8128 physical disability. TANF benefits granted shall be specifically
8129 limited only (a) to children existing or conceived at the time the
8130 caretaker relative initially applies and qualifies for such
8131 assistance, unless this limitation is specifically waived by the
8132 department, or (b) to a child born following a
8133 twelve-consecutive-month period of discontinued benefits by the
8134 caretaker relative.

8135 (2) TANF benefits in Mississippi shall be provided to the
8136 recipient family by an online electronic benefits transfer system.

8137 (3) The Department of Human Services shall deny TANF
8138 benefits to the following categories of individuals, except for
8139 individuals and families specifically exempt or excluded for good
8140 cause as allowed by federal statute or regulation:



8141 (a) Families without a minor child residing with the
8142 custodial parent or other adult caretaker relative of the child;

8143 (b) Families which include an adult who has received
8144 TANF assistance for sixty (60) months after the commencement of
8145 the Mississippi TANF program, whether or not such period of time
8146 is consecutive;

8147 (c) Families not assigning to the state any rights a
8148 family member may have, on behalf of the family member or of any
8149 other person for whom the family member has applied for or is
8150 receiving such assistance, to support from any other person, as
8151 required by law;

8152 (d) Families who fail to cooperate in establishing
8153 paternity or obtaining child support, as required by law;

8154 (e) Any individual who has not attained eighteen (18)
8155 years of age, is not married to the head of household, has a minor
8156 child at least twelve (12) weeks of age in his or her care, and
8157 has not successfully completed a high school education or its
8158 equivalent, if such individual does not participate in educational
8159 activities directed toward the attainment of a high school diploma
8160 or its equivalent, or an alternative educational or training
8161 program approved by the department;

8162 (f) Any individual who has not attained eighteen (18)
8163 years of age, is not married, has a minor child in his or her
8164 care, and does not reside in a place or residence maintained by a



8165 parent, legal guardian or other adult relative or the individual
8166 as such parent's, guardian's or adult relative's own home;

8167 (g) Any minor child who has been, or is expected by a
8168 parent or other caretaker relative of the child to be, absent from
8169 the home for a period of more than thirty (30) days;

8170 (h) Any individual who is a parent or other caretaker
8171 relative of a minor child who fails to notify the department of
8172 the absence of the minor child from the home for the thirty-day
8173 period specified in paragraph (g), by the end of the five-day
8174 period that begins with the date that it becomes clear to the
8175 individual that the minor child will be absent for the thirty-day
8176 period;

8177 (i) Any individual who fails to comply with the
8178 provisions of the Employability Development Plan signed by the
8179 individual which prescribe those activities designed to help the
8180 individual become and remain employed, or to participate
8181 satisfactorily in the assigned work activity, as authorized under
8182 subsection (6) (c) and (d), or who does not engage in applicant job
8183 search activities within the thirty-day period for TANF
8184 application approval after receiving the advice and consultation
8185 of eligibility workers and/or caseworkers of the department
8186 providing a detailed description of available job search venues in
8187 the individual's county of residence or the surrounding counties;

8188 (j) A parent or caretaker relative who has not engaged
8189 in an allowable work activity once the department determines the



8190 parent or caretaker relative is ready to engage in work, or once
8191 the parent or caretaker relative has received TANF assistance
8192 under the program for twenty-four (24) months, whether or not
8193 consecutive, whichever is earlier;

8194 (k) Any individual who is fleeing to avoid prosecution,
8195 or custody or confinement after conviction, under the laws of the
8196 jurisdiction from which the individual flees, for a crime, or an
8197 attempt to commit a crime, which is a felony under the laws of the
8198 place from which the individual flees, or who is violating a
8199 condition of probation or parole imposed under federal or state
8200 law;

8201 (l) Aliens who are not qualified under federal law;

8202 (m) For a period of ten (10) years following
8203 conviction, individuals convicted in federal or state court of
8204 having made a fraudulent statement or representation with respect
8205 to the individual's place of residence in order to receive TANF,
8206 food stamps or Supplemental Security Income (SSI) assistance under
8207 Title XVI or Title XIX simultaneously from two (2) or more states;

8208 (n) Individuals who are recipients of federal
8209 Supplemental Security Income (SSI) assistance; and

8210 (o) Individuals who are eighteen (18) years of age or
8211 older who are not in compliance with the drug testing and
8212 substance use disorder treatment requirements of Section 43-17-6.

8213 (4) (a) Any person who is otherwise eligible for TANF
8214 benefits, including custodial and noncustodial parents, shall be



8215 required to attend school and meet the monthly attendance
8216 requirement as provided in this subsection if all of the following
8217 apply:

8218 (i) The person is under age twenty (20);

8219 (ii) The person has not graduated from a public or
8220 private high school or obtained a High School Equivalency Diploma
8221 equivalent;

8222 (iii) The person is physically able to attend
8223 school and is not excused from attending school; and

8224 (iv) If the person is a parent or caretaker
8225 relative with whom a dependent child is living, child care is
8226 available for the child.

8227 The monthly attendance requirement under this subsection
8228 shall be attendance at the school in which the person is enrolled
8229 for each day during a month that the school conducts classes in
8230 which the person is enrolled, with not more than two (2) absences
8231 during the month for reasons other than the reasons listed in
8232 paragraph (e)(iv) of this subsection. Persons who fail to meet
8233 participation requirements in this subsection shall be subject to
8234 sanctions as provided in paragraph (f) of this subsection.

8235 (b) As used in this subsection, "school" means any one
8236 (1) of the following:

8237 (i) A school as defined in Section 37-13-91(2);

8238 (ii) A vocational, technical and adult education
8239 program; or



8240 (iii) A course of study meeting the standards
8241 established by the State Department of Education for the granting
8242 of a declaration of equivalency of high school graduation.

8243 (c) If any compulsory-school-age child, as defined in
8244 Section 37-13-91(2), to which TANF eligibility requirements apply
8245 is not in compliance with the compulsory school attendance
8246 requirements of Section 37-13-91(6), the superintendent of schools
8247 of the school district in which the child is enrolled or eligible
8248 to attend shall notify the county department of human services of
8249 the child's noncompliance. The Department of Human Services shall
8250 review school attendance information as provided under this
8251 paragraph at all initial eligibility determinations and upon
8252 subsequent report of unsatisfactory attendance.

8253 (d) The signature of a person on an application for
8254 TANF benefits constitutes permission for the release of school
8255 attendance records for that person or for any child residing with
8256 that person. The department shall request information from the
8257 child's school district about the child's attendance in the school
8258 district's most recently completed semester of attendance. If
8259 information about the child's previous school attendance is not
8260 available or cannot be verified, the department shall require the
8261 child to meet the monthly attendance requirement for one (1)
8262 semester or until the information is obtained. The department
8263 shall use the attendance information provided by a school district
8264 to verify attendance for a child. The department shall review



8265 with the parent or caretaker relative a child's claim that he or
8266 she has a good cause for not attending school.

8267 A school district shall provide information to the department
8268 about the attendance of a child who is enrolled in a public school
8269 in the district within five (5) working days of the receipt of a
8270 written request for that information from the department. The
8271 school district shall define how many hours of attendance count as
8272 a full day and shall provide that information, upon request, to
8273 the department. In reporting attendance, the school district may
8274 add partial days' absence together to constitute a full day's
8275 absence.

8276 If a school district fails to provide to the department the
8277 information about the school attendance of any child within
8278 fifteen (15) working days after a written request, the department
8279 shall notify the Department of Audit within three (3) working days
8280 of the school district's failure to comply with that requirement.
8281 The Department of Audit shall begin audit proceedings within five
8282 (5) working days of notification by the Department of Human
8283 Services to determine the school district's compliance with the
8284 requirements of this subsection (4). If the Department of Audit
8285 finds that the school district is not in compliance with the
8286 requirements of this subsection, the school district shall be
8287 penalized as follows: The Department of Audit shall notify the
8288 State Department of Education of the school district's
8289 noncompliance, and the Department of Education shall reduce the



8290 calculation of the school district's average daily * * *
8291 membership that is used to determine the allocation of * * *
8292 Mississippi Uniform Per Student Funding Formula funds by the
8293 number of children for which the district has failed to provide to
8294 the Department of Human Services the required information about
8295 the school attendance of those children. The reduction in the
8296 calculation of the school district's * * * average daily
8297 membership under this paragraph shall be effective for a period of
8298 one (1) year.

8299 (e) A child who is required to attend school to meet
8300 the requirements under this subsection shall comply except when
8301 there is good cause, which shall be demonstrated by any of the
8302 following circumstances:

8303 (i) The minor parent is the caretaker of a child
8304 less than twelve (12) weeks old; or

8305 (ii) The department determines that child care
8306 services are necessary for the minor parent to attend school and
8307 there is no child care available; or

8308 (iii) The child is prohibited by the school
8309 district from attending school and an expulsion is pending. This
8310 exemption no longer applies once the teenager has been expelled;
8311 however, a teenager who has been expelled and is making
8312 satisfactory progress towards obtaining a High School Equivalency
8313 Diploma equivalent shall be eligible for TANF benefits; or



8314 (iv) The child failed to attend school for one or
8315 more of the following reasons:

8316 1. Illness, injury or incapacity of the child
8317 or the minor parent's child;

8318 2. Court-required appearances or temporary
8319 incarceration;

8320 3. Medical or dental appointments for the
8321 child or minor parent's child;

8322 4. Death of a close relative;

8323 5. Observance of a religious holiday;

8324 6. Family emergency;

8325 7. Breakdown in transportation;

8326 8. Suspension; or

8327 9. Any other circumstance beyond the control
8328 of the child, as defined in regulations of the department.

8329 (f) Upon determination that a child has failed without
8330 good cause to attend school as required, the department shall
8331 provide written notice to the parent or caretaker relative
8332 (whoever is the primary recipient of the TANF benefits) that
8333 specifies:

8334 (i) That the family will be sanctioned in the next
8335 possible payment month because the child who is required to attend
8336 school has failed to meet the attendance requirement of this
8337 subsection;



8338 (ii) The beginning date of the sanction, and the
8339 child to whom the sanction applies;

8340 (iii) The right of the child's parents or
8341 caretaker relative (whoever is the primary recipient of the TANF
8342 benefits) to request a fair hearing under this subsection.

8343 The child's parent or caretaker relative (whoever is the
8344 primary recipient of the TANF benefits) may request a fair hearing
8345 on the department's determination that the child has not been
8346 attending school. If the child's parents or caretaker relative
8347 does not request a fair hearing under this subsection, or if,
8348 after a fair hearing has been held, the hearing officer finds that
8349 the child without good cause has failed to meet the monthly
8350 attendance requirement, the department shall discontinue or deny
8351 TANF benefits to the child thirteen (13) years old, or older, in
8352 the next possible payment month. The department shall discontinue
8353 or deny twenty-five percent (25%) of the family grant when a child
8354 six (6) through twelve (12) years of age without good cause has
8355 failed to meet the monthly attendance requirement. Both the child
8356 and family sanction may apply when children in both age groups
8357 fail to meet the attendance requirement without good cause. A
8358 sanction applied under this subsection shall be effective for one
8359 (1) month for each month that the child failed to meet the monthly
8360 attendance requirement. In the case of a dropout, the sanction
8361 shall remain in force until the parent or caretaker relative
8362 provides written proof from the school district that the child has



8363 reenrolled and met the monthly attendance requirement for one (1)
8364 calendar month. Any month in which school is in session for at
8365 least ten (10) days during the month may be used to meet the
8366 attendance requirement under this subsection. This includes
8367 attendance at summer school. The sanction shall be removed the
8368 next possible payment month.

8369 (5) All parents or caretaker relatives shall have their
8370 dependent children receive vaccinations and booster vaccinations
8371 against those diseases specified by the State Health Officer under
8372 Section 41-23-37 in accordance with the vaccination and booster
8373 vaccination schedule prescribed by the State Health Officer for
8374 children of that age, in order for the parents or caretaker
8375 relatives to be eligible or remain eligible to receive TANF
8376 benefits. Proof of having received such vaccinations and booster
8377 vaccinations shall be given by presenting the certificates of
8378 vaccination issued by any health care provider licensed to
8379 administer vaccinations, and submitted on forms specified by the
8380 State Board of Health. If the parents without good cause do not
8381 have their dependent children receive the vaccinations and booster
8382 vaccinations as required by this subsection and they fail to
8383 comply after thirty (30) days' notice, the department shall
8384 sanction the family's TANF benefits by twenty-five percent (25%)
8385 for the next payment month and each subsequent payment month until
8386 the requirements of this subsection are met.



8387 (6) (a) If the parent or caretaker relative applying for
8388 TANF assistance is work eligible, as determined by the Department
8389 of Human Services, the person shall be required to engage in an
8390 allowable work activity once the department determines the parent
8391 or caretaker relative is determined work eligible, or once the
8392 parent or caretaker relative has received TANF assistance under
8393 the program for twenty-four (24) months, whether or not
8394 consecutive, whichever is earlier. No TANF benefits shall be
8395 given to any person to whom this section applies who fails without
8396 good cause to comply with the Employability Development Plan
8397 prepared by the department for the person, or who has refused to
8398 accept a referral or offer of employment, training or education in
8399 which he or she is able to engage, subject to the penalties
8400 prescribed in paragraph (e) of this subsection. A person shall be
8401 deemed to have refused to accept a referral or offer of
8402 employment, training or education if he or she:

8403 (i) Willfully fails to report for an interview
8404 with respect to employment when requested to do so by the
8405 department; or

8406 (ii) Willfully fails to report to the department
8407 the result of a referral to employment; or

8408 (iii) Willfully fails to report for allowable work
8409 activities as prescribed in paragraphs (c) and (d) of this
8410 subsection.



8411 (b) The Department of Human Services shall operate a
8412 statewide work program for TANF recipients to provide work
8413 activities and supportive services to enable families to become
8414 self-sufficient and improve their competitive position in the
8415 workforce in accordance with the requirements of the federal
8416 Personal Responsibility and Work Opportunity Reconciliation Act of
8417 1996 (Public Law 104-193), as amended, and the regulations
8418 promulgated thereunder, and the Deficit Reduction Act of 2005
8419 (Public Law 109-171), as amended. Within sixty (60) days after
8420 the initial application for TANF benefits, the TANF recipient must
8421 participate in a job search skills training workshop or a job
8422 readiness program, which shall include resume writing, job search
8423 skills, employability skills and, if available at no charge, the
8424 General Aptitude Test Battery or its equivalent. All adults who
8425 are not specifically exempt shall be referred by the department
8426 for allowable work activities. An adult may be exempt from the
8427 mandatory work activity requirement for the following reasons:

8428 (i) Incapacity;

8429 (ii) Temporary illness or injury, verified by
8430 physician's certificate;

8431 (iii) Is in the third trimester of pregnancy, and
8432 there are complications verified by the certificate of a
8433 physician, nurse practitioner, physician assistant, or any other
8434 licensed health care professional practicing under a protocol with
8435 a licensed physician;



8436 (iv) Caretaker of a child under twelve (12)
8437 months, for not more than twelve (12) months of the sixty-month
8438 maximum benefit period;

8439 (v) Caretaker of an ill or incapacitated person,
8440 as verified by physician's certificate;

8441 (vi) Age, if over sixty (60) or under eighteen
8442 (18) years of age;

8443 (vii) Receiving treatment for substance abuse, if
8444 the person is in compliance with the substance abuse treatment
8445 plan;

8446 (viii) In a two-parent family, the caretaker of a
8447 severely disabled child, as verified by a physician's certificate;
8448 or

8449 (ix) History of having been a victim of domestic
8450 violence, which has been reported as required by state law and is
8451 substantiated by police reports or court records, and being at
8452 risk of further domestic violence, shall be exempt for a period as
8453 deemed necessary by the department but not to exceed a total of
8454 twelve (12) months, which need not be consecutive, in the
8455 sixty-month maximum benefit period. For the purposes of this
8456 subparagraph (ix), "domestic violence" means that an individual
8457 has been subjected to:

8458 1. Physical acts that resulted in, or
8459 threatened to result in, physical injury to the individual;

8460 2. Sexual abuse;



8461 3. Sexual activity involving a dependent
8462 child;

8463 4. Being forced as the caretaker relative of
8464 a dependent child to engage in nonconsensual sexual acts or
8465 activities;

8466 5. Threats of, or attempts at, physical or
8467 sexual abuse;

8468 6. Mental abuse; or

8469 7. Neglect or deprivation of medical care.

8470 (c) For all families, all adults who are not
8471 specifically exempt shall be required to participate in work
8472 activities for at least the minimum average number of hours per
8473 week specified by federal law or regulation, not fewer than twenty
8474 (20) hours per week (thirty-five (35) hours per week for
8475 two-parent families) of which are attributable to the following
8476 allowable work activities:

8477 (i) Unsubsidized employment;

8478 (ii) Subsidized private employment;

8479 (iii) Subsidized public employment;

8480 (iv) Work experience (including work associated
8481 with the refurbishing of publicly assisted housing), if sufficient
8482 private employment is not available;

8483 (v) On-the-job training;

8484 (vi) Job search and job readiness assistance

8485 consistent with federal TANF regulations;



8486 (vii) Community service programs;
8487 (viii) Vocational educational training (not to
8488 exceed twelve (12) months with respect to any individual);
8489 (ix) The provision of child care services to an
8490 individual who is participating in a community service program;
8491 (x) Satisfactory attendance at high school or in a
8492 course of study leading to a high school equivalency certificate,
8493 for heads of household under age twenty (20) who have not
8494 completed high school or received such certificate;
8495 (xi) Education directly related to employment, for
8496 heads of household under age twenty (20) who have not completed
8497 high school or received such equivalency certificate.
8498 (d) The following are allowable work activities which
8499 may be attributable to hours in excess of the minimum specified
8500 in * * * paragraph (c) of this subsection:
8501 (i) Job skills training directly related to
8502 employment;
8503 (ii) Education directly related to employment for
8504 individuals who have not completed high school or received a high
8505 school equivalency certificate;
8506 (iii) Satisfactory attendance at high school or in
8507 a course of study leading to a high school equivalency, for
8508 individuals who have not completed high school or received such
8509 equivalency certificate;



8510 (iv) Job search and job readiness assistance
8511 consistent with federal TANF regulations.

8512 (e) If any adult or caretaker relative refuses to
8513 participate in allowable work activity as required under this
8514 subsection (6), the following full family TANF benefit penalty
8515 will apply, subject to due process to include notification,
8516 conciliation and a hearing if requested by the recipient:

8517 (i) For the first violation, the department shall
8518 terminate the TANF assistance otherwise payable to the family for
8519 a two-month period or until the person has complied with the
8520 required work activity, whichever is longer;

8521 (ii) For the second violation, the department
8522 shall terminate the TANF assistance otherwise payable to the
8523 family for a six-month period or until the person has complied
8524 with the required work activity, whichever is longer;

8525 (iii) For the third violation, the department
8526 shall terminate the TANF assistance otherwise payable to the
8527 family for a twelve-month period or until the person has complied
8528 with the required work activity, whichever is longer;

8529 (iv) For the fourth violation, the person shall be
8530 permanently disqualified.

8531 For a two-parent family, unless prohibited by state or
8532 federal law, Medicaid assistance shall be terminated only for the
8533 person whose failure to participate in allowable work activity
8534 caused the family's TANF assistance to be sanctioned under



8535 this * * * paragraph (e), unless an individual is pregnant, but
8536 shall not be terminated for any other person in the family who is
8537 meeting that person's applicable work requirement or who is not
8538 required to work. Minor children shall continue to be eligible
8539 for Medicaid benefits regardless of the disqualification of their
8540 parent or caretaker relative for TANF assistance under this
8541 subsection (6), unless prohibited by state or federal law.

8542 (f) Any person enrolled in a two-year or four-year
8543 college program who meets the eligibility requirements to receive
8544 TANF benefits, and who is meeting the applicable work requirements
8545 and all other applicable requirements of the TANF program, shall
8546 continue to be eligible for TANF benefits while enrolled in the
8547 college program for as long as the person meets the requirements
8548 of the TANF program, unless prohibited by federal law.

8549 (g) No adult in a work activity required under this
8550 subsection (6) shall be employed or assigned (i) when any other
8551 individual is on layoff from the same or any substantially
8552 equivalent job within six (6) months before the date of the TANF
8553 recipient's employment or assignment; or (ii) if the employer has
8554 terminated the employment of any regular employee or otherwise
8555 caused an involuntary reduction of its workforce in order to fill
8556 the vacancy so created with an adult receiving TANF assistance.
8557 The Mississippi Department of Employment Security, established
8558 under Section 71-5-101, shall appoint one or more impartial
8559 hearing officers to hear and decide claims by employees of



8560 violations of this paragraph (g). The hearing officer shall hear
8561 all the evidence with respect to any claim made hereunder and such
8562 additional evidence as he may require and shall make a
8563 determination and the reason therefor. The claimant shall be
8564 promptly notified of the decision of the hearing officer and the
8565 reason therefor. Within ten (10) days after the decision of the
8566 hearing officer has become final, any party aggrieved thereby may
8567 secure judicial review thereof by commencing an action, in the
8568 circuit court of the county in which the claimant resides, against
8569 the department for the review of such decision, in which action
8570 any other party to the proceeding before the hearing officer shall
8571 be made a defendant. Any such appeal shall be on the record which
8572 shall be certified to the court by the department in the manner
8573 provided in Section 71-5-531, and the jurisdiction of the court
8574 shall be confined to questions of law which shall render its
8575 decision as provided in that section.

8576 (7) The Department of Human Services may provide child care
8577 for eligible participants who require such care so that they may
8578 accept employment or remain employed. The department may also
8579 provide child care for those participating in the TANF program
8580 when it is determined that they are satisfactorily involved in
8581 education, training or other allowable work activities. The
8582 department may contract with Head Start agencies to provide child
8583 care services to TANF recipients. The department may also arrange
8584 for child care by use of contract or vouchers, provide vouchers in



8585 advance to a caretaker relative, reimburse a child care provider,
8586 or use any other arrangement deemed appropriate by the department,
8587 and may establish different reimbursement rates for child care
8588 services depending on the category of the facility or home. Any
8589 center-based or group home child care facility under this
8590 subsection shall be licensed by the State Department of Health
8591 pursuant to law. When child care is being provided in the child's
8592 own home, in the home of a relative of the child, or in any other
8593 unlicensed setting, the provision of such child care may be
8594 monitored on a random basis by the Department of Human Services or
8595 the State Department of Health. Transitional child care
8596 assistance may be continued if it is necessary for parents to
8597 maintain employment once support has ended, unless prohibited
8598 under state or federal law. Transitional child care assistance
8599 may be provided for up to twenty-four (24) months after the last
8600 month during which the family was eligible for TANF assistance, if
8601 federal funds are available for such child care assistance.

8602 (8) The Department of Human Services may provide
8603 transportation or provide reasonable reimbursement for
8604 transportation expenses that are necessary for individuals to be
8605 able to participate in allowable work activity under the TANF
8606 program.

8607 (9) Medicaid assistance shall be provided to a family of
8608 TANF program participants for up to twenty-four (24) consecutive
8609 calendar months following the month in which the participating



8610 family would be ineligible for TANF benefits because of increased
8611 income, expiration of earned income disregards, or increased hours
8612 of employment of the caretaker relative; however, Medicaid
8613 assistance for more than twelve (12) months may be provided only
8614 if a federal waiver is obtained to provide such assistance for
8615 more than twelve (12) months and federal and state funds are
8616 available to provide such assistance.

8617 (10) The department shall require applicants for and
8618 recipients of public assistance from the department to sign a
8619 personal responsibility contract that will require the applicant
8620 or recipient to acknowledge his or her responsibilities to the
8621 state.

8622 (11) The department shall enter into an agreement with the
8623 State Personnel Board and other state agencies that will allow
8624 those TANF participants who qualify for vacant jobs within state
8625 agencies to be placed in state jobs. State agencies participating
8626 in the TANF work program shall receive any and all benefits
8627 received by employers in the private sector for hiring TANF
8628 recipients. This subsection (11) shall be effective only if the
8629 state obtains any necessary federal waiver or approval and if
8630 federal funds are available therefor.

8631 (12) Any unspent TANF funds remaining from the prior fiscal
8632 year may be expended for any TANF allowable activities.

8633 (13) The Mississippi Department of Human Services shall
8634 provide TANF applicants information and referral to programs that



8635 provide information about birth control, prenatal health care,
8636 abstinence education, marriage education, family preservation and
8637 fatherhood.

8638 (14) No new TANF program requirement or restriction
8639 affecting a person's eligibility for TANF assistance, or allowable
8640 work activity, which is not mandated by federal law or regulation
8641 may be implemented by the Department of Human Services after July
8642 1, 2004, unless such is specifically authorized by an amendment to
8643 this section by the Legislature.

8644 **SECTION 126.** Section 65-26-9, Mississippi Code of 1972, is
8645 amended as follows:

8646 65-26-9. (1) There is hereby created in the State Treasury
8647 a special fund to be known as the Tennessee-Tombigbee Waterway
8648 Bridge Bond Retirement Fund. All revenues pledged for the payment
8649 of the principal of and interest on the bonds authorized to be
8650 issued by this chapter shall be deposited into the bond retirement
8651 fund. Expenditures from the bond retirement fund shall be made
8652 only in accordance with this section.

8653 (2) Subject to the provisions of subsection (3) of this
8654 section, amounts on deposit in the bond retirement fund and not
8655 immediately required for the making of any payments therefrom
8656 shall be invested in interest-bearing certificates of deposit in
8657 accordance with the provisions of Section 27-105-33, except
8658 interest so earned shall be credited to the bond retirement fund.



8659 (3) (a) There is hereby established within the bond
8660 retirement fund two (2) separate accounts as follows: (i) the
8661 "Tennessee-Tombigbee General Account"; and (ii) the
8662 "Tennessee-Tombigbee Principal and Interest Account."

8663 (b) (i) All amounts held in the bond retirement fund
8664 on April 23, 1986, and all amounts thereafter deposited in the
8665 bond retirement fund, shall be credited to the Tennessee-Tombigbee
8666 General Account.

8667 (ii) Until such time as the transfer of funds from
8668 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8669 Principal and Interest Account occurs as provided in paragraph
8670 (b)(iii) of this subsection, amounts in the general account shall
8671 be applied to the following purposes and in the following order of
8672 priority: first, to the extent required, to the payment, the
8673 principal of, redemption premium, if any, and interest on general
8674 obligation bonds; second, to the extent required, to the General
8675 Fund of the state to reimburse the state for expenditures in
8676 excess of twenty-five percent (25%) of the total costs of the
8677 principal and interest on bonds issued under authority of
8678 subsection (1) of Section 65-26-15 and for all expenditures for
8679 costs of the principal of and interest on bonds issued under
8680 authority of subsection (2) of Section 65-26-15; and third, to the
8681 extent required, if any, to the bridge construction fund created
8682 in Section 65-26-25 to make current payments to meet contractual
8683 obligations for bridge construction.



8684 (iii) Upon certification of the State Treasurer,
8685 filed with and approved by the State Bond Commission, that the
8686 amount on deposit in the Tennessee-Tombigbee General Account,
8687 together with earnings on investments to accrue to it, is equal to
8688 or greater than the aggregate of the entire principal, redemption
8689 premium, if any, and interest due and to become due, until the
8690 final maturity date or earlier scheduled redemption date thereof,
8691 on all general obligation bonds outstanding as of the date of such
8692 certification, then the State Treasurer shall transfer from the
8693 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8694 Principal and Interest Account an amount equal to the entire
8695 principal, redemption premium, if any, and interest due and to
8696 become due, until the final maturity date or scheduled redemption
8697 date thereof, on all general obligation bonds outstanding as of
8698 the date of such transfer. The State of Mississippi hereby
8699 covenants with the holders from time to time of general obligation
8700 bonds that amounts deposited in the Tennessee-Tombigbee Principal
8701 and Interest Account will be applied solely to the payment of the
8702 principal of, redemption premium, if any, and interest on general
8703 obligation bonds.

8704 (iv) After the date of the transfer from the
8705 general account to the principal and interest account contemplated
8706 by paragraph (b)(iii) of this subsection, amounts from time to
8707 time on deposit in the Tennessee-Tombigbee General Account shall
8708 be applied monthly to the following purposes and in the following



8709 order of priority: first, to the extent required, to the payment
8710 of the principal of, redemption premium, if any, and interest on
8711 general obligation bonds issued under this chapter; second, to the
8712 extent required, to the General Fund of the state to reimburse the
8713 state for expenditures in excess of twenty-five percent (25%) of
8714 the total costs of the principal and interest on bonds issued
8715 under authority of subsection (1) of Section 65-26-15 and for all
8716 expenditures for costs of the principal of and interest on bonds
8717 issued under authority of subsection (2) of Section 65-26-15; and
8718 third, to the extent required, if any, to the bridge construction
8719 fund created in Section 65-26-25 to make current payments to meet
8720 contractual obligations for bridge construction.

8721 (4) It is the intent of the Legislature that all outstanding
8722 general obligation bonds issued under this chapter shall be
8723 retired by the State Bond Commission on the earliest scheduled
8724 redemption date thereof, provided that there are sufficient funds
8725 in the bond retirement fund together with earnings on investments
8726 to accrue to it. When the principal of, redemption premium, if
8727 any, and interest on all such outstanding general obligation bonds
8728 are paid in full, then any amounts remaining in the bond
8729 retirement fund, or separate accounts therein, together with
8730 earnings on investments to accrue to it, shall be apportioned and
8731 paid as follows:

8732 (a) Three Million Five Hundred Thousand Dollars
8733 (\$3,500,000.00) of such funds shall be paid into the appropriate



8734 fund for use by the Yellow Creek State Inland Port Authority for
8735 equipment or facilities necessary to the operation of the port.

8736 (b) Three Million Five Hundred Thousand Dollars
8737 (\$3,500,000.00) shall be paid into the State General Fund.

8738 (c) Seven Million Five Hundred Thousand Dollars
8739 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven
8740 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
8741 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
8742 placed by the county in a special trust fund, the principal of
8743 which shall remain inviolate and the interest on which shall be
8744 expended solely for improvement of elementary and secondary
8745 education in Tishomingo County and distributed among the school
8746 districts therein based on the average daily * * * membership in
8747 each, and (ii) Five Million Dollars (\$5,000,000.00) shall be
8748 placed in the county general fund and may be expended for general
8749 county purposes.

8750 (d) The balance of such funds shall be paid to the
8751 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
8752 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
8753 funds shall be paid to such counties in the proportion that each
8754 county's contribution to the bridge bond fund bears to the total
8755 contribution from all twelve (12) counties; however, no county
8756 shall be paid more than Five Million Dollars (\$5,000,000.00) under
8757 this paragraph (d). Such funds shall be deposited by the county
8758 into a special account to be expended solely for economic



8759 development purposes. No expenditure of funds from the special
8760 account shall be made unless the amount to be expended from the
8761 special account is matched by other county funds in an amount
8762 equal to fifteen percent (15%) of the special account funds to be
8763 expended and until the Mississippi * * * Development Authority,
8764 upon application by the board of supervisors, has certified that
8765 the proposed expenditure is for economic development purposes and
8766 has approved the expenditure for such purposes; provided, however,
8767 the fifteen percent (15%) match hereinabove imposed shall not be
8768 required when the proposed expenditure for economic development
8769 purposes is on land owned or leased by the federal, state, county
8770 or municipal government.

8771 **SECTION 127.** Section 37-13-153, Mississippi Code of 1972,
8772 which required state funding for home economics teachers to be
8773 included as a line item in the education appropriations bills for
8774 fiscal years 1995, 1996 and 1997, is repealed.

8775 **SECTION 128.** Sections 37-151-1, 37-151-5, 37-151-6,
8776 37-151-7, 37-151-8, 37-151-77, 37-151-79, 37-151-81, 37-151-83 and
8777 37-151-85, Mississippi Code of 1972, which define certain terms
8778 and establish the formula to be used in determining the annual
8779 allocation of funds to each school district under the Mississippi
8780 Adequate Education Program (MAEP), are repealed.

8781 **SECTION 129.** Section 37-152-1, Mississippi Code of 1972,
8782 which creates the Commission on Restructuring the Mississippi
8783 Adequate Education Program (MAEP), is repealed.



8784 **SECTION 130.** This act shall take effect and be in force from
8785 and after its passage.

