

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

To: Appropriations

HOUSE BILL NO. 957
(As Passed the House)

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. 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. All state funding under the formula must
444 cease upon completion of high school graduation requirements.

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

455 **SECTION 12.** The following shall be codified as Section
456 37-151-223, Mississippi Code of 1972:

457 37-151-223. (1) Except as otherwise provided in subsection
458 (2) of this section, the Legislature, in consultation with
459 representatives of the State Board of Education and the
460 Mississippi Charter School Authorizer Board, shall review and
461 revise this formula no later than three (3) years after July 1,
462 2018, within two (2) years after the initial review and revision,
463 and once every four (4) years subsequently. Revisions must be
464 based upon information and data, including a study of the actual
465 costs of education in the State of Mississippi, consideration of
466 performance incentives created by the formula in practice,
467 research in education and education finance, and public comment.



468 (2) Before January 1, 2021, and every two (2) years
469 thereafter, the State Board of Education shall submit to the
470 Legislature a report that reviews the formula and includes
471 recommendations for revisions to the formula based upon a study of
472 the actual costs of education in the State of Mississippi,
473 research in education and education finance, and public comment.
474 The study of actual costs of education pursuant to this subsection
475 must include, but need not be limited to, the following:

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

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

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

481 (d) Improved measures of change in the cost of
482 education; and

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

485 (3) The State Superintendent of Public Education is
486 responsible for the development of the report required under this
487 section and shall convene a working group to solicit input and
488 recommendations regarding revisions to the formula. The working
489 group must be comprised of, at a minimum, representatives from
490 public schools, charter schools and the general public.

491 **SECTION 13.** The following shall be codified as Section
492 37-151-225, Mississippi Code of 1972:



493 37-151-225. Allocations to school districts made by the
494 State Department of Education on the basis of the count of
495 students in certain grade levels and in student categories
496 established for the purpose of applying various weights under this
497 act are intended only to generate total appropriation amounts on a
498 per student basis. Except as otherwise required by state or
499 federal law or by rules, regulations, policies or orders of the
500 State Board of Education and the State Department of Education, a
501 school district may exercise full autonomy in the spending of all
502 funds allocated under the formula to the district so long as funds
503 are expended in the manner determined by the school board to best
504 meet the needs of the student population of the local school
505 district.

506 **SECTION 14.** The following shall be codified as Section
507 37-151-227, Mississippi Code of 1972:

508 37-151-227. (1) (a) The State Department of Education,
509 pursuant to Section 37-57-1(2), shall determine the amount that
510 each school district must provide toward the cost of the funding
511 formula and shall certify that amount to the district. The local
512 contribution amount for a charter school is an amount determined
513 as follows: in a school district in which there is located one or
514 more charter schools, an average per student amount will be
515 calculated based on the amount that the school district must
516 provide toward the cost of the funding formula. The average per
517 student amount must be multiplied times the number of students



518 enrolled in the charter school in that school district, and the
519 sum is the amount of the charter school's local contribution to
520 the funding formula.

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

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

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

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

532 (iv) The school district's homestead reimbursement
533 revenues.

534 (c) The amount of the total funding under the funding
535 formula which must be contributed by each school district is the
536 sum of the ad valorem receipts generated by the millage required
537 under Section 37-57-1 plus the following local revenue sources for
538 the appropriate fiscal year which are or may be available for
539 current expenditure by the school district:

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



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

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

555 (b) If the school board of any school district
556 determines that it is not economically feasible or practicable to
557 operate any school within the district for the full one hundred
558 eighty (180) days required for a school term of a scholastic year
559 under Section 37-13-63, due to an enemy attack, a man-made,
560 technological or natural disaster in which the Governor has
561 declared a disaster emergency under the laws of this state or the
562 President of the United States has declared an emergency or major
563 disaster to exist in this state, the school board may notify the
564 State Department of Education of such disaster and submit a plan
565 for altering the school term. If the State Board of Education
566 finds the disaster to be the cause of the school not operating for



567 the contemplated school term and that the school is in a school
568 district covered by the Governor's or President's disaster
569 declaration, it may permit the schools in that district to be
570 operated for less than one hundred eighty (180) days and, in such
571 case, the State Department of Education may not reduce the state
572 contributions to the funding formula for that district because of
573 the failure to operate those schools for one hundred eighty (180)
574 days.

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

583 (b) Notwithstanding the provisions of subsection (2) (a)
584 of this section or any other provision of this article, the state
585 allocation in support of the Uniform Per Student Funding Formula
586 for a school district or charter school for fiscal year 2021,
587 fiscal year 2022, fiscal year 2023, fiscal year 2024 and fiscal
588 year 2025 may not be less than an amount equal to ninety-seven
589 percent (97%), nor greater than an amount equal to one hundred
590 three percent (103%), of the state funds received by that school
591 district or charter school under the Uniform Per Student Funding



592 Formula in the immediately preceding fiscal year; however, the
593 limitations prescribed in this paragraph do not apply to the
594 extent of any portion of such a decrease or increase, as the case
595 may be, in the required state effort for a school district which
596 is attributable solely to a projected change in the school
597 district's average daily membership in the year for which funds
598 are being allocated.

599 (c) This subsection (3) shall stand repealed on July 1,
600 2025.

601 **SECTION 15.** The following shall be codified as Section
602 37-151-229, Mississippi Code of 1972:

603 37-151-229. (1) To qualify for state funds under this
604 article, a school district may not exceed a student-teacher ratio,
605 based on the district's enrollment, of 27:1 in Grades 1, 2, 3 and
606 4; for kindergarten and Grades 5 through 12, the student-teacher
607 ratio must be determined in accordance with appropriate
608 accreditation standards developed by the Mississippi Commission on
609 School Accreditation. However, any local district may apply to
610 the State Board of Education for approval of a waiver to this
611 section by submitting and justifying an alternative educational
612 program to serve the needs of enrollment. The State Board of
613 Education must approve or disapprove of the waiver no later than
614 forty-five (45) days after receipt of the application.

615 (2) If a school district violates this section, the state
616 allocation for the next succeeding fiscal year to that school



617 district must be reduced by the percentage variance that the
618 actual student-teacher ratios in the school district has to the
619 required student-teacher ratios mandated in this section.

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

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

633 **SECTION 16.** The following shall be codified as Section
634 37-151-231, Mississippi Code of 1972:

635 37-151-231. The State Department of Education shall revise
636 the Accounting Manual for Mississippi Public School Districts to
637 improve financial reporting at the school, district and state
638 level in order to facilitate a transparent system that fairly and
639 accurately represents the amounts being spent and delivered to
640 Mississippi's students under the Uniform Per Student Funding
641 Formula on an annual basis. The department shall develop an



642 additional series of codes for the accounting manual which must be
643 used by school districts in reporting spending in a manner that
644 enables the attribution of funds spent to the student subgroups,
645 by demographics, and/or school buildings that benefitted from
646 those funds.

647 **SECTION 17.** The following shall be codified as Section
648 37-151-233, Mississippi Code of 1972:

649 37-151-233. (1) The State Department of Education shall
650 develop and implement a fiscal transparency system that compares
651 financial investment under the Mississippi Uniform Per Student
652 Funding Formula for each school district with student academic
653 growth in the district on an annual basis. The transparency
654 system also must enable school district outcomes to be compared
655 with the outcomes of peer districts at both the school and student
656 subgroup levels and must be detailed sufficiently to allow a
657 determination to be made on whether funding allocated for students
658 with specific cost considerations is sufficient to elicit intended
659 academic outcomes. For the purposes of this section, "peer
660 districts" are those school districts identified by the State
661 Department of Education as districts having comparable numbers and
662 demographics of students.

663 (2) The State Department of Education shall make available
664 information relating to spending and outcomes, as collected
665 through the transparency system implemented pursuant to subsection
666 (1), on the department's website. The information must be in a



667 searchable format that allows users to search for any school or
668 district in the state and to generate a report on the details of
669 spending and outcomes by student subgroup. In addition, the
670 information must be presented in such a manner that allows
671 information for a particular school or school district to be
672 compared with other similar schools or school districts throughout
673 the state.

674 **SECTION 18.** The following shall be codified as Section
675 37-151-235, Mississippi Code of 1972:

676 37-151-235. (1) The State Department of Education shall
677 develop and implement a financial rating model for the purpose of
678 reviewing the general financial health of school districts in the
679 state as well as the fiscal output, or return on investment, on an
680 annual basis. The assessment of a school district's general
681 fiscal health under the financial rating model must include a
682 review of the following:

- 683 (a) The district's annual financial audit;
- 684 (b) The ratio of annual expenditures to revenue;
- 685 (c) The district's maintenance of short- and long-term
686 debt;
- 687 (d) Annual federal funds lapse;
- 688 (e) Debt-to-operating expenses ratios; and
- 689 (f) Such other indicators of financial stewardship as
690 determined by the department.



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

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

707 (a) In the first year that a school district earns a
708 very low score, as defined by the department, the department shall
709 submit a written warning to the school district regarding the
710 school district's financial assessment.

711 (b) In the second consecutive year that a school
712 district receives a very low score, the department shall assign a
713 higher-performing peer district to offer technical assistance to
714 the school district and to review practices and make



715 recommendations for improving the quality and cost-effectiveness
716 of programs in the low-performing district.

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

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

726 **SECTION 19.** The following shall be codified as Section
727 37-151-237, Mississippi Code of 1972:

728 37-151-237. (1) The State Department of Education shall
729 conduct a comprehensive review of all rules, regulations, orders
730 and policies of the department and State Board of Education to
731 identify all accreditation standards established by rule,
732 regulation, order or policy which create a fiscal impact on school
733 districts and to determine if such standards are critical to
734 student success. The department shall examine those rules,
735 regulations, orders and policies to assess whether compliance with
736 the administrative requirements causes a fiscal impact that has
737 the effect of earmarking state funds before those funds are
738 allocated to a school district and forcing inefficient spending
739 while restricting innovation by the district. The study must



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

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

763 **SECTION 20.** (1) There is created the Joint Legislative
764 Study Committee on Statutory Education Accreditation Standards.



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

783 (2) Upon completing its review of statutory accreditation
784 requirements pursuant to subsection (1), the study committee, in
785 consultation with the State Department of Education, shall
786 research the desirability and feasibility of creating and
787 implementing an accountability system of earned autonomy under
788 which the highest performing and highest academic growth school
789 districts are granted independence from certain administrative and



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

798 (3) The Joint Legislative Study Committee on Statutory
799 Education Accreditation Standards is comprised of the following
800 members:

801 (a) The Chairman of the House Education Committee;
802 (b) The Chairman of the Senate Education Committee;
803 (c) The Chairman of the House Appropriations Committee;
804 (d) The Chairman of the Senate Appropriations

805 Committee;

806 (e) Two (2) members of the House Education Committee
807 appointed by the Speaker of the House of Representatives;

808 (f) Two (2) members of the Senate Education Committee
809 appointed by the Lieutenant Governor;

810 (g) Two (2) members of the House Appropriations
811 Committee appointed by the Speaker of the House of
812 Representatives; and

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



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

820 (4) For attending meetings of the committee, each member
821 must be paid from the contingent expense fund of the member's
822 respective house per diem in the amount authorized by Section
823 25-3-69 and a mileage allowance and expense allowance in the
824 amount authorized under Section 5-1-47. However, no per diem,
825 mileage allowance or expense allowance for attending meetings of
826 the committee may be paid while the Legislature is in session, and
827 no per diem, mileage allowance or expense allowance may be paid
828 without prior approval of the proper committee in the member's
829 respective house.

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

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

837 **SECTION 21.** The following shall be codified as Section
838 37-151-239, Mississippi Code of 1972:



839 37-151-239. (1) The State Board of Education shall
840 establish a study committee for the purpose of studying and making
841 recommendations relating to the use of a service-based, or
842 Individualized Education Program (IEP)-based, funding model in
843 order to improve the funding of special education throughout the
844 state.

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

851 (a) The State Director of the Office of Special
852 Education within the State Department of Education;

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

856 (c) A district-level director of special education
857 services from the administrative offices of one or more school
858 districts;

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

861 (e) Special education teachers representing various
862 school districts;



863 (f) School-level support staff who assist with students
864 receiving special education services representing various school
865 districts;

866 (g) Parents of students receiving special education
867 services in various school districts;

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

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

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

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

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

886 (b) Study IEP-based funding models incorporating
887 consideration of both diagnoses and services which have been



888 successfully implemented in the funding of special education in
889 other states;

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

897 (d) Prepare and submit a report to the Education and
898 Appropriations Committees of the House of Representatives and
899 Senate on its findings and recommendations before December 1,
900 2018.

901 **SECTION 22.** The following shall be codified as Section
902 37-151-241, Mississippi code of 1972:

903 37-151-241. (1) There is established the Early Learning
904 Funding Continuum Study Committee. The committee shall study and
905 make recommendations relating to the establishment of an early
906 learning funding continuum by expanding pre-kindergarten funding
907 and providing additional funding for students in early grades
908 through an appropriate weight in the funding formula.

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

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



913 (b) The Director of the Early Childhood Office within
914 the State Department of Education;

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

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

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

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

930 (g) The director of the Division of Early Childhood
931 Care and Development within the Mississippi Department of Human
932 Services;

933 (h) No less than three (3) public elementary school
934 teachers, each representing a different region of the state, whose
935 primary duty is the implementation of the reading intervention
936 program under the Literacy-Based Promotion Act, appointed by the
937 State Superintendent of Public Education; and



938 (i) Such other persons who have experience and
939 expertise in the funding and delivery of public and private
940 prekindergarten and elementary education programs, selected and
941 appointed by the State Superintendent of Public Education.

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

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

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

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

955 (c) Study methods for providing supplemental funding
956 for students in the early grades which create connectivity between
957 prekindergarten and grade school and promote early academic
958 success; and

959 (d) Prepare and submit a report to the Education and
960 Appropriations Committees of the House of Representatives and
961 Senate on its findings and recommendations before December 1,
962 2018.



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

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

974 (6) Upon presentation of its report to the Legislature, the
975 Early Learning Funding Continuum Study Committee shall be
976 dissolved.

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

979 1-3-26. Wherever the phrase "minimum education program,"
980 "minimum program," * * * "minimum foundation program,"
981 "Mississippi Adequate Education Program," "adequate education
982 program," or "MAEP" shall appear in the laws of this state, it
983 shall be construed to mean the * * * "Mississippi Uniform Per
984 Student Funding Formula" created under * * * Chapter 151, Title
985 37, Mississippi Code of 1972.

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



988 7-7-211. The department shall have the power and it shall be
989 its duty:

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

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

1008 (c) To study and analyze existing managerial policies,
1009 methods, procedures, duties and services of the various state
1010 departments and institutions upon written request of the Governor,
1011 the Legislature or any committee or other body empowered by the



1012 Legislature to make such request to determine whether and where
1013 operations can be eliminated, combined, simplified and improved;

1014 (d) To postaudit each year and, when deemed necessary,
1015 preaudit and investigate the financial affairs of the departments,
1016 institutions, boards, commissions, or other agencies of state
1017 government, as part of the publication of a comprehensive annual
1018 financial report for the State of Mississippi, or as deemed
1019 necessary by the State Auditor. In complying with the
1020 requirements of this paragraph, the department shall have the
1021 authority to conduct all necessary audit procedures on an interim
1022 and year-end basis;

1023 (e) To postaudit and, when deemed necessary, preaudit
1024 and investigate separately the financial affairs of (i) the
1025 offices, boards and commissions of county governments and any
1026 departments and institutions thereof and therein; (ii) public
1027 school districts, departments of education and junior college
1028 districts; and (iii) any other local offices or agencies which
1029 share revenues derived from taxes or fees imposed by the State
1030 Legislature or receive grants from revenues collected by
1031 governmental divisions of the state; the cost of such audits,
1032 investigations or other services to be paid as follows: Such part
1033 shall be paid by the state from appropriations made by the
1034 Legislature for the operation of the State Department of Audit as
1035 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour
1036 for the services of each staff person engaged in performing the



1037 audit or other service plus the actual cost of any independent
1038 specialist firm contracted by the State Auditor to assist in the
1039 performance of the audit, which sum shall be paid by the county,
1040 district, department, institution or other agency audited out of
1041 its general fund or any other available funds from which such
1042 payment is not prohibited by law. Costs paid for independent
1043 specialists or firms contracted by the State Auditor shall be paid
1044 by the audited entity through the State Auditor to the specialist
1045 or firm conducting the postaudit.

1046 Each school district in the state shall have its financial
1047 records audited annually, at the end of each fiscal year, either
1048 by the State Auditor or by a certified public accountant approved
1049 by the State Auditor. Beginning with the audits of fiscal year
1050 2010 activity, no certified public accountant shall be selected to
1051 perform the annual audit of a school district who has audited that
1052 district for three (3) or more consecutive years previously.
1053 Certified public accountants shall be selected in a manner
1054 determined by the State Auditor. The school district shall have
1055 the responsibility to pay for the audit, including the review by
1056 the State Auditor of audits performed by certified public
1057 accountants;

1058 (f) To postaudit and, when deemed necessary, preaudit
1059 and investigate the financial affairs of the levee boards;
1060 agencies created by the Legislature or by executive order of the
1061 Governor; profit or nonprofit business entities administering



1062 programs financed by funds flowing through the State Treasury or
1063 through any of the agencies of the state, or its subdivisions; and
1064 all other public bodies supported by funds derived in part or
1065 wholly from public funds, except municipalities which annually
1066 submit an audit prepared by a qualified certified public
1067 accountant using methods and procedures prescribed by the
1068 department;

1069 (g) To make written demand, when necessary, for the
1070 recovery of any amounts representing public funds improperly
1071 withheld, misappropriated and/or otherwise illegally expended by
1072 an officer, employee or administrative body of any state, county
1073 or other public office, and/or for the recovery of the value of
1074 any public property disposed of in an unlawful manner by a public
1075 officer, employee or administrative body, such demands to be made
1076 (i) upon the person or persons liable for such amounts and upon
1077 the surety on official bond thereof, and/or (ii) upon any
1078 individual, partnership, corporation or association to whom the
1079 illegal expenditure was made or with whom the unlawful disposition
1080 of public property was made, if such individual, partnership,
1081 corporation or association knew or had reason to know through the
1082 exercising of reasonable diligence that the expenditure was
1083 illegal or the disposition unlawful. Such demand shall be
1084 premised on competent evidence, which shall include at least one
1085 (1) of the following: (i) sworn statements, (ii) written
1086 documentation, (iii) physical evidence, or (iv) reports and



1087 findings of government or other law enforcement agencies. Other
1088 provisions notwithstanding, a demand letter issued pursuant to
1089 this paragraph shall remain confidential by the State Auditor
1090 until the individual against whom the demand letter is being filed
1091 has been served with a copy of such demand letter. If, however,
1092 such individual cannot be notified within fifteen (15) days using
1093 reasonable means and due diligence, such notification shall be
1094 made to the individual's bonding company, if he or she is bonded.
1095 Each such demand shall be paid into the proper treasury of the
1096 state, county or other public body through the office of the
1097 department in the amount demanded within thirty (30) days from the
1098 date thereof, together with interest thereon in the sum of one
1099 percent (1%) per month from the date such amount or amounts were
1100 improperly withheld, misappropriated and/or otherwise illegally
1101 expended. In the event, however, such person or persons or such
1102 surety shall refuse, neglect or otherwise fail to pay the amount
1103 demanded and the interest due thereon within the allotted thirty
1104 (30) days, the State Auditor shall have the authority and it shall
1105 be his duty to institute suit, and the Attorney General shall
1106 prosecute the same in any court of the state to the end that there
1107 shall be recovered the total of such amounts from the person or
1108 persons and surety on official bond named therein; and the amounts
1109 so recovered shall be paid into the proper treasury of the state,
1110 county or other public body through the State Auditor. In any
1111 case where written demand is issued to a surety on the official



1112 bond of such person or persons and the surety refuses, neglects or
1113 otherwise fails within one hundred twenty (120) days to either pay
1114 the amount demanded and the interest due thereon or to give the
1115 State Auditor a written response with specific reasons for
1116 nonpayment, then the surety shall be subject to a civil penalty in
1117 an amount of twelve percent (12%) of the bond, not to exceed Ten
1118 Thousand Dollars (\$10,000.00), to be deposited into the State
1119 General Fund;

1120 (h) To investigate any alleged or suspected violation
1121 of the laws of the state by any officer or employee of the state,
1122 county or other public office in the purchase, sale or the use of
1123 any supplies, services, equipment or other property belonging
1124 thereto; and in such investigation to do any and all things
1125 necessary to procure evidence sufficient either to prove or
1126 disprove the existence of such alleged or suspected violations.
1127 The Department of Investigation of the State Department of Audit
1128 may investigate, for the purpose of prosecution, any suspected
1129 criminal violation of the provisions of this chapter. For the
1130 purpose of administration and enforcement of this chapter, the
1131 enforcement employees of the Department of Investigation of the
1132 State Department of Audit have the powers of a law enforcement
1133 officer of this state, and shall be empowered to make arrests and
1134 to serve and execute search warrants and other valid legal process
1135 anywhere within the State of Mississippi. All enforcement
1136 employees of the Department of Investigation of the State



1137 Department of Audit hired on or after July 1, 1993, shall be
1138 required to complete the Law Enforcement Officers Training Program
1139 and shall meet the standards of the program;

1140 (i) To issue subpoenas, with the approval of, and
1141 returnable to, a judge of a chancery or circuit court, in termtime
1142 or in vacation, to examine the records, documents or other
1143 evidence of persons, firms, corporations or any other entities
1144 insofar as such records, documents or other evidence relate to
1145 dealings with any state, county or other public entity. The
1146 circuit or chancery judge must serve the county in which the
1147 records, documents or other evidence is located; or where all or
1148 part of the transaction or transactions occurred which are the
1149 subject of the subpoena;

1150 (j) In any instances in which the State Auditor is or
1151 shall be authorized or required to examine or audit, whether
1152 preaudit or postaudit, any books, ledgers, accounts or other
1153 records of the affairs of any public hospital owned or owned and
1154 operated by one or more political subdivisions or parts thereof or
1155 any combination thereof, or any school district, including
1156 activity funds thereof, it shall be sufficient compliance
1157 therewith, in the discretion of the State Auditor, that such
1158 examination or audit be made from the report of any audit or other
1159 examination certified by a certified public accountant and
1160 prepared by or under the supervision of such certified public
1161 accountant. Such audits shall be made in accordance with



1162 generally accepted standards of auditing, with the use of an audit
1163 program prepared by the State Auditor, and final reports of such
1164 audits shall conform to the format prescribed by the State
1165 Auditor. All files, working papers, notes, correspondence and all
1166 other data compiled during the course of the audit shall be
1167 available, without cost, to the State Auditor for examination and
1168 abstracting during the normal business hours of any business day.
1169 The expense of such certified reports shall be borne by the
1170 respective hospital, or any available school district funds * * *,
1171 subject to examination or audit. The State Auditor shall not be
1172 bound by such certified reports and may, in his or their
1173 discretion, conduct such examination or audit from the books,
1174 ledgers, accounts or other records involved as may be appropriate
1175 and authorized by law;

1176 (k) The State Auditor shall have the authority to
1177 contract with qualified public accounting firms to perform
1178 selected audits required in paragraphs (d), (e), (f) and (j) of
1179 this section, if funds are made available for such contracts by
1180 the Legislature, or if funds are available from the governmental
1181 entity covered by paragraphs (d), (e), (f) and (j). Such audits
1182 shall be made in accordance with generally accepted standards of
1183 auditing. All files, working papers, notes, correspondence and
1184 all other data compiled during the course of the audit shall be
1185 available, without cost, to the State Auditor for examination and
1186 abstracting during the normal business hours of any business day;



1187 (1) The State Auditor shall have the authority to
1188 establish training courses and programs for the personnel of the
1189 various state and local governmental entities under the
1190 jurisdiction of the Office of the State Auditor. The training
1191 courses and programs shall include, but not be limited to, topics
1192 on internal control of funds, property and equipment control and
1193 inventory, governmental accounting and financial reporting, and
1194 internal auditing. The State Auditor is authorized to charge a
1195 fee from the participants of these courses and programs, which fee
1196 shall be deposited into the Department of Audit Special Fund.
1197 State and local governmental entities are authorized to pay such
1198 fee and any travel expenses out of their general funds or any
1199 other available funds from which such payment is not prohibited by
1200 law;

1201 (m) Upon written request by the Governor or any member
1202 of the State Legislature, the State Auditor may audit any state
1203 funds and/or state and federal funds received by any nonprofit
1204 corporation incorporated under the laws of this state;

1205 (n) To conduct performance audits of personal or
1206 professional service contracts by state agencies on a random
1207 sampling basis, or upon request of the State Personal Service
1208 Contract Review Board under Section 25-9-120(3); and

1209 (o) At the discretion of the State Auditor, the Auditor
1210 may conduct risk assessments, as well as performance and
1211 compliance audits based on Generally Accepted Government Auditing



1212 Standards (GAGAS) of any state-funded economic development program
1213 authorized under Title 57, Mississippi Code of 1972. After risk
1214 assessments or program audits, the State Auditor may conduct
1215 audits of those projects deemed high-risk, specifically as they
1216 identify any potential wrongdoing or noncompliance based on
1217 objectives of the economic development program. The Auditor is
1218 granted authority to gather, audit and review data and information
1219 from the Mississippi Development Authority or any of its agents,
1220 the Department of Revenue, and when necessary under this
1221 paragraph, the recipient business or businesses or any other
1222 private, public or nonprofit entity with information relevant to
1223 the audit project. The maximum amount the State Auditor may bill
1224 the oversight agency under this paragraph in any fiscal year is
1225 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
1226 and necessary expenses.

1227 **SECTION 25.** Section 19-9-157, Mississippi Code of 1972, is
1228 amended as follows:

1229 19-9-157. The board of supervisors of the situs county, upon
1230 receipt of the payments pursuant to Section 19-9-151 less the
1231 payment made according to Section 19-9-153, shall pay all such
1232 funds in excess of Five Million Five Hundred Thousand Dollars
1233 (\$5,500,000.00) to the governing authorities of the public school
1234 districts in such county in the proportion that the average daily
1235 * * * membership for the preceding scholastic year of each school
1236 district bears to the total average daily * * * membership of the



1237 county for the preceding scholastic year. Such funds may be
1238 expended only for the purposes of capital improvements to school
1239 facilities and only after plans therefor have been submitted to
1240 and approved by the * * * State Board of Education. The governing
1241 authorities of such school districts may borrow money in
1242 anticipation of receipt of payments pursuant to this section and
1243 the levying authority for the school district may issue negotiable
1244 notes therefor, for the purposes set forth herein. Such loan
1245 shall be repaid from the payments received under this section by
1246 the governing authorities of the public school district. However,
1247 no public school districts within the situs county shall be
1248 entitled to any payments after January 1, 1990.

1249 **SECTION 26.** Section 19-9-171, Mississippi Code of 1972, is
1250 amended as follows:

1251 19-9-171. The revenue from ad valorem taxes for school
1252 district purposes that are levied upon liquefied natural gas
1253 terminals or improvements thereto constructed after July 1, 2007,
1254 crude oil refineries constructed after July 1, 2007, and
1255 expansions or improvements to existing crude oil refineries
1256 constructed after July 1, 2007, shall be distributed to all public
1257 school districts in the county in which the facilities are located
1258 in the proportion that the average daily * * * membership of each
1259 school district bears to the total average daily * * * membership
1260 of all school districts in the county. The county or municipal
1261 tax collector, as the case may be, shall pay such tax collections,



1262 except for taxes collected for the payment of the principal of and
1263 interest on school bonds or notes and except for taxes collected
1264 to defray collection costs, into the appropriate school depository
1265 and report to the school board of the appropriate school district
1266 at the same time and in the same manner as the tax collector makes
1267 his payments and reports of other taxes collected by him.

1268 **SECTION 27.** Section 25-4-29, Mississippi Code of 1972, is
1269 amended as follows:

1270 25-4-29. (1) Required statements hereunder shall be filed
1271 as follows:

1272 (a) Every incumbent public official required by
1273 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a
1274 statement of economic interest shall file such statement with the
1275 commission on or before May 1 of each year that such official
1276 holds office, regardless of duration;

1277 (b) Candidates for office required to file a statement
1278 hereunder shall file such statement within fifteen (15) days after
1279 the deadline for qualification for that public office;

1280 (c) Persons who are required to file a statement
1281 because of appointment to fill a vacancy in an office or required
1282 to file under Section 25-4-25(d) and (e) shall file such statement
1283 within thirty (30) days of their appointment;

1284 (d) No person by reason of successful candidacy or
1285 assuming additional offices shall be required to file more than
1286 one (1) statement of economic interest in any calendar year,



1287 except such official shall notify the commission as soon as
1288 practicable of additional offices not previously reported; and

1289 (e) The commission may, on an individual case basis,
1290 provide for additional time to file a statement upon a showing
1291 that compliance with a filing date set out under paragraph (a),
1292 (b), (c) or (d) above would work an unreasonable hardship.

1293 (2) Any person who fails to file a statement of economic
1294 interest within thirty (30) days of the date the statement is due
1295 shall be deemed delinquent by the commission. The commission
1296 shall give written notice of the delinquency to the person by
1297 United States mail or by personal service of process. If within
1298 fifteen (15) days of receiving written notice of delinquency the
1299 delinquent filer has not filed the statement of economic interest,
1300 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total
1301 fine of One Thousand Dollars (\$1,000.00), shall be assessed
1302 against the delinquent filer for each day thereafter in which the
1303 statement of economic interest is not properly filed. The
1304 commission shall enroll such assessment as a civil judgment with
1305 the circuit clerk in the delinquent filer's county of residence.
1306 The commission may enforce the judgment for the benefit of the
1307 State General Fund for the support of the * * * Mississippi
1308 Uniform Per Student Funding Formula in the same manner as is
1309 prescribed for other civil judgments.

1310 **SECTION 28.** Section 27-25-706, Mississippi Code of 1972, is
1311 amended as follows:



1312 27-25-706. The board of supervisors of any county in the
1313 State of Mississippi bordering on the Pearl River and having a
1314 population according to the 1970 census of not less than forty
1315 thousand (40,000) and not more than fifty thousand (50,000), and
1316 through which Interstate Highway 20 runs, and wherein there is
1317 being constructed or has been constructed a plant for the
1318 extracting of sulphur from natural gas, and the board of
1319 supervisors of any county in the State of Mississippi bordering on
1320 the Pearl River and having a population according to the 1970
1321 census of not less than nineteen thousand (19,000) and not more
1322 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and
1323 Mississippi Highway 28 intersect and wherein there is being
1324 constructed or has been constructed a plant for the extracting of
1325 sulphur from natural gas, are hereby authorized and empowered, in
1326 their discretion, to pledge all or any part of the county's share
1327 of the severance tax on gas extracted, handled or processed
1328 through such extraction plant, as additional security for the
1329 payment of bonds issued for the purpose of constructing,
1330 reconstructing, overlaying and/or repairing, an access road or
1331 roads or publicly owned railroads to and from such sulphur
1332 extraction plant. The amount so pledged for the payment of the
1333 principal of and the interest on such bonds shall be deducted and
1334 set aside by such board of supervisors prior to the distribution
1335 of such severance taxes in the manner provided by law, and only
1336 the amount of such severance taxes remaining after such deduction



1337 shall be subject to such distribution. The board of supervisors
1338 in such counties may pledge only up to fifty percent (50%) of such
1339 severance taxes as their respective county may receive to retire
1340 the bonds and interest pursuant to the authority of this section.
1341 The required local contribution of said counties to the cost of
1342 the * * * uniform per student funding formula shall not be reduced
1343 nor shall the obligation of the state under * * * the funding
1344 formula to said counties be increased because of the passage of
1345 this section.

1346 Such bonds shall be issued under the provisions of Sections
1347 19-9-1 through Section 19-9-19.

1348 **SECTION 29.** Section 27-33-3, Mississippi Code of 1972, is
1349 amended as follows:

1350 27-33-3. In order to recognize and give effect to the
1351 principle of tax-free homes as a public policy in Mississippi, to
1352 encourage home building and ownership, and to give additional
1353 security to family groups, it is hereby declared that homes
1354 legally assessed on the land roll, owned and actually occupied as
1355 a home by bona fide residents of this state, who are heads of
1356 families, shall be exempt from the ad valorem taxes herein
1357 enumerated, on not in excess of Seven Thousand Five Hundred
1358 Dollars (\$7,500.00) of the assessed value including an area of
1359 land not in excess of that specified hereinafter in this article.
1360 The exemption from taxes shall be limited to the following:



1361 (a) All homeowners who are heads of families and who
1362 qualify under the provisions of this article shall be exempt from
1363 taxes levied in 1983 and payable in 1984 and from taxes levied in
1364 1984 and payable in 1985 as follows:

1365 (i) The ad valorem taxes levied by counties
1366 pursuant to Section 27-39-329. Amounts so exempted shall not be
1367 reimbursed by the state.

1368 (ii) Ad valorem taxes levied for maintenance and
1369 current expenses by or for a county as authorized by Section
1370 27-39-303, but the levy for such purpose in any year for which
1371 reimbursement is to be made shall not exceed the millage levied
1372 for such purpose for the 1984 fiscal year; or a levy for county
1373 roads or a road district as authorized by Section 27-39-305; or a
1374 levy for constructing and maintaining all bridges and culverts as
1375 authorized by Section 65-15-7, but the levy for either or both of
1376 such purposes for which reimbursement is to be made shall not in
1377 any event exceed seven (7) mills in any year; the * * * levy for
1378 the support of the * * * uniform per student funding formula to
1379 produce the minimum local ad valorem tax effort required * * * of
1380 a school district by Section 37-57-1, and the supplementary school
1381 district tax levy for the support and maintenance of * * * schools
1382 as authorized by Section 37-57-105; provided, however, that the
1383 total of the levies made under said Sections 37-57-1 and
1384 37-57-105, which shall be exempt under this article, shall be
1385 limited to twenty (20) mills for any affected property area, and



1386 in the event the total of such levies should exceed twenty (20)
1387 mills for any affected property area, the excess shall not be
1388 exempt under this article, and in such case, the levy for the
1389 support of the * * * uniform per student funding formula shall
1390 have priority as an exempt levy;

1391 (iii) Ad valorem taxes levied for the support and
1392 maintenance of agricultural high schools within the limits and as
1393 authorized by Section 37-27-3, and ad valorem taxes levied for the
1394 support of community or junior colleges within the limits and as
1395 authorized by subsection (2) of Section 37-29-141; provided,
1396 however, that the exemption from taxation and reimbursement for
1397 tax loss for agricultural high schools and community or junior
1398 colleges, or any combination of same, shall not exceed three (3)
1399 mills in any one (1) year for any one (1) county;

1400 (iv) Ad valorem taxes levied for the support of
1401 the * * * uniform per student funding formula in a municipal
1402 separate school district to produce the minimum local ad valorem
1403 tax effort required of such municipal separate school district as
1404 authorized by Section * * * 37-57-1, and the supplementary tax
1405 levy for the support and maintenance of the schools of a municipal
1406 separate school district as authorized by Section 37-57-105;
1407 provided, however, the total of the levies made under said
1408 Sections * * * 37-57-1 and 37-57-105 which shall be exempt under
1409 this article shall be limited to fifteen (15) mills for any
1410 affected property area, except in those special municipal separate



1411 school districts as provided by Sections 37-7-701 through
1412 37-7-743, the total of the levies made under Sections 37-7-739 and
1413 37-57-105 for such special municipal separate school district
1414 which shall be exempt under this article shall not exceed twenty
1415 (20) mills, and in the event the total of such levies should
1416 exceed fifteen (15) mills for any affected property area, or
1417 twenty (20) mills in the case of a special municipal separate
1418 school district, the excess shall not be exempt under this
1419 article, and, in such case, the levy for the support of the * * *
1420 uniform per student funding formula in the municipal separate
1421 school district shall have priority as an exempt levy;

1422 (v) In the event any law referred to in this
1423 section is amended so as to authorize an increase in the tax levy
1424 for any purposes, such increase in the levy shall be applied to
1425 and taxes collected from the property owners on the entire
1426 assessed value of exempted homes; and the tax loss resulting from
1427 such increase shall not be reimbursed under the provisions of the
1428 Homestead Exemption Law, unless such law clearly specifies that
1429 the exempted assessed value of homes is exempt from such increase;

1430 (vi) Ad valorem taxes levied under Sections
1431 65-15-7 and 65-15-21 shall be used solely for purposes levied.

1432 (b) Those homeowners who qualify for the exemptions
1433 provided for in subsection (a) of this section and who have
1434 reached the age of sixty-five (65) years on or before January 1 of
1435 the year for which the exemption is claimed; and



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

1449 (c) Those homeowners who qualify for the exemptions
1450 provided for in subsection (a) of this section and who would be
1451 classified as disabled under the Federal Social Security Act (42
1452 USCS Section 416(i)), upon presentation of proper proof of
1453 eligibility shall be exempt from any and all ad valorem taxes,
1454 including the forest acreage tax authorized by Section 49-19-115,
1455 on homesteads not in excess of Seven Thousand Five Hundred Dollars
1456 (\$7,500.00) of assessed value thereof; provided, however, that
1457 property owned jointly by husband and wife and property owned in
1458 fee simple by either spouse shall be eligible for this exemption
1459 in full if either spouse fulfills the disability requirement. On
1460 all other jointly owned property, the amount of the allowable



1461 exemption shall be determined on the basis of each individual
1462 joint owner's qualifications and pro rata share of the property.

1463 (d) Homeowners who qualify for exemption under
1464 subsection (c) of this section will not be included in the
1465 limitations of Section 27-33-59(e).

1466 Reimbursement by the State of Mississippi to the various
1467 taxing units for the tax losses incurred because of the additional
1468 exemptions provided for under these subsections shall be made in
1469 accordance with the procedures outlined in Section 27-33-41.

1470 This section shall not apply to claims for homestead
1471 exemptions filed in any calendar year subsequent to the 1984
1472 calendar year.

1473 **SECTION 30.** Section 27-39-317, Mississippi Code of 1972, is
1474 amended as follows:

1475 27-39-317. The board of supervisors of each county shall, at
1476 its regular meeting in September of each year, levy the county ad
1477 valorem taxes for the fiscal year, and shall, by order, fix the
1478 tax rate, or levy, for the county, for the road districts, if any,
1479 and for the school districts, if any, and for any other taxing
1480 districts; and the rates, or levies, for the county and for any
1481 district shall be expressed in mills or a decimal fraction of a
1482 mill. Said tax rates, or levies, shall determine the ad valorem
1483 taxes to be collected upon each dollar of valuation, upon the
1484 assessment rolls of the county, including the assessment of motor
1485 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of



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

1507 Notwithstanding the requirements of this section, in the
1508 event the Department of Revenue orders the county to make an
1509 adjustment to the tax roll pursuant to Section 27-35-113, the
1510 county shall have a period of thirty (30) days from the date of



1511 the commission's final determination to adjust the millage in
1512 order to collect the same dollar amount of taxes as originally
1513 levied by the board.

1514 In making the levy of taxes, the board of supervisors shall
1515 specify, in its order, the levy for each purpose, as follows:

1516 (a) For general county purposes (current expense and
1517 maintenance taxes), as authorized by Section 27-39-303.

1518 (b) For roads and bridges, as authorized by Section
1519 27-39-305.

1520 (c) For schools, including the * * * uniform per
1521 student funding formula levy and the levy for each school district
1522 including special municipal separate school districts, but not
1523 including other municipal separate school districts, and for an
1524 agricultural high school, county high school or community or
1525 junior college (current expense and maintenance taxes), as
1526 authorized by Chapter 57, Title 37, Mississippi Code of 1972, and
1527 any other applicable statute. The levy for schools shall apply to
1528 the assessed value of property in the respective school districts,
1529 including special municipal separate school districts, but not
1530 including other municipal separate school districts, and a
1531 distinct and separate levy shall be made for each school district,
1532 and the purpose for each levy shall be stated.

1533 (d) For road bonds and the interest thereon, separately
1534 for countywide bonds and for the bonds of each road district.



1535 (e) For school bonds and the interest thereon,
1536 separately for countywide bonds and for the bonds of each school
1537 district.

1538 (f) For countywide bonds, and the interest thereon,
1539 other than for road bonds and school bonds.

1540 (g) For loans, notes or any other obligation, and the
1541 interest thereon, if permitted by the law.

1542 (h) For any other purpose for which a levy is lawfully
1543 made.

1544 The order shall state all of the purposes for which the
1545 general county levy is made, using the administrative items
1546 suggested by the State Department of Audit * * * under the county
1547 budget law in its uniform system of accounts for counties, but the
1548 rate or levy for any item or purpose need not be shown; and if a
1549 countywide levy is made for any general or special purpose under
1550 the provisions of any law other than Section 27-39-303, each such
1551 levy shall be separately stated.

1552 During the month of February of each year, if the order or
1553 resolution of the board of trustees of any school district of said
1554 county or partly in said county, is filed with it requesting the
1555 levying of ad valorem taxes for the support and maintenance of
1556 such school district for the following fiscal year, then the board
1557 of supervisors of every such county in the state shall notify, in
1558 writing, within thirty (30) days, the county superintendent of
1559 education of such county, the levy or levies it intends to make



1560 for the support and maintenance of such school districts of such
1561 county at its regular meeting in September following, and the
1562 county superintendent of education and the trustees of all such
1563 school districts shall be authorized to use such expressed
1564 intention of the board of supervisors in computing the support and
1565 maintenance budget or budgets of such school district or districts
1566 for the ensuing fiscal school year.

1567 **SECTION 31.** Section 29-3-47, Mississippi Code of 1972, is
1568 amended as follows:

1569 29-3-47. For its services the State Forestry Commission
1570 shall be entitled to receive its actual expenses incurred in the
1571 discharge of the duties herein imposed. In order to provide funds
1572 with which to pay for the general supervision and sale of forest
1573 products, fifteen percent (15%) of all receipts from the sales of
1574 forest products shall be placed by the board in a Forestry Escrow
1575 Fund and reserved to pay for work performed by the State Forestry
1576 Commission. Such payments shall be equal to the actual expenses
1577 incurred by the commission as substantiated by itemized bills
1578 presented to the board.

1579 Money in the Forestry Escrow Fund may be used to pay for any
1580 forestry work authorized during the period of the agreement and
1581 shall not be subject to lapse by reason of county budget
1582 limitations.

1583 In each school district having need of tree planting and
1584 timber stand improvement, the board of education is authorized to



1585 place additional amounts in the Forestry Escrow Fund to reimburse
1586 the State Forestry Commission for actual expenses incurred in
1587 performing this work, or to pay for any work done under private
1588 contract under the supervision of said commission. Such
1589 additional amounts may be made available from forest products
1590 sales receipts, funds borrowed from the sixteenth section
1591 principal fund as is provided for in Section 29-3-113, or any
1592 other funds available to the board of education excluding * * *
1593 uniform per student funding formula funds. Expenditures from the
1594 Forestry Escrow Fund for tree planting, timber stand improvement,
1595 and other forestry work will be limited to payment for work
1596 recommended by the Forestry Commission and agreed to by the board
1597 of education.

1598 When it becomes evident that the amount of money in the
1599 Forestry Escrow Fund is in excess of the amount necessary to
1600 accomplish the work needed to achieve the goals set by the board
1601 of education and the Forestry Commission, the State Forestry
1602 Commission shall advise said board to release any part of such
1603 funds as will not be needed, which may then be spent for any
1604 purpose authorized by law.

1605 **SECTION 32.** Section 29-3-49, Mississippi Code of 1972, is
1606 amended as follows:

1607 29-3-49. It shall be the duty of the State Forestry
1608 Commission, in the manner provided in Section 29-3-45, to enter
1609 into agreements for timber improvement purposes with the board of



1610 education upon the request of the board. The contract shall
1611 provide for the carrying out of a long-term program of timber
1612 improvement, including any or all of the following: The deadening
1613 of undesirable hardwoods, the planting of trees, the cutting and
1614 maintaining of fire lanes, and the establishment of marked
1615 boundaries on all lands classified as forest lands in the
1616 agreements, which provide for the reimbursement of all current
1617 costs incurred by the State Forestry Commission and the carrying
1618 out of the duties required by such agreements. In the
1619 alternative, the commission, in its discretion, may have the
1620 option to contract with a private contractor, subject to the
1621 approval of the board, to perform this work under the supervision
1622 of the commission. Payment of the reimbursements as hereinabove
1623 set forth to the Forestry Commission, or of compensation due under
1624 any such contract with private contractors shall be made upon
1625 presentation of itemized bills by the commission or the private
1626 contractors, as the case may be, and may be made out of any
1627 sixteenth section funds to the credit of, or accruing to, any
1628 school district in which such work shall be done, or out of any
1629 other funds available to such district, excluding * * * uniform
1630 per student funding formula funds.

1631 **SECTION 33.** Section 29-3-113, Mississippi Code of 1972, is
1632 amended as follows:

1633 29-3-113. The principal fund shall be a permanent township
1634 fund which shall consist of funds heretofore or hereafter derived



1635 from certain uses or for certain resources of school trust lands
1636 which shall be invested and, except as otherwise provided in this
1637 section, only the interest and income derived from such funds
1638 shall be expendable by the school district.

1639 The principal fund shall consist of:

1640 (a) Funds received for easements and rights-of-way
1641 pursuant to Section 29-3-91;

1642 (b) Funds received for sales of lieu land pursuant to
1643 Sections 29-3-15 through 29-3-25;

1644 (c) Funds received from any permanent damage to the
1645 school trust land;

1646 (d) Funds received from the sale of nonrenewable
1647 resources, including, but not limited to, the sale of sand,
1648 gravel, dirt, clays and royalties received from the sale of
1649 mineral ores, coal, oil and gas;

1650 (e) Funds received from the sale of buildings pursuant
1651 to Section 29-3-77;

1652 (f) Funds received from the sale of timber; and

1653 (g) Funds received pursuant to Section 29-3-23(2).

1654 It shall be the duty of the Board of Education to keep the
1655 principal fund invested in any direct obligation issued by or
1656 guaranteed in full as to principal and interest by the United
1657 States of America or in certificates of deposit issued by a
1658 qualified depository of the State of Mississippi as approved by
1659 the State Treasurer. The certificates of deposit may bear



1660 interest at any rate per annum which may be mutually agreed upon
1661 but in no case shall said rate be less than that paid on passbook
1662 savings.

1663 The Board of Education is authorized to invest the funds in
1664 interest bearing deposits or other obligations of the types
1665 described in Section 27-105-33 or in any other type investment in
1666 which any other political subdivision of the State of Mississippi
1667 may invest, except that one hundred percent (100%) of the funds
1668 are authorized to be invested. For the purposes of investment,
1669 the principal fund of each township may be combined into one or
1670 more district accounts; however, the docket book of the county
1671 superintendent shall at all times reflect the proper source of
1672 such funds. Provided that funds received from the sale of timber
1673 shall be placed in a separate principal fund account, and may be
1674 expended for any of the purposes authorized by law.

1675 The Board of Education shall have authority to borrow such
1676 funds at a rate of interest not less than four percent (4%) per
1677 annum and for a term not exceeding twenty (20) years, for the
1678 erection, equipment or repair of said district schools, to provide
1679 local funds for any building project approved by the State Board
1680 of Education or to provide additional funds for forest stand
1681 improvement as set forth in Section 29-3-47. In addition, the
1682 board may borrow the funds under the same interest restrictions
1683 for a term not exceeding ten (10) years to provide funds for the
1684 purchase of school buses. The Board of Education of any school



1685 district in any county that has an aggregate amount of assets in
1686 its principal fund in excess of Five Million Dollars
1687 (\$5,000,000.00), may deduct an amount not to exceed Five Hundred
1688 Thousand Dollars (\$500,000.00) for the purpose of covering the
1689 cost of asbestos removal from school district buildings. Such
1690 asbestos removal shall be construed to constitute the repair of
1691 school district facilities as prescribed in Section 29-3-115.

1692 No school land trust funds may be expended after the annual
1693 payment date until the payment is made on such loan. The annual
1694 payment can be made from any funds available to the school
1695 district except * * * uniform per student funding formula funds.

1696 It shall be unlawful for the Board of Education to borrow any
1697 sixteenth section school funds in any other manner than that
1698 prescribed herein, and if any such funds shall be borrowed or
1699 invested in any other manner, any officer concerned in making such
1700 loan and investment or suffering the same to be made in violation
1701 of the provisions of this section, shall be liable personally and
1702 on his official bond for the safety of the funds so loaned.

1703 **SECTION 34.** Section 29-3-137, Mississippi Code of 1972, is
1704 amended as follows:

1705 29-3-137. (1) Beginning with the 1985-1986 fiscal year the
1706 Legislature of the State of Mississippi shall appropriate to the
1707 State Department of Education a sum of One Million Dollars
1708 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an
1709 additional One Million Dollars (\$1,000,000.00) each succeeding



1710 fiscal year thereafter until a maximum appropriation of Five
1711 Million Dollars (\$5,000,000.00) is made for the fiscal year
1712 1989-1990. Beginning with the appropriation for the * * *
1713 2018-2019 fiscal year, the amount appropriated under the
1714 provisions of this section shall not exceed the total average
1715 annual expendable revenue * * * received by the Choctaw counties
1716 from school lands, or Five Million Dollars (\$5,000,000.00),
1717 whichever is the lesser.

1718 (2) The State Department of Education is hereby authorized,
1719 empowered and directed to allocate for distribution such funds
1720 appropriated each year under subsection (1) of this section in
1721 proportion to the * * * amount of funding allotted under the * * *
1722 uniform per student funding formula to such school districts
1723 affected by the sale of Chickasaw cession school lands. School
1724 districts not wholly situated in Chickasaw cession affected
1725 territory shall receive a prorated amount of such allocation based
1726 on the percentage of such lands located within the district.
1727 Provided further, that the State Department of Education shall, in
1728 addition, deduct from each affected school district's allocation
1729 the amount such district shall receive from interest payments from
1730 the Chickasaw School Fund under Section 212, Mississippi
1731 Constitution of 1890 for each fiscal year. * * * The department
1732 shall document the foregoing computation in its annual budget
1733 request for the appropriation to the Chickasaw School Fund, and



1734 shall revise its budget request under such formula as the average
1735 annual revenues from sixteenth section school lands fluctuate.

1736 (3) [Repealed]

1737 **SECTION 35.** Section 31-7-10, Mississippi Code of 1972, is
1738 amended as follows:

1739 31-7-10. (1) For the purposes of this section, the term
1740 "equipment" shall mean equipment, furniture, and if applicable,
1741 associated software and other applicable direct costs associated
1742 with the acquisition. In addition to its other powers and duties,
1743 the Department of Finance and Administration shall have the
1744 authority to develop a master lease-purchase program and, pursuant
1745 to that program, shall have the authority to execute on behalf of
1746 the state master lease-purchase agreements for equipment to be
1747 used by an agency, as provided in this section. Each agency
1748 electing to acquire equipment by a lease-purchase agreement shall
1749 participate in the Department of Finance and Administration's
1750 master lease-purchase program, unless the Department of Finance
1751 and Administration makes a determination that such equipment
1752 cannot be obtained under the program or unless the equipment can
1753 be obtained elsewhere at an overall cost lower than that for which
1754 the equipment can be obtained under the program. Such
1755 lease-purchase agreements may include the refinancing or
1756 consolidation, or both, of any state agency lease-purchase
1757 agreements entered into after June 30, 1990.



1758 (2) All funds designated by agencies for procurement of
1759 equipment and financing thereof under the master lease-purchase
1760 program shall be paid into a special fund created in the State
1761 Treasury known as the "Master Lease-Purchase Program Fund," which
1762 shall be used by the Department of Finance and Administration for
1763 payment to the lessors for equipment acquired under master
1764 lease-purchase agreements.

1765 (3) Upon final approval of an appropriation bill, each
1766 agency shall submit to the Public Procurement Review Board a
1767 schedule of proposed equipment acquisitions for the master
1768 lease-purchase program. Upon approval of an equipment schedule by
1769 the Public Procurement Review Board with the advice of the
1770 Department of Information Technology Services, the Office of
1771 Purchasing, Travel and Fleet Management, and the Division of
1772 Energy and Transportation of the Mississippi Development Authority
1773 as it pertains to energy efficient climate control systems, the
1774 Public Procurement Review Board shall forward a copy of the
1775 equipment schedule to the Department of Finance and
1776 Administration.

1777 (4) The level of lease-purchase debt recommended by the
1778 Department of Finance and Administration shall be subject to
1779 approval by the State Bond Commission. After such approval, the
1780 Department of Finance and Administration shall be authorized to
1781 advertise and solicit written competitive proposals for a lessor,
1782 who will purchase the equipment pursuant to bid awards made by the



1783 using agency under a given category and then transfer the
1784 equipment to the Department of Finance and Administration as
1785 lessee, pursuant to a master lease-purchase agreement.

1786 The Department of Finance and Administration shall select the
1787 successful proposer for the financing of equipment under the
1788 master lease-purchase program with the approval of the State Bond
1789 Commission.

1790 (5) Each master lease-purchase agreement, and any subsequent
1791 amendments, shall include such terms and conditions as the State
1792 Bond Commission shall determine to be appropriate and in the
1793 public interest, and may include any covenants deemed necessary or
1794 desirable to protect the interests of the lessor, including, but
1795 not limited to, provisions setting forth the interest rate (or
1796 method for computing interest rates) for financing pursuant to
1797 such agreement, covenants concerning application of payments and
1798 funds held in the Master Lease-Purchase Program Fund, covenants to
1799 maintain casualty insurance with respect to equipment subject to
1800 the master lease-purchase agreement (and all state agencies are
1801 specifically authorized to purchase any insurance required by a
1802 master lease-purchase agreement) and covenants precluding or
1803 limiting the right of the lessee or user to acquire equipment
1804 within a specified time (not to exceed five (5) years) after
1805 cancellation on the basis of a failure to appropriate funds for
1806 payment of amounts due under a lease-purchase agreement covering
1807 comparable equipment. The State Bond Commission shall transmit



1808 copies of each such master lease-purchase agreement and each such
1809 amendment to the Joint Legislative Budget Committee. To the
1810 extent provided in any master lease-purchase agreement, title to
1811 equipment leased pursuant thereto shall be deemed to be vested in
1812 the state or the user of the equipment (as specified in such
1813 master lease-purchase agreement), subject to default under or
1814 termination of such master lease-purchase agreement.

1815 A master lease-purchase agreement may provide for payment by
1816 the lessor to the lessee of the purchase price of the equipment to
1817 be acquired pursuant thereto prior to the date on which payment is
1818 due to the vendor for such equipment and that the lease payments
1819 by the lessee shall commence as though the equipment had been
1820 provided on the date of payment. If the lessee, or lessee's
1821 escrow agent, has sufficient funds for payment of equipment
1822 purchases prior to payment due date to vendor of equipment, such
1823 funds shall be held or utilized on an as-needed basis for payment
1824 of equipment purchases either by the State Treasurer (in which
1825 event the master lease-purchase agreement may include provisions
1826 concerning the holding of such funds, the creation of a security
1827 interest for the benefit of the lessor in such funds until
1828 disbursed and other appropriate provisions approved by the Bond
1829 Commission) or by a corporate trustee selected by the Department
1830 of Finance and Administration (in which event the Department of
1831 Finance and Administration shall have the authority to enter into
1832 an agreement with such a corporate trustee containing terms and



1833 conditions approved by the Bond Commission). Earnings on any
1834 amount paid by the lessor prior to the acquisition of the
1835 equipment may be used to make lease payments under the master
1836 lease-purchase agreement or applied to pay costs and expenses
1837 incurred in connection with such lease-purchase agreement. In
1838 such event, the equipment-use agreements with the user agency may
1839 provide for lease payments to commence upon the date of payment by
1840 the lessor and may also provide for a credit against such payments
1841 to the extent that investment receipts from investment of the
1842 purchase price are to be used to make lease-purchase payments.

1843 (6) The annual rate of interest paid under any
1844 lease-purchase agreement authorized under this section shall not
1845 exceed the maximum interest rate to maturity on general obligation
1846 indebtedness permitted under Section 75-17-101.

1847 (7) The Department of Finance and Administration shall
1848 furnish the equipment to the various agencies, also known as the
1849 user, pursuant to an equipment-use agreement developed by the
1850 Department of Finance and Administration. Such agreements shall
1851 require that all monthly payments due from such agency be paid,
1852 transferred or allocated into the Master Lease-Purchase Program
1853 Fund pursuant to a schedule established by the Department of
1854 Finance and Administration. In the event such sums are not paid
1855 by the defined payment period, the Executive Director of the
1856 Department of Finance and Administration shall issue a requisition
1857 for a warrant to draw such amount as may be due from any funds



1858 appropriated for the use of the agency which has failed to make
1859 the payment as agreed.

1860 (8) All master lease-purchase agreements executed under the
1861 authority of this section shall contain the following annual
1862 allocation dependency clause or an annual allocation dependency
1863 clause which is substantially equivalent thereto: "The
1864 continuation of each equipment schedule to this agreement is
1865 contingent in whole or in part upon the appropriation of funds by
1866 the Legislature to make the lease-purchase payments required under
1867 such equipment schedule. If the Legislature fails to appropriate
1868 sufficient funds to provide for the continuation of the
1869 lease-purchase payments under any such equipment schedule, then
1870 the obligations of the lessee and of the agency to make such
1871 lease-purchase payments and the corresponding provisions of any
1872 such equipment schedule to this agreement shall terminate on the
1873 last day of the fiscal year for which appropriations were made."

1874 (9) The maximum lease term for any equipment acquired under
1875 the master lease-purchase program shall not exceed the useful life
1876 of such equipment as determined according to the upper limit of
1877 the asset depreciation range (ADR) guidelines for the Class Life
1878 Asset Depreciation Range System established by the Internal
1879 Revenue Service pursuant to the United States Internal Revenue
1880 Code and Regulations thereunder as in effect on December 31, 1980,
1881 or comparable depreciation guidelines with respect to any
1882 equipment not covered by ADR guidelines. The Department of



1883 Finance and Administration shall be deemed to have met the
1884 requirements of this subsection if the term of a master
1885 lease-purchase agreement does not exceed the weighted average
1886 useful life of all equipment covered by such agreement and the
1887 schedules thereto as determined by the Department of Finance and
1888 Administration. For purposes of this subsection, the "term of a
1889 master lease-purchase agreement" shall be the weighted average
1890 maturity of all principal payments to be made under such master
1891 lease-purchase agreement and all schedules thereto.

1892 (10) Interest paid on any master lease-purchase agreement
1893 under this section shall be exempt from State of Mississippi
1894 income taxation. All equipment, and the purchase thereof by any
1895 lessor, acquired under the master lease-purchase program and all
1896 lease-purchase payments with respect thereto shall be exempt from
1897 all Mississippi sales, use and ad valorem taxes.

1898 (11) The Governor, in his annual executive budget to the
1899 Legislature, shall recommend appropriations sufficient to provide
1900 funds to pay all amounts due and payable during the applicable
1901 fiscal year under master lease-purchase agreements entered into
1902 pursuant to this section.

1903 (12) Any master lease-purchase agreement reciting in
1904 substance that such agreement has been entered into pursuant to
1905 this section shall be conclusively deemed to have been entered
1906 into in accordance with all of the provisions and conditions set
1907 forth in this section. Any defect or irregularity arising with



1908 respect to procedures applicable to the acquisition of any
1909 equipment shall not invalidate or otherwise limit the obligation
1910 of the Department of Finance and Administration, or the state or
1911 any agency of the state, under any master lease-purchase agreement
1912 or any equipment-use agreement.

1913 (13) There shall be maintained by the Department of Finance
1914 and Administration, with respect to each master lease-purchase
1915 agreement, an itemized statement of the cash price, interest
1916 rates, interest costs, commissions, debt service schedules and all
1917 other costs and expenses paid by the state incident to the
1918 lease-purchase of equipment under such agreement.

1919 (14) Lease-purchase agreements entered into by the Board of
1920 Trustees of State Institutions of Higher Learning pursuant to the
1921 authority of Section 37-101-413 or by any other agency which has
1922 specific statutory authority other than pursuant to Section
1923 31-7-13(e) to acquire equipment by lease-purchase shall not be
1924 made pursuant to the master lease-purchase program under this
1925 section, unless the Board of Trustees of State Institutions of
1926 Higher Learning or such other agency elects to participate as to
1927 part or all of its lease-purchase acquisitions in the master
1928 lease-purchase program pursuant to this section.

1929 (15) The Department of Finance and Administration may
1930 develop a master lease-purchase program for school districts and,
1931 pursuant to that program, may execute on behalf of the school
1932 districts master lease-purchase agreements for equipment to be



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

1942 (16) The Department of Finance and Administration may
1943 develop a master lease-purchase program for community and junior
1944 college districts and, pursuant to that program, may execute on
1945 behalf of the community and junior college districts master
1946 lease-purchase agreements for equipment to be used by the
1947 community and junior college districts. The form and structure of
1948 this program must be substantially the same as set forth in this
1949 section for the master lease-purchase program for state agencies.
1950 If sums due from a community or junior college district under the
1951 master lease-purchase program are not paid by the expiration of
1952 the defined payment period, the Executive Director of the
1953 Department of Finance and Administration may withhold an amount
1954 equal to the amount due under the program from any funds allocated
1955 for that community or junior college district in the state
1956 appropriations for the use and support of the community and junior
1957 colleges.



1958 (17) From and after July 1, 2016, the expenses of this
1959 agency shall be defrayed by appropriation from the State General
1960 Fund and all user charges and fees authorized under this section
1961 shall be deposited into the State General Fund as authorized by
1962 law.

1963 (18) From and after July 1, 2016, no state agency shall
1964 charge another state agency a fee, assessment, rent or other
1965 charge for services or resources received by authority of this
1966 section.

1967 **SECTION 36.** Section 37-1-3, Mississippi Code of 1972, is
1968 amended as follows:

1969 37-1-3. (1) The State Board of Education shall adopt rules
1970 and regulations and set standards and policies for the
1971 organization, operation, management, planning, budgeting and
1972 programs of the State Department of Education.

1973 (a) The board is directed to identify all functions of
1974 the department that contribute to or comprise a part of the state
1975 system of educational accountability and to establish and maintain
1976 within the department the necessary organizational structure,
1977 policies and procedures for effectively coordinating such
1978 functions. Such policies and procedures shall clearly fix and
1979 delineate responsibilities for various aspects of the system and
1980 for overall coordination of the total system and its effective
1981 management.



1982 (b) The board shall establish and maintain a
1983 system-wide plan of performance, policy and directions of public
1984 education not otherwise provided for.

1985 (c) The board shall effectively use the personnel and
1986 resources of the department to enhance technical assistance to
1987 school districts in instruction and management therein.

1988 (d) The board shall establish and maintain a central
1989 budget policy.

1990 (e) The board shall establish and maintain within the
1991 State Department of Education a central management capacity under
1992 the direction of the State Superintendent of Public Education.

1993 (f) The board, with recommendations from the
1994 superintendent, shall design and maintain a five-year plan and
1995 program for educational improvement that shall set forth
1996 objectives for system performance and development and be the basis
1997 for budget requests and legislative initiatives.

1998 (2) (a) The State Board of Education shall adopt and
1999 maintain a curriculum and a course of study to be used in the
2000 public school districts that is designed to prepare the state's
2001 children and youth to be productive, informed, creative citizens,
2002 workers and leaders, and it shall regulate all matters arising in
2003 the practical administration of the school system not otherwise
2004 provided for.

2005 (b) Before the 1999-2000 school year, the State Board
2006 of Education shall develop personal living and finances objectives



2007 that focus on money management skills for individuals and families
2008 for appropriate, existing courses at the secondary level. The
2009 objectives must require the teaching of those skills necessary to
2010 handle personal business and finances and must include instruction
2011 in the following:

- 2012 (i) Opening a bank account and assessing the
2013 quality of a bank's services;
- 2014 (ii) Balancing a checkbook;
- 2015 (iii) Managing debt, including retail and credit
2016 card debt;
- 2017 (iv) Completing a loan application;
- 2018 (v) The implications of an inheritance;
- 2019 (vi) The basics of personal insurance policies;
- 2020 (vii) Consumer rights and responsibilities;
- 2021 (viii) Dealing with salesmen and merchants;
- 2022 (ix) Computing state and federal income taxes;
- 2023 (x) Local tax assessments;
- 2024 (xi) Computing interest rates by various
2025 mechanisms;
- 2026 (xii) Understanding simple contracts; and
- 2027 (xiii) Contesting an incorrect billing statement.

2028 (3) The State Board of Education shall have authority to
2029 expend any available federal funds, or any other funds expressly
2030 designated, to pay training, educational expenses, salary
2031 incentives and salary supplements to licensed teachers employed in



2032 local school districts or schools administered by the State Board
2033 of Education. Such incentive payments shall not be considered
2034 part of a school district's local supplement * * *, nor shall the
2035 incentives be considered part of the local supplement paid to an
2036 individual teacher for the purposes of Section 37-19-7(1). * * *
2037 uniform per student funding formula funds shall not be used to
2038 provide such incentives unless specifically authorized by law.

2039 (4) The State Board of Education shall through its actions
2040 seek to implement the policies set forth in Section 37-1-2.

2041 **SECTION 37.** Section 37-3-11, Mississippi Code of 1972, is
2042 amended as follows:

2043 37-3-11. The State Superintendent of Public Education shall
2044 perform the duties assigned to him by the State Board of
2045 Education, and he shall have the following duties:

2046 (a) To serve as secretary for the State Board of
2047 Education;

2048 (b) To be the chief administrative officer of the State
2049 Department of Education;

2050 (c) To recommend to the State Board of Education, for
2051 its consideration, rules and regulations for the supervision of
2052 the public schools and agricultural high schools of the school
2053 districts throughout the state and for the efficient organization
2054 and conduct of the same;



2055 (d) To collect data and make it available to the state
2056 board for determining the proper distribution of the * * * uniform
2057 per student funding formula funds;

2058 (e) To keep a complete record of all official acts of
2059 the State Superintendent and the acts of the State Board of
2060 Education;

2061 (f) To prepare, have printed and furnish all officers
2062 charged with the administration of the laws pertaining to the
2063 public schools, such blank forms and books as may be necessary to
2064 the proper discharge of their duties, which printing is to be paid
2065 for out of funds provided by the Legislature;

2066 (g) To have printed in pamphlet form the laws
2067 pertaining to the public schools and publish therein forms for
2068 conducting school business, the rules and regulations for the
2069 government of schools that the State Superintendent or the State
2070 Board of Education may recommend, and such other matters as may be
2071 deemed worthy of public interest pertaining to the public schools,
2072 which printing is to be paid for out of funds provided by the
2073 Legislature;

2074 (h) To meet all superintendents annually at such time
2075 and place as the State Superintendent shall appoint for the
2076 purpose of accumulating facts relative to schools, to review the
2077 educational progress made in the various sections of the state, to
2078 compare views, discuss problems, hear discussions and suggestions
2079 relative to examinations and qualifications of teachers, methods



2080 of instruction, textbooks, summer schools for teachers, visitation
2081 of schools, consolidation of schools, health work in the schools,
2082 vocational education and other matters pertaining to the public
2083 school system;

2084 (i) To advise all superintendents upon all matters
2085 involving the welfare of the schools, and at the request of any
2086 superintendent, to give an opinion upon a written statement of
2087 facts on all questions and controversies arising out of the
2088 interpretation and construction of the school laws, in regard to
2089 rights, powers and duties of school officers and superintendents,
2090 and to keep a record of all such decisions. Before giving any
2091 opinion, the superintendent may submit the statement of facts to
2092 the Attorney General, and it shall be the duty of the Attorney
2093 General forthwith to examine such statement and suggest the proper
2094 decision to be made upon such fact;

2095 (j) To require annually, and as often as the State
2096 Superintendent may deem proper, of all superintendents, detailed
2097 reports on the educational business of the various districts;

2098 (k) On or before January 10 in each year to prepare,
2099 under the direction of the State Board of Education, the annual
2100 information report of the State Department of Education as
2101 described in Section 37-151-97;

2102 (l) To determine the number of educable children in the
2103 several school districts under rules and regulations prescribed by
2104 the State Board of Education; and



2105 (m) To perform such other duties as may be prescribed
2106 by the State Board of Education.

2107 **SECTION 38.** Section 37-3-83, Mississippi Code of 1972, is
2108 amended as follows:

2109 37-3-83. (1) There is established within the State
2110 Department of Education, using only existing staff and resources,
2111 a School Safety Grant Program, available to all eligible public
2112 school districts, to assist in financing programs to provide
2113 school safety. However, no monies from the Temporary Assistance
2114 for Needy Families grant may be used for the School Safety Grant
2115 Program.

2116 (2) The school board of each school district, with the
2117 assistance of the State Department of Education School Safety
2118 Center, shall adopt a comprehensive local school district school
2119 safety plan and shall update the plan on an annual basis.

2120 (3) Subject to the extent of appropriations available, the
2121 School Safety Grant Program shall offer any of the following
2122 specific preventive services, and other additional services
2123 appropriate to the most current school district school safety
2124 plan:

2125 (a) Metal detectors;

2126 (b) Video surveillance cameras, communications
2127 equipment and monitoring equipment for classrooms, school
2128 buildings, school grounds and school buses;



2129 (c) Crisis management/action teams responding to school
2130 violence;

2131 (d) Violence prevention training, conflict resolution
2132 training, and other appropriate training designated by the State
2133 Department of Education for faculty and staff; and

2134 (e) School safety personnel.

2135 (4) Each local school district of this state may annually
2136 apply for school safety grant funds subject to appropriations by
2137 the Legislature. School safety grants shall include a base grant
2138 amount plus an additional amount per student in average
2139 daily * * * membership in the school or school district. The base
2140 grant amount and amount per student shall be determined by the
2141 State Board of Education, subject to specific appropriation
2142 therefor by the Legislature. In order to be eligible for such
2143 program, each local school board desiring to participate shall
2144 apply to the State Department of Education by May 31 before the
2145 beginning of the applicable fiscal year on forms provided by the
2146 department, and shall be required to establish a local School
2147 Safety Task Force to involve members of the community in the
2148 school safety effort. The State Department of Education shall
2149 determine by July 1 of each succeeding year which local school
2150 districts have submitted approved applications for school safety
2151 grants.

2152 (5) As part of the School Safety Grant Program, the State
2153 Department of Education may conduct a pilot program to research



2154 the feasibility of using video camera equipment in the classroom
2155 to address the following:

2156 (a) Determine if video cameras in the classroom reduce
2157 student disciplinary problems;

2158 (b) Enable teachers to present clear and convincing
2159 evidence of a student's disruptive behavior to the student, the
2160 principal, the superintendent and the student's parents; and

2161 (c) Enable teachers to review teaching performance and
2162 receive diagnostic feedback for developmental purposes.

2163 (6) Any local school district may use
2164 audio/visual-monitoring equipment in classrooms, hallways,
2165 buildings, grounds and buses for the purpose of monitoring school
2166 disciplinary problems.

2167 (7) As a component of the comprehensive local school
2168 district school safety plan required under subsection (2) of this
2169 section, the school board of a school district may adopt and
2170 implement a policy addressing sexual abuse of children, to be
2171 known as "Erin's Law Awareness." Any policy adopted under this
2172 subsection may include or address, but need not be limited to, the
2173 following:

2174 (a) Methods for increasing teacher, student and
2175 parental awareness of issues regarding sexual abuse of children,
2176 including knowledge of likely warning signs indicating that a
2177 child may be a victim of sexual abuse;



2178 (b) Educational information for parents or guardians,
2179 which may be included in the school handbook, on the warning signs
2180 of a child being abused, along with any needed assistance,
2181 referral or resource information;

2182 (c) Training for school personnel on child sexual
2183 abuse;

2184 (d) Age-appropriate curriculum for students in
2185 prekindergarten through fifth grade;

2186 (e) Actions that a child who is a victim of sexual
2187 abuse should take to obtain assistance and intervention;

2188 (f) Counseling and resources available for students
2189 affected by sexual abuse; and

2190 (g) Emotional and educational support for a child who
2191 has been abused to enable the child to be successful in school.

2192 **SECTION 39.** Section 37-7-208, Mississippi Code of 1972, is
2193 amended as follows:

2194 37-7-208. The board of trustees of any consolidated school
2195 district may pay from * * * funds other than uniform per student
2196 funding formula funds the cost and expense of litigation involved
2197 by or resulting from the creation of or litigation to create
2198 single member school board trustee election districts, and pay
2199 from * * * funds other than uniform per student funding formula
2200 funds the cost or expense to implement any plan, decree or
2201 reorganization as approved by the court. Said payments by the
2202 board of trustees shall be deemed a "new program" under the



2203 provisions of Section 37-57-107, * * * and any additional millage
2204 levied for such purpose and the revenue generated therefrom shall
2205 be excluded from the tax increase limitation prescribed in
2206 Sections 37-57-105 and 37-57-107. The board of supervisors of any
2207 county in which there is located such consolidated school district
2208 may, in its discretion, contribute out of county general funds to
2209 the cost and expense of such litigation and/or the cost of
2210 implementing such redistricting plan.

2211 **SECTION 40.** Section 37-7-301, Mississippi Code of 1972, is
2212 amended as follows:

2213 37-7-301. The school boards of all school districts shall
2214 have the following powers, authority and duties in addition to all
2215 others imposed or granted by law, to wit:

2216 (a) To organize and operate the schools of the district
2217 and to make such division between the high school grades and
2218 elementary grades as, in their judgment, will serve the best
2219 interests of the school;

2220 (b) To introduce public school music, art, manual
2221 training and other special subjects into either the elementary or
2222 high school grades, as the board shall deem proper;

2223 (c) To be the custodians of real and personal school
2224 property and to manage, control and care for same, both during the
2225 school term and during vacation;



2226 (d) To have responsibility for the erection, repairing
2227 and equipping of school facilities and the making of necessary
2228 school improvements;

2229 (e) To suspend or to expel a pupil or to change the
2230 placement of a pupil to the school district's alternative school
2231 or homebound program for misconduct in the school or on school
2232 property, as defined in Section 37-11-29, on the road to and from
2233 school, or at any school-related activity or event, or for conduct
2234 occurring on property other than school property or other than at
2235 a school-related activity or event when such conduct by a pupil,
2236 in the determination of the school superintendent or principal,
2237 renders that pupil's presence in the classroom a disruption to the
2238 educational environment of the school or a detriment to the best
2239 interest and welfare of the pupils and teacher of such class as a
2240 whole, and to delegate such authority to the appropriate officials
2241 of the school district;

2242 (f) To visit schools in the district, in their
2243 discretion, in a body for the purpose of determining what can be
2244 done for the improvement of the school in a general way;

2245 (g) To support, within reasonable limits, the
2246 superintendent, principal and teachers where necessary for the
2247 proper discipline of the school;

2248 (h) To exclude from the schools students with what
2249 appears to be infectious or contagious diseases; provided,
2250 however, such student may be allowed to return to school upon



2251 presenting a certificate from a public health officer, duly
2252 licensed physician or nurse practitioner that the student is free
2253 from such disease;

2254 (i) To require those vaccinations specified by the
2255 State Health Officer as provided in Section 41-23-37;

2256 (j) To see that all necessary utilities and services
2257 are provided in the schools at all times when same are needed;

2258 (k) To authorize the use of the school buildings and
2259 grounds for the holding of public meetings and gatherings of the
2260 people under such regulations as may be prescribed by said board;

2261 (l) To prescribe and enforce rules and regulations not
2262 inconsistent with law or with the regulations of the State Board
2263 of Education for their own government and for the government of
2264 the schools, and to transact their business at regular and special
2265 meetings called and held in the manner provided by law;

2266 (m) To maintain and operate all of the schools under
2267 their control for such length of time during the year as may be
2268 required;

2269 (n) To enforce in the schools the courses of study and
2270 the use of the textbooks prescribed by the proper authorities;

2271 (o) To make orders directed to the superintendent of
2272 schools for the issuance of pay certificates for lawful purposes
2273 on any available funds of the district and to have full control of
2274 the receipt, distribution, allotment and disbursement of all funds
2275 provided for the support and operation of the schools of such



2276 school district whether such funds be derived from state
2277 appropriations, local ad valorem tax collections, or otherwise.
2278 The local school board shall be authorized and empowered to
2279 promulgate rules and regulations that specify the types of claims
2280 and set limits of the dollar amount for payment of claims by the
2281 superintendent of schools to be ratified by the board at the next
2282 regularly scheduled meeting after payment has been made;

2283 (p) To select all school district personnel in the
2284 manner provided by law, and to provide for such employee fringe
2285 benefit programs, including accident reimbursement plans, as may
2286 be deemed necessary and appropriate by the board;

2287 (q) To provide athletic programs and other school
2288 activities and to regulate the establishment and operation of such
2289 programs and activities;

2290 (r) To join, in their discretion, any association of
2291 school boards and other public school-related organizations, and
2292 to pay from local funds other than * * * uniform per student
2293 funding formula funds, any membership dues;

2294 (s) To expend local school activity funds, or other
2295 available school district funds, other than * * * uniform per
2296 student funding formula funds, for the purposes prescribed under
2297 this paragraph. "Activity funds" shall mean all funds received by
2298 school officials in all school districts paid or collected to
2299 participate in any school activity, such activity being part of
2300 the school program and partially financed with public funds or



2301 supplemented by public funds. The term "activity funds" shall not
2302 include any funds raised and/or expended by any organization
2303 unless commingled in a bank account with existing activity funds,
2304 regardless of whether the funds were raised by school employees or
2305 received by school employees during school hours or using school
2306 facilities, and regardless of whether a school employee exercises
2307 influence over the expenditure or disposition of such funds.
2308 Organizations shall not be required to make any payment to any
2309 school for the use of any school facility if, in the discretion of
2310 the local school governing board, the organization's function
2311 shall be deemed to be beneficial to the official or
2312 extracurricular programs of the school. For the purposes of this
2313 provision, the term "organization" shall not include any
2314 organization subject to the control of the local school governing
2315 board. Activity funds may only be expended for any necessary
2316 expenses or travel costs, including advances, incurred by students
2317 and their chaperons in attending any in-state or out-of-state
2318 school-related programs, conventions or seminars and/or any
2319 commodities, equipment, travel expenses, purchased services or
2320 school supplies which the local school governing board, in its
2321 discretion, shall deem beneficial to the official or
2322 extracurricular programs of the district, including items which
2323 may subsequently become the personal property of individuals,
2324 including yearbooks, athletic apparel, book covers and trophies.
2325 Activity funds may be used to pay travel expenses of school



2326 district personnel. The local school governing board shall be
2327 authorized and empowered to promulgate rules and regulations
2328 specifically designating for what purposes school activity funds
2329 may be expended. The local school governing board shall provide
2330 (i) that such school activity funds shall be maintained and
2331 expended by the principal of the school generating the funds in
2332 individual bank accounts, or (ii) that such school activity funds
2333 shall be maintained and expended by the superintendent of schools
2334 in a central depository approved by the board. The local school
2335 governing board shall provide that such school activity funds be
2336 audited as part of the annual audit required in Section 37-9-18.
2337 The State Department of Education shall prescribe a uniform system
2338 of accounting and financial reporting for all school activity fund
2339 transactions;

2340 (t) To enter into an energy performance contract,
2341 energy services contract, on a shared-savings, lease or
2342 lease-purchase basis, for energy efficiency services and/or
2343 equipment as provided for in Section 31-7-14;

2344 (u) To maintain accounts and issue pay certificates on
2345 school food service bank accounts;

2346 (v) (i) To lease a school building from an individual,
2347 partnership, nonprofit corporation or a private for-profit
2348 corporation for the use of such school district, and to expend
2349 funds therefor as may be available from any * * * sources other
2350 than uniform per student funding formula funds. The school board



2351 of the school district desiring to lease a school building shall
2352 declare by resolution that a need exists for a school building and
2353 that the school district cannot provide the necessary funds to pay
2354 the cost or its proportionate share of the cost of a school
2355 building required to meet the present needs. The resolution so
2356 adopted by the school board shall be published once each week for
2357 three (3) consecutive weeks in a newspaper having a general
2358 circulation in the school district involved, with the first
2359 publication thereof to be made not less than thirty (30) days
2360 prior to the date upon which the school board is to act on the
2361 question of leasing a school building. If no petition requesting
2362 an election is filed prior to such meeting as hereinafter
2363 provided, then the school board may, by resolution spread upon its
2364 minutes, proceed to lease a school building. If at any time prior
2365 to said meeting a petition signed by not less than twenty percent
2366 (20%) or fifteen hundred (1500), whichever is less, of the
2367 qualified electors of the school district involved shall be filed
2368 with the school board requesting that an election be called on the
2369 question, then the school board shall, not later than the next
2370 regular meeting, adopt a resolution calling an election to be held
2371 within such school district upon the question of authorizing the
2372 school board to lease a school building. Such election shall be
2373 called and held, and notice thereof shall be given, in the same
2374 manner for elections upon the questions of the issuance of the
2375 bonds of school districts, and the results thereof shall be



2376 certified to the school board. If at least three-fifths (3/5) of
2377 the qualified electors of the school district who voted in such
2378 election shall vote in favor of the leasing of a school building,
2379 then the school board shall proceed to lease a school building.
2380 The term of the lease contract shall not exceed twenty (20) years,
2381 and the total cost of such lease shall be either the amount of the
2382 lowest and best bid accepted by the school board after
2383 advertisement for bids or an amount not to exceed the current fair
2384 market value of the lease as determined by the averaging of at
2385 least two (2) appraisals by certified general appraisers licensed
2386 by the State of Mississippi. The term "school building" as used
2387 in this paragraph (v) (i) shall be construed to mean any building
2388 or buildings used for classroom purposes in connection with the
2389 operation of schools and shall include the site therefor,
2390 necessary support facilities, and the equipment thereof and
2391 appurtenances thereto such as heating facilities, water supply,
2392 sewage disposal, landscaping, walks, drives and playgrounds. The
2393 term "lease" as used in this paragraph (v) (i) may include a
2394 lease-purchase contract;

2395 (ii) If two (2) or more school districts propose
2396 to enter into a lease contract jointly, then joint meetings of the
2397 school boards having control may be held but no action taken shall
2398 be binding on any such school district unless the question of
2399 leasing a school building is approved in each participating school
2400 district under the procedure hereinabove set forth in paragraph



2401 (v) (i). All of the provisions of paragraph (v) (i) regarding the
2402 term and amount of the lease contract shall apply to the school
2403 boards of school districts acting jointly. Any lease contract
2404 executed by two (2) or more school districts as joint lessees
2405 shall set out the amount of the aggregate lease rental to be paid
2406 by each, which may be agreed upon, but there shall be no right of
2407 occupancy by any lessee unless the aggregate rental is paid as
2408 stipulated in the lease contract. All rights of joint lessees
2409 under the lease contract shall be in proportion to the amount of
2410 lease rental paid by each;

2411 (w) To employ all noninstructional and noncertificated
2412 employees and fix the duties and compensation of such personnel
2413 deemed necessary pursuant to the recommendation of the
2414 superintendent of schools;

2415 (x) To employ and fix the duties and compensation of
2416 such legal counsel as deemed necessary;

2417 (y) Subject to rules and regulations of the State Board
2418 of Education, to purchase, own and operate trucks, vans and other
2419 motor vehicles, which shall bear the proper identification
2420 required by law;

2421 (z) To expend funds for the payment of substitute
2422 teachers and to adopt reasonable regulations for the employment
2423 and compensation of such substitute teachers;

2424 (aa) To acquire in its own name by purchase all real
2425 property which shall be necessary and desirable in connection with



2426 the construction, renovation or improvement of any public school
2427 building or structure. Whenever the purchase price for such real
2428 property is greater than Fifty Thousand Dollars (\$50,000.00), the
2429 school board shall not purchase the property for an amount
2430 exceeding the fair market value of such property as determined by
2431 the average of at least two (2) independent appraisals by
2432 certified general appraisers licensed by the State of Mississippi.
2433 If the board shall be unable to agree with the owner of any such
2434 real property in connection with any such project, the board shall
2435 have the power and authority to acquire any such real property by
2436 condemnation proceedings pursuant to Section 11-27-1 et seq.,
2437 Mississippi Code of 1972, and for such purpose, the right of
2438 eminent domain is hereby conferred upon and vested in said board.
2439 Provided further, that the local school board is authorized to
2440 grant an easement for ingress and egress over sixteenth section
2441 land or lieu land in exchange for a similar easement upon
2442 adjoining land where the exchange of easements affords substantial
2443 benefit to the sixteenth section land; provided, however, the
2444 exchange must be based upon values as determined by a competent
2445 appraiser, with any differential in value to be adjusted by cash
2446 payment. Any easement rights granted over sixteenth section land
2447 under such authority shall terminate when the easement ceases to
2448 be used for its stated purpose. No sixteenth section or lieu land
2449 which is subject to an existing lease shall be burdened by any
2450 such easement except by consent of the lessee or unless the school



2451 district shall acquire the unexpired leasehold interest affected
2452 by the easement;

2453 (bb) To charge reasonable fees related to the
2454 educational programs of the district, in the manner prescribed in
2455 Section 37-7-335;

2456 (cc) Subject to rules and regulations of the State
2457 Board of Education, to purchase relocatable classrooms for the use
2458 of such school district, in the manner prescribed in Section
2459 37-1-13;

2460 (dd) Enter into contracts or agreements with other
2461 school districts, political subdivisions or governmental entities
2462 to carry out one or more of the powers or duties of the school
2463 board, or to allow more efficient utilization of limited resources
2464 for providing services to the public;

2465 (ee) To provide for in-service training for employees
2466 of the district;

2467 (ff) As part of their duties to prescribe the use of
2468 textbooks, to provide that parents and legal guardians shall be
2469 responsible for the textbooks and for the compensation to the
2470 school district for any books which are not returned to the proper
2471 schools upon the withdrawal of their dependent child. If a
2472 textbook is lost or not returned by any student who drops out of
2473 the public school district, the parent or legal guardian shall
2474 also compensate the school district for the fair market value of
2475 the textbooks;



2476 (gg) To conduct fund-raising activities on behalf of
2477 the school district that the local school board, in its
2478 discretion, deems appropriate or beneficial to the official or
2479 extracurricular programs of the district; provided that:

2480 (i) Any proceeds of the fund-raising activities
2481 shall be treated as "activity funds" and shall be accounted for as
2482 are other activity funds under this section; and

2483 (ii) Fund-raising activities conducted or
2484 authorized by the board for the sale of school pictures, the
2485 rental of caps and gowns or the sale of graduation invitations for
2486 which the school board receives a commission, rebate or fee shall
2487 contain a disclosure statement advising that a portion of the
2488 proceeds of the sales or rentals shall be contributed to the
2489 student activity fund;

2490 (hh) To allow individual lessons for music, art and
2491 other curriculum-related activities for academic credit or
2492 nonacademic credit during school hours and using school equipment
2493 and facilities, subject to uniform rules and regulations adopted
2494 by the school board;

2495 (ii) To charge reasonable fees for participating in an
2496 extracurricular activity for academic or nonacademic credit for
2497 necessary and required equipment such as safety equipment, band
2498 instruments and uniforms;



2499 (jj) To conduct or participate in any fund-raising
2500 activities on behalf of or in connection with a tax-exempt
2501 charitable organization;

2502 (kk) To exercise such powers as may be reasonably
2503 necessary to carry out the provisions of this section;

2504 (ll) To expend funds for the services of nonprofit arts
2505 organizations or other such nonprofit organizations who provide
2506 performances or other services for the students of the school
2507 district;

2508 (mm) To expend federal No Child Left Behind Act funds,
2509 or any other available funds that are expressly designated and
2510 authorized for that use, to pay training, educational expenses,
2511 salary incentives and salary supplements to employees of local
2512 school districts; except that incentives shall not be considered
2513 part of the local supplement * * *, nor shall incentives be
2514 considered part of the local supplement paid to an individual
2515 teacher for the purposes of Section 37-19-7(1). * * * Mississippi
2516 Uniform Per Student Funding Formula funds or any other state funds
2517 may not be used for salary incentives or salary supplements as
2518 provided in this paragraph (mm);

2519 (nn) To use any available funds, not appropriated or
2520 designated for any other purpose, for reimbursement to the
2521 state-licensed employees from both in state and out of state, who
2522 enter into a contract for employment in a school district, for the
2523 expense of moving when the employment necessitates the relocation



2524 of the licensed employee to a different geographical area than
2525 that in which the licensed employee resides before entering into
2526 the contract. The reimbursement shall not exceed One Thousand
2527 Dollars (\$1,000.00) for the documented actual expenses incurred in
2528 the course of relocating, including the expense of any
2529 professional moving company or persons employed to assist with the
2530 move, rented moving vehicles or equipment, mileage in the amount
2531 authorized for county and municipal employees under Section
2532 25-3-41 if the licensed employee used his personal vehicle or
2533 vehicles for the move, meals and such other expenses associated
2534 with the relocation. No licensed employee may be reimbursed for
2535 moving expenses under this section on more than one (1) occasion
2536 by the same school district. Nothing in this section shall be
2537 construed to require the actual residence to which the licensed
2538 employee relocates to be within the boundaries of the school
2539 district that has executed a contract for employment in order for
2540 the licensed employee to be eligible for reimbursement for the
2541 moving expenses. However, the licensed employee must relocate
2542 within the boundaries of the State of Mississippi. Any individual
2543 receiving relocation assistance through the Critical Teacher
2544 Shortage Act as provided in Section 37-159-5 shall not be eligible
2545 to receive additional relocation funds as authorized in this
2546 paragraph;

2547 (oo) To use any available funds, not appropriated or
2548 designated for any other purpose, to reimburse persons who



2549 interview for employment as a licensed employee with the district
2550 for the mileage and other actual expenses incurred in the course
2551 of travel to and from the interview at the rate authorized for
2552 county and municipal employees under Section 25-3-41;

2553 (pp) Consistent with the report of the Task Force to
2554 Conduct a Best Financial Management Practices Review, to improve
2555 school district management and use of resources and identify cost
2556 savings as established in Section 8 of Chapter 610, Laws of 2002,
2557 local school boards are encouraged to conduct independent reviews
2558 of the management and efficiency of schools and school districts.
2559 Such management and efficiency reviews shall provide state and
2560 local officials and the public with the following:

- 2561 (i) An assessment of a school district's
2562 governance and organizational structure;
- 2563 (ii) An assessment of the school district's
2564 financial and personnel management;
- 2565 (iii) An assessment of revenue levels and sources;
- 2566 (iv) An assessment of facilities utilization,
2567 planning and maintenance;
- 2568 (v) An assessment of food services, transportation
2569 and safety/security systems;
- 2570 (vi) An assessment of instructional and
2571 administrative technology;



2572 (vii) A review of the instructional management and
2573 the efficiency and effectiveness of existing instructional
2574 programs; and

2575 (viii) Recommended methods for increasing
2576 efficiency and effectiveness in providing educational services to
2577 the public;

2578 (qq) To enter into agreements with other local school
2579 boards for the establishment of an educational service agency
2580 (ESA) to provide for the cooperative needs of the region in which
2581 the school district is located, as provided in Section 37-7-345;

2582 (rr) To implement a financial literacy program for
2583 students in Grades 10 and 11. The board may review the national
2584 programs and obtain free literature from various nationally
2585 recognized programs. After review of the different programs, the
2586 board may certify a program that is most appropriate for the
2587 school districts' needs. If a district implements a financial
2588 literacy program, then any student in Grade 10 or 11 may
2589 participate in the program. The financial literacy program shall
2590 include, but is not limited to, instruction in the same areas of
2591 personal business and finance as required under Section
2592 37-1-3(2) (b). The school board may coordinate with volunteer
2593 teachers from local community organizations, including, but not
2594 limited to, the following: United States Department of
2595 Agriculture Rural Development, United States Department of Housing
2596 and Urban Development, Junior Achievement, bankers and other



2597 nonprofit organizations. Nothing in this paragraph shall be
2598 construed as to require school boards to implement a financial
2599 literacy program;

2600 (ss) To collaborate with the State Board of Education,
2601 Community Action Agencies or the Department of Human Services to
2602 develop and implement a voluntary program to provide services for
2603 a prekindergarten program that addresses the cognitive, social,
2604 and emotional needs of four-year-old and three-year-old children.
2605 The school board may utilize any source of available revenue to
2606 fund the voluntary program. Effective with the 2013-2014 school
2607 year, to implement voluntary prekindergarten programs under the
2608 Early Learning Collaborative Act of 2013 pursuant to state funds
2609 awarded by the State Department of Education on a matching basis;

2610 (tt) With respect to any lawful, written obligation of
2611 a school district, including, but not limited to, leases
2612 (excluding leases of sixteenth section public school trust land),
2613 bonds, notes, or other agreement, to agree in writing with the
2614 obligee that the Department of Revenue or any state agency,
2615 department or commission created under state law may:

2616 (i) Withhold all or any part (as agreed by the
2617 school board) of any monies which such local school board is
2618 entitled to receive from time to time under any law and which is
2619 in the possession of the Department of Revenue, or any state
2620 agency, department or commission created under state law; and



2621 (ii) Pay the same over to any financial
2622 institution, trustee or other obligee, as directed in writing by
2623 the school board, to satisfy all or part of such obligation of the
2624 school district.

2625 The school board may make such written agreement to withhold
2626 and transfer funds irrevocable for the term of the written
2627 obligation and may include in the written agreement any other
2628 terms and provisions acceptable to the school board. If the
2629 school board files a copy of such written agreement with the
2630 Department of Revenue, or any state agency, department or
2631 commission created under state law then the Department of Revenue
2632 or any state agency, department or commission created under state
2633 law shall immediately make the withholdings provided in such
2634 agreement from the amounts due the local school board and shall
2635 continue to pay the same over to such financial institution,
2636 trustee or obligee for the term of the agreement.

2637 This paragraph (tt) shall not grant any extra authority to a
2638 school board to issue debt in any amount exceeding statutory
2639 limitations on assessed value of taxable property within such
2640 school district or the statutory limitations on debt maturities,
2641 and shall not grant any extra authority to impose, levy or collect
2642 a tax which is not otherwise expressly provided for, and shall not
2643 be construed to apply to sixteenth section public school trust
2644 land;



2645 (uu) With respect to any matter or transaction that is
2646 competitively bid by a school district, to accept from any bidder
2647 as a good-faith deposit or bid bond or bid surety, the same type
2648 of good-faith deposit or bid bond or bid surety that may be
2649 accepted by the state or any other political subdivision on
2650 similar competitively bid matters or transactions. This paragraph
2651 (uu) shall not be construed to apply to sixteenth section public
2652 school trust land. The school board may authorize the investment
2653 of any school district funds in the same kind and manner of
2654 investments, including pooled investments, as any other political
2655 subdivision, including community hospitals;

2656 (vv) To utilize the alternate method for the conveyance
2657 or exchange of unused school buildings and/or land, reserving a
2658 partial or other undivided interest in the property, as
2659 specifically authorized and provided in Section 37-7-485;

2660 (ww) To delegate, privatize or otherwise enter into a
2661 contract with private entities for the operation of any and all
2662 functions of nonacademic school process, procedures and operations
2663 including, but not limited to, cafeteria workers, janitorial
2664 services, transportation, professional development, achievement
2665 and instructional consulting services materials and products,
2666 purchasing cooperatives, insurance, business manager services,
2667 auditing and accounting services, school safety/risk prevention,
2668 data processing and student records, and other staff services;
2669 however, the authority under this paragraph does not apply to the



2670 leasing, management or operation of sixteenth section lands.
2671 Local school districts, working through their regional education
2672 service agency, are encouraged to enter into buying consortia with
2673 other member districts for the purposes of more efficient use of
2674 state resources as described in Section 37-7-345;

2675 (xx) To partner with entities, organizations and
2676 corporations for the purpose of benefiting the school district;

2677 (yy) To borrow funds from the Rural Economic
2678 Development Authority for the maintenance of school buildings;

2679 (zz) To fund and operate voluntary early childhood
2680 education programs, defined as programs for children less than
2681 five (5) years of age on or before September 1, and to use any
2682 source of revenue for such early childhood education programs.
2683 Such programs shall not conflict with the Early Learning
2684 Collaborative Act of 2013;

2685 (aaa) To issue and provide for the use of procurement
2686 cards by school board members, superintendents and licensed school
2687 personnel consistent with the rules and regulations of the
2688 Mississippi Department of Finance and Administration under Section
2689 31-7-9; and

2690 (bbb) To conduct an annual comprehensive evaluation of
2691 the superintendent of schools consistent with the assessment
2692 components of paragraph (pp) of this section and the assessment
2693 benchmarks established by the Mississippi School Board Association
2694 to evaluate the success the superintendent has attained in meeting



2695 district goals and objectives, the superintendent's leadership
2696 skill and whether or not the superintendent has established
2697 appropriate standards for performance, is monitoring success and
2698 is using data for improvement.

2699 **SECTION 41.** Section 37-7-302, Mississippi Code of 1972, is
2700 amended as follows:

2701 37-7-302. The board of trustees of any school district shall
2702 be authorized to borrow such funds as may be reasonable and
2703 necessary from the federal government, the State of Mississippi or
2704 any political subdivision or entity thereof, or any other
2705 governmental agency, from any individual, partnership, nonprofit
2706 corporation or private for-profit corporation, to aid such school
2707 districts in asbestos removal, to be repaid out of any * * * funds
2708 other than uniform per student funding formula funds; provided,
2709 however, that the grant of authority shall in no way be construed
2710 to require said boards of trustees to remove asbestos material or
2711 substances from any facilities under their control, nor shall
2712 there be any liability to said school districts or boards for the
2713 failure to so remove such asbestos materials. All indebtedness
2714 incurred under the provisions of this section shall be evidenced
2715 by the negotiable notes or certificates of indebtedness of the
2716 school district on whose behalf the money is borrowed. Said notes
2717 or certificates of indebtedness of the school district on whose
2718 behalf the money is borrowed shall be signed by the president of
2719 the school board and superintendent of schools of such school



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

2738 **SECTION 42.** Section 37-7-303, Mississippi Code of 1972, is
2739 amended as follows:

2740 37-7-303. (1) The school board of any school district may
2741 insure motor vehicles for any hazard that the board may choose,
2742 and shall insure the school buildings, equipment and other school
2743 property of the district against any and all hazards that the
2744 board may deem necessary to provide insurance against. In



2745 addition, the local school board of any school district shall
2746 purchase and maintain business property insurance and business
2747 personal property insurance on all school district-owned buildings
2748 and/or contents as required by federal law and regulations of the
2749 Federal Emergency Management Agency (FEMA) as is necessary for
2750 receiving public assistance or reimbursement for repair,
2751 reconstruction, replacement or other damage to those buildings
2752 and/or contents caused by the Hurricane Katrina Disaster of 2005
2753 or subsequent disasters. The school district is authorized to
2754 expend funds from any available source for the purpose of
2755 obtaining and maintaining that property insurance. The school
2756 district is authorized to enter into agreements with the
2757 Department of Finance and Administration, other local school
2758 districts, community/junior college districts, state institutions
2759 of higher learning, community hospitals and/or other state
2760 agencies to pool their liabilities to participate in a group
2761 business property and/or business personal property insurance
2762 program, subject to uniform rules and regulations as may be
2763 adopted by the Department of Finance and Administration. Such
2764 school board shall be authorized to contract for such insurance
2765 for a term of not exceeding five (5) years and to obligate the
2766 district for the payment of the premiums thereon. When necessary,
2767 the school board is authorized and empowered, in its discretion,
2768 to borrow money payable in annual installments for a period of not
2769 exceeding five (5) years at a rate of interest not exceeding eight



2770 percent (8%) per annum to provide funds to pay such insurance
2771 premiums. The money so borrowed and the interest thereon shall be
2772 payable from any school funds of the district other than * * *
2773 uniform per student funding formula funds. The school boards of
2774 school districts are further authorized and empowered, in all
2775 cases where same may be necessary, to bring and maintain suits and
2776 other actions in any court of competent jurisdiction for the
2777 purpose of collecting the proceeds of insurance policies issued
2778 upon the property of such school district.

2779 (2) Two (2) or more school districts, together with other
2780 educational entities or agencies, may agree to pool their
2781 liabilities to participate in a group workers' compensation
2782 program. The governing authorities of any school board or other
2783 educational entity or agency may authorize the organization and
2784 operation of, or the participation in such a group self-insurance
2785 program with other school boards and educational entities or
2786 agencies, subject to the requirements of Section 71-3-5. The
2787 Workers' Compensation Commission shall approve such group
2788 self-insurance programs subject to uniform rules and regulations
2789 as may be adopted by the commission applicable to all groups.

2790 **SECTION 43.** Section 37-7-307, Mississippi Code of 1972, is
2791 amended as follows:

2792 37-7-307. (1) For purposes of this section, the term
2793 "licensed employee" means any employee of a public school district
2794 required to hold a valid license by the Commission on Teacher and



2795 Administrator Education, Certification and Licensure and
2796 Development.

2797 (2) The school board of a school district shall establish by
2798 rules and regulations a policy of sick leave with pay for licensed
2799 employees and teacher assistants employed in the school district,
2800 and such policy shall include the following minimum provisions for
2801 sick and emergency leave with pay:

2802 (a) Each licensed employee and teacher assistant, at
2803 the beginning of each school year, shall be credited with a
2804 minimum sick leave allowance, with pay, of seven (7) days for
2805 absences caused by illness or physical disability of the employee
2806 during that school year.

2807 (b) Any unused portion of the total sick leave
2808 allowance shall be carried over to the next school year and
2809 credited to such licensed employee and teacher assistant if the
2810 licensed employee or teacher assistant remains employed in the
2811 same school district. In the event any public school licensed
2812 employee or teacher assistant transfers from one public school
2813 district in Mississippi to another, any unused portion of the
2814 total sick leave allowance credited to such licensed employee or
2815 teacher assistant shall be credited to such licensed employee or
2816 teacher assistant in the computation of unused leave for
2817 retirement purposes under Section 25-11-109. Accumulation of sick
2818 leave allowed under this section shall be unlimited.



2819 (c) No deduction from the pay of such licensed employee
2820 or teacher assistant may be made because of absence of such
2821 licensed employee or teacher assistant caused by illness or
2822 physical disability of the licensed employee or teacher assistant
2823 until after all sick leave allowance credited to such licensed
2824 employee or teacher assistant has been used.

2825 (d) For the first ten (10) days of absence of a
2826 licensed employee because of illness or physical disability, in
2827 any school year, in excess of the sick leave allowance credited to
2828 such licensed employee, there shall be deducted from the pay of
2829 such licensed employee the established substitute amount of
2830 licensed employee compensation paid in that local school district,
2831 necessitated because of the absence of the licensed employee as a
2832 result of illness or physical disability. In lieu of deducting
2833 the established substitute amount from the pay of such licensed
2834 employee, the policy may allow the licensed employee to receive
2835 full pay for the first ten (10) days of absence because of illness
2836 or physical disability, in any school year, in excess of the sick
2837 leave allowance credited to such licensed employee. Thereafter,
2838 the regular pay of such absent licensed employee shall be
2839 suspended and withheld in its entirety for any period of absence
2840 because of illness or physical disability during that school year.

2841 (3) (a) Beginning with the school year 1983-1984, each
2842 licensed employee at the beginning of each school year shall be
2843 credited with a minimum personal leave allowance, with pay, of two



2844 (2) days for absences caused by personal reasons during that
2845 school year. Effective for the 2010-2011 and 2011-2012 school
2846 years, licensed employees shall be credited with an additional
2847 one-half (1/2) day of personal leave for every day the licensed
2848 employee is furloughed without pay as provided in Section
2849 37-7-308. Except as otherwise provided in paragraph (b) of this
2850 subsection, such personal leave shall not be taken on the first
2851 day of the school term, the last day of the school term, on a day
2852 previous to a holiday or a day after a holiday. Personal leave
2853 may be used for professional purposes, including absences caused
2854 by attendance of such licensed employee at a seminar, class,
2855 training program, professional association or other functions
2856 designed for educators. No deduction from the pay of such
2857 licensed employee may be made because of absence of such licensed
2858 employee caused by personal reasons until after all personal leave
2859 allowance credited to such licensed employee has been used.
2860 However, the superintendent of a school district, in his
2861 discretion, may allow a licensed employee personal leave in
2862 addition to any minimum personal leave allowance, under the
2863 condition that there shall be deducted from the salary of such
2864 licensed employee the actual amount of any compensation paid to
2865 any person as a substitute, necessitated because of the absence of
2866 the licensed employee. Any unused portion of the total personal
2867 leave allowance up to five (5) days shall be carried over to the
2868 next school year and credited to such licensed employee if the



2869 licensed employee remains employed in the same school district.
2870 Any personal leave allowed for a furlough day shall not be carried
2871 over to the next school year.

2872 (b) Notwithstanding the restrictions on the use of
2873 personal leave prescribed under paragraph (a) of this subsection,
2874 a licensed employee may use personal leave as follows:

2875 (i) Personal leave may be taken on the first day
2876 of the school term, the last day of the school term, on a day
2877 previous to a holiday or a day after a holiday if, on the
2878 applicable day, an immediate family member of the employee is
2879 being deployed for military service.

2880 (ii) Personal leave may be taken on a day previous
2881 to a holiday or a day after a holiday if an employee of a school
2882 district has either a minimum of ten (10) years' experience as an
2883 employee of that school district or a minimum of thirty (30) days
2884 of unused accumulated leave that has been earned while employed in
2885 that school district.

2886 (iii) Personal leave may be taken on the first day
2887 of the school term, the last day of the school term, on a day
2888 previous to a holiday or a day after a holiday if, on the
2889 applicable day, the employee has been summoned to appear for jury
2890 duty or as a witness in court.

2891 (4) Beginning with the school year 1992-1993, each licensed
2892 employee shall be credited with a professional leave allowance,
2893 with pay, for each day of absence caused by reason of such



2894 employee's statutorily required membership and attendance at a
2895 regular or special meeting held within the State of Mississippi of
2896 the State Board of Education, the Commission on Teacher and
2897 Administrator Education, Certification and Licensure and
2898 Development, the Commission on School Accreditation, the
2899 Mississippi Authority for Educational Television, the meetings of
2900 the state textbook rating committees or other meetings authorized
2901 by local school board policy.

2902 (5) Upon retirement from employment, each licensed and
2903 nonlicensed employee shall be paid for not more than thirty (30)
2904 days of unused accumulated leave earned while employed by the
2905 school district in which the employee is last employed. Such
2906 payment for licensed employees shall be made by the school
2907 district at a rate equal to the amount paid to substitute teachers
2908 and for nonlicensed employees, the payment shall be made by the
2909 school district at a rate equal to the federal minimum wage. The
2910 payment shall be treated in the same manner for retirement
2911 purposes as a lump-sum payment for personal leave as provided in
2912 Section 25-11-103(e). Any remaining lawfully credited unused
2913 leave, for which payment has not been made, shall be certified to
2914 the Public Employees' Retirement System in the same manner and
2915 subject to the same limitations as otherwise provided by law for
2916 unused leave. No payment for unused accumulated leave may be made
2917 to either a licensed or nonlicensed employee at termination or



2918 separation from service for any purpose other than for the purpose
2919 of retirement.

2920 (6) The school board may adopt rules and regulations which
2921 will reasonably aid to implement the policy of sick and personal
2922 leave, including, but not limited to, rules and regulations having
2923 the following general effect:

2924 (a) Requiring the absent employee to furnish the
2925 certificate of a physician or dentist or other medical
2926 practitioner as to the illness of the absent licensed employee,
2927 where the absence is for four (4) or more consecutive school days,
2928 or for two (2) consecutive school days immediately preceding or
2929 following a nonschool day;

2930 (b) Providing penalties, by way of full deduction from
2931 salary, or entry on the work record of the employee, or other
2932 appropriate penalties, for any materially false statement by the
2933 employee as to the cause of absence;

2934 (c) Forfeiture of accumulated or future sick leave, if
2935 the absence of the employee is caused by optional dental or
2936 medical treatment or surgery which could, without medical risk,
2937 have been provided, furnished or performed at a time when school
2938 was not in session;

2939 (d) Enlarging, increasing or providing greater sick or
2940 personal leave allowances than the minimum standards established
2941 by this section in the discretion of the school board of each
2942 school district.



2943 (7) School boards may include in their budgets provisions
2944 for the payment of substitute employees, necessitated because of
2945 the absence of regular licensed employees. All such substitute
2946 employees shall be paid wholly from district funds, except as
2947 otherwise provided for long-term substitute teachers in Section
2948 37-19-20. Such school boards, in their discretion, also may pay,
2949 from district funds other than * * * uniform per student funding
2950 formula funds, the whole or any part of the salaries of all
2951 employees granted leaves for the purpose of special studies or
2952 training.

2953 (8) The school board may further adopt rules and regulations
2954 which will reasonably implement such leave policies for all other
2955 nonlicensed and hourly paid school employees as the board deems
2956 appropriate. Effective for the 2010-2011 and 2011-2012 school
2957 years, nonlicensed employees shall be credited with an additional
2958 one-half (1/2) day of personal leave for every day the nonlicensed
2959 employee is furloughed without pay as provided in Section
2960 37-7-308.

2961 (9) Vacation leave granted to either licensed or nonlicensed
2962 employees shall be synonymous with personal leave. Unused
2963 vacation or personal leave accumulated by licensed employees in
2964 excess of the maximum five (5) days which may be carried over from
2965 one year to the next may be converted to sick leave. The annual
2966 conversion of unused vacation or personal leave to sick days for
2967 licensed or unlicensed employees shall not exceed the allowable



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

2989 (10) (a) For the purposes of this subsection, the following
2990 words and phrases shall have the meaning ascribed in this
2991 paragraph unless the context requires otherwise:



2992 (i) "Catastrophic injury or illness" means a
2993 life-threatening injury or illness of an employee or a member of
2994 an employee's immediate family that totally incapacitates the
2995 employee from work, as verified by a licensed physician, and
2996 forces the employee to exhaust all leave time earned by that
2997 employee, resulting in the loss of compensation from the local
2998 school district for the employee. Conditions that are short-term
2999 in nature, including, but not limited to, common illnesses such as
3000 influenza and the measles, and common injuries, are not
3001 catastrophic. Chronic illnesses or injuries, such as cancer or
3002 major surgery, that result in intermittent absences from work and
3003 that are long-term in nature and require long recuperation periods
3004 may be considered catastrophic.

3005 (ii) "Immediate family" means spouse, parent,
3006 stepparent, sibling, child or stepchild.

3007 (b) Any school district employee may donate a portion
3008 of his or her unused accumulated personal leave or sick leave to
3009 another employee of the same school district who is suffering from
3010 a catastrophic injury or illness or who has a member of his or her
3011 immediate family suffering from a catastrophic injury or illness,
3012 in accordance with the following:

3013 (i) The employee donating the leave (the "donor
3014 employee") shall designate the employee who is to receive the
3015 leave (the "recipient employee") and the amount of unused
3016 accumulated personal leave and sick leave that is to be donated,



3017 and shall notify the school district superintendent or his
3018 designee of his or her designation.

3019 (ii) The maximum amount of unused accumulated
3020 personal leave that an employee may donate to any other employee
3021 may not exceed a number of days that would leave the donor
3022 employee with fewer than seven (7) days of personal leave
3023 remaining, and the maximum amount of unused accumulated sick leave
3024 that an employee may donate to any other employee may not exceed
3025 fifty percent (50%) of the unused accumulated sick leave of the
3026 donor employee.

3027 (iii) An employee must have exhausted all of his
3028 or her available leave before he or she will be eligible to
3029 receive any leave donated by another employee. Eligibility for
3030 donated leave shall be based upon review and approval by the donor
3031 employee's supervisor.

3032 (iv) Before an employee may receive donated leave,
3033 he or she must provide the school district superintendent or his
3034 designee with a physician's statement that states that the illness
3035 meets the catastrophic criteria established under this section,
3036 the beginning date of the catastrophic injury or illness, a
3037 description of the injury or illness, and a prognosis for recovery
3038 and the anticipated date that the recipient employee will be able
3039 to return to work.

3040 (v) Before an employee may receive donated leave,
3041 the superintendent of education of the school district shall



3042 appoint a review committee to approve or disapprove the said
3043 donations of leave, including the determination that the illness
3044 is catastrophic within the meaning of this section.

3045 (vi) If the total amount of leave that is donated
3046 to any employee is not used by the recipient employee, the whole
3047 days of donated leave shall be returned to the donor employees on
3048 a pro rata basis, based on the ratio of the number of days of
3049 leave donated by each donor employee to the total number of days
3050 of leave donated by all donor employees.

3051 (vii) Donated leave shall not be used in lieu of
3052 disability retirement.

3053 **SECTION 44.** Section 37-7-319, Mississippi Code of 1972, is
3054 amended as follows:

3055 37-7-319. All public school boards may purchase group
3056 insurance coverage for the liability of all of its active
3057 full-time instructional and noninstructional personnel. Such
3058 policy shall be paid for with any funds available other than * * *
3059 uniform per student funding formula funds.

3060 **SECTION 45.** Section 37-7-333, Mississippi Code of 1972, is
3061 amended as follows:

3062 37-7-333. The school boards of all school districts shall
3063 have full control of the receipt, distribution, allotment and
3064 disbursement of all funds which may be provided for the support
3065 and maintenance of the schools of such district whether such funds
3066 be * * * uniform per student funding formula allotments, funds



3067 derived from supplementary tax levies as authorized by law, or
3068 funds derived from any other source whatsoever except as may
3069 otherwise be provided by law for control of the proceeds from
3070 school bonds or notes and the taxes levied to pay the principal of
3071 and interest on such bonds or notes. The tax collector of each
3072 county shall make reports, in writing, verified by his affidavit,
3073 on or before the twentieth day of each month to the superintendent
3074 of schools of each school district within such county reflecting
3075 all school district taxes collected by him for the support of said
3076 school district during the preceding month. He shall at the same
3077 time pay over all such school district taxes collected by him for
3078 the support of said school district directly to said
3079 superintendent of schools.

3080 All such allotments or funds shall be placed in the
3081 depository or depositories selected by the school board in the
3082 same manner as provided in Section 27-105-305 for the selection of
3083 county depositories. Provided, however, the annual notice to be
3084 given by the school board to financial institutions may be given
3085 by the school board at any regular meeting subsequent to the
3086 board's regular December meeting but prior to the regular May
3087 meeting. The bids of financial institutions for the privilege of
3088 keeping school funds may be received by the school board at some
3089 subsequent meeting, but no later than the regular June meeting;
3090 and the selection by the school board of the depository or
3091 depositories shall be effective on July 1 of each year. School



3092 boards shall advertise and accept bids for depositories, no less
3093 than once every three (3) years, when such board determines that
3094 it can obtain a more favorable rate of interest and less
3095 administrative processing. Such depository shall place on deposit
3096 with the superintendent of schools the same securities as required
3097 in Section 27-105-315.

3098 In the event a bank submits a bid or offer to a school
3099 district to act as a depository for the district and such bid or
3100 offer, if accepted, would result in a contract in which a member
3101 of the school board would have a direct or indirect interest, the
3102 school board should not open or consider any bids received. The
3103 superintendent of schools shall submit the matter to the State
3104 Treasurer, who shall have the authority to solicit bids, select a
3105 depository or depositories, make all decisions and take any action
3106 within the authority of the school board under this section
3107 relating to the selection of a depository or depositories.

3108 **SECTION 46.** Section 37-7-339, Mississippi Code of 1972, is
3109 amended as follows:

3110 37-7-339. (1) The school board of any local school
3111 district, in its discretion, may provide extended day and extended
3112 school year programs for kindergarten or compulsory-school-age
3113 students, or both, and may expend any funds for these purposes
3114 which are available from sources other than the * * * uniform per
3115 student funding formula. It is not the intent of the Legislature,
3116 in enacting this section, to interfere with the Headstart program.



3117 School boards, in their discretion, may charge participants a
3118 reasonable fee for such programs.

3119 (2) The school board of any school district may adopt any
3120 orders, policies, rules or regulations with respect to instruction
3121 within that school district for which no specific provision has
3122 been made by general law and which are not inconsistent with the
3123 Mississippi Constitution of 1890, the Mississippi Code of 1972, or
3124 any order, policy, rule or regulation of the State Board of
3125 Education; those school boards also may alter, modify and repeal
3126 any orders, policies, rules or regulations enacted under this
3127 subsection. Any such program pertaining to reading must further
3128 the goal that Mississippi students will demonstrate a growing
3129 proficiency in reading and will reach or exceed the national
3130 average within the next decade.

3131 **SECTION 47.** Section 37-7-419, Mississippi Code of 1972, is
3132 amended as follows:

3133 37-7-419. The various school districts which may become
3134 parties to any such agreement are authorized to appropriate and
3135 expend for the purposes thereof any and all funds which may be
3136 required to carry out the terms of any such agreement from any
3137 funds available to any such party to such an agreement not
3138 otherwise appropriated without limitation as to the source of such
3139 funds, including * * * uniform per student funding formula funds,
3140 sixteenth section funds, funds received from the federal
3141 government or other sources by way of grant, donation or



3142 otherwise, and funds which may be available to any such party
3143 through the State Department of Education or any other agency of
3144 the state, regardless of the party to such agreement designated
3145 thereby to be primarily responsible for the construction or
3146 operation of any such regional high school center and regardless
3147 of the limitation on the expenditure of any such funds imposed by
3148 any other statute. However, no such funds whose use was originally
3149 limited to the construction of capital improvements shall be
3150 utilized for the purpose of defraying the administrative or
3151 operating costs of any such center. Any one or more of the
3152 parties to such an agreement may be designated as the fiscal agent
3153 or contracting party in carrying out any of the purposes of such
3154 agreement, and any and all funds authorized to be spent therefor
3155 by any of the said parties may be paid over to the fiscal agent or
3156 contracting party for disbursement by such fiscal agent or
3157 contracting party. Such disbursements shall be made and
3158 contracted for under the laws and regulations applicable to such
3159 fiscal or disbursing agent. All of the school district parties to
3160 any such agreement may issue bonds, negotiable notes or other
3161 evidences of indebtedness for the purpose of providing funds for
3162 the acquisition of land and for the construction of buildings and
3163 permanent improvements under the terms of any such agreement under
3164 any existing laws authorizing the issuance or sale thereof to
3165 provide funds for any capital improvement.



3166 **SECTION 48.** Section 37-9-17, Mississippi Code of 1972, is
3167 amended as follows:

3168 37-9-17. (1) On or before April 1 of each year, the
3169 principal of each school shall recommend to the superintendent of
3170 the local school district the licensed employees or
3171 noninstructional employees to be employed for the school involved
3172 except those licensed employees or noninstructional employees who
3173 have been previously employed and who have a contract valid for
3174 the ensuing scholastic year. If such recommendations meet with
3175 the approval of the superintendent, the superintendent shall
3176 recommend the employment of such licensed employees or
3177 noninstructional employees to the local school board, and, unless
3178 good reason to the contrary exists, the board shall elect the
3179 employees so recommended. If, for any reason, the local school
3180 board shall decline to elect any employee so recommended,
3181 additional recommendations for the places to be filled shall be
3182 made by the principal to the superintendent and then by the
3183 superintendent to the local school board as provided above. The
3184 school board of any local school district shall be authorized to
3185 designate a personnel supervisor or another principal employed by
3186 the school district to recommend to the superintendent licensed
3187 employees or noninstructional employees; however, this
3188 authorization shall be restricted to no more than two (2)
3189 positions for each employment period for each school in the local
3190 school district. Any noninstructional employee employed upon the



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

3207 When the licensed employees have been elected as provided in
3208 the preceding paragraph, the superintendent of the district shall
3209 enter into a contract with such persons in the manner provided in
3210 this chapter.

3211 If, at the commencement of the scholastic year, any licensed
3212 employee shall present to the superintendent a license of a higher
3213 grade than that specified in such individual's contract, such
3214 individual may, if funds are available from * * * uniform per
3215 student funding formula funds of the district, or from district



3216 funds, be paid from such funds the amount to which such higher
3217 grade license would have entitled the individual, had the license
3218 been held at the time the contract was executed.

3219 (2) Superintendents/directors of schools under the purview
3220 of the State Board of Education, the superintendent of the local
3221 school district and any private firm under contract with the local
3222 public school district to provide substitute teachers to teach
3223 during the absence of a regularly employed schoolteacher shall
3224 require, through the appropriate governmental authority, that
3225 current criminal records background checks and current child abuse
3226 registry checks are obtained, and that such criminal record
3227 information and registry checks are on file for any new hires
3228 applying for employment as a licensed or nonlicensed employee at a
3229 school and not previously employed in such school under the
3230 purview of the State Board of Education or at such local school
3231 district prior to July 1, 2000. In order to determine the
3232 applicant's suitability for employment, the applicant shall be
3233 fingerprinted. If no disqualifying record is identified at the
3234 state level, the fingerprints shall be forwarded by the Department
3235 of Public Safety to the Federal Bureau of Investigation for a
3236 national criminal history record check. The fee for such
3237 fingerprinting and criminal history record check shall be paid by
3238 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
3239 State Board of Education, the school board of the local school
3240 district or a private firm under contract with a local school



3241 district to provide substitute teachers to teach during the
3242 temporary absence of the regularly employed schoolteacher, in its
3243 discretion, may elect to pay the fee for the fingerprinting and
3244 criminal history record check on behalf of any applicant. Under
3245 no circumstances shall a member of the State Board of Education,
3246 superintendent/director of schools under the purview of the State
3247 Board of Education, local school district superintendent, local
3248 school board member or any individual other than the subject of
3249 the criminal history record checks disseminate information
3250 received through any such checks except insofar as required to
3251 fulfill the purposes of this section. Any nonpublic school which
3252 is accredited or approved by the State Board of Education may
3253 avail itself of the procedures provided for herein and shall be
3254 responsible for the same fee charged in the case of local public
3255 schools of this state. The determination whether the applicant
3256 has a disqualifying crime, as set forth in subsection (3) of this
3257 section, shall be made by the appropriate governmental authority,
3258 and the appropriate governmental authority shall notify the
3259 private firm whether a disqualifying crime exists.

3260 (3) If such fingerprinting or criminal record checks
3261 disclose a felony conviction, guilty plea or plea of nolo
3262 contendere to a felony of possession or sale of drugs, murder,
3263 manslaughter, armed robbery, rape, sexual battery, sex offense
3264 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
3265 burglary, gratification of lust or aggravated assault which has



3266 not been reversed on appeal or for which a pardon has not been
3267 granted, the new hire shall not be eligible to be employed at such
3268 school. Any employment contract for a new hire executed by the
3269 superintendent of the local school district or any employment of a
3270 new hire by a superintendent/director of a new school under the
3271 purview of the State Board of Education or by a private firm shall
3272 be voidable if the new hire receives a disqualifying criminal
3273 record check. However, the State Board of Education or the school
3274 board may, in its discretion, allow any applicant aggrieved by the
3275 employment decision under this section to appear before the
3276 respective board, or before a hearing officer designated for such
3277 purpose, to show mitigating circumstances which may exist and
3278 allow the new hire to be employed at the school. The State Board
3279 of Education or local school board may grant waivers for such
3280 mitigating circumstances, which shall include, but not be limited
3281 to: (a) age at which the crime was committed; (b) circumstances
3282 surrounding the crime; (c) length of time since the conviction and
3283 criminal history since the conviction; (d) work history; (e)
3284 current employment and character references; (f) other evidence
3285 demonstrating the ability of the person to perform the employment
3286 responsibilities competently and that the person does not pose a
3287 threat to the health or safety of the children at the school.

3288 (4) No local school district, local school district
3289 employee, member of the State Board of Education or employee of a
3290 school under the purview of the State Board of Education shall be



3291 held liable in any employment discrimination suit in which an
3292 allegation of discrimination is made regarding an employment
3293 decision authorized under this Section 37-9-17.

3294 **SECTION 49.** Section 37-9-23, Mississippi Code of 1972, is
3295 amended as follows:

3296 37-9-23. The superintendent shall enter into a contract with
3297 each assistant superintendent, principal, licensed employee and
3298 person anticipating graduation from an approved teacher education
3299 program or the issuance of a proper license before October 15 or
3300 February 15, as the case may be, who is elected and approved for
3301 employment by the school board. Such contracts shall be in such
3302 form as shall be prescribed by the State Board of Education and
3303 shall be executed in duplicate with one (1) copy to be retained by
3304 the appropriate superintendent and one (1) copy to be retained by
3305 the principal, licensed employee or person recommended for a
3306 licensed position contracted with. The contract shall show the
3307 name of the district, the length of the school term, the position
3308 held (whether an assistant superintendent, principal or licensed
3309 employee), the scholastic years which it covers, the total amount
3310 of the annual salary and how same is payable. The amount of
3311 salary to be shown in such contract shall be the amount which
3312 shall have been fixed and determined by the school board, but, as
3313 to the licensed employees paid, in whole or in part, with * * *
3314 uniform per student funding formula funds, such salary shall not
3315 be less than that required under the provisions of Chapter 19 of



3316 this title. Beginning with the 2010-2011 school year, the
3317 contract shall include a provision allowing the school district to
3318 reduce the state minimum salary by a pro rata daily amount in
3319 order to comply with the school district employee furlough
3320 provisions of Section 37-7-308, and shall include a provision
3321 which conditions the payment of such salary upon the availability
3322 of * * * uniform per student funding formula funds provided for
3323 salaries. The contract entered into with any person recommended
3324 for a licensed position who is anticipating either graduation from
3325 an approved teacher education program before September 1 or
3326 December 31, as the case may be, or the issuance of a proper
3327 license before October 15 or February 15, as the case may be,
3328 shall be a conditional contract and shall include a provision
3329 stating that the contract will be null and void if, as specified
3330 in the contract, the contingency upon which the contract is
3331 conditioned has not occurred. If any superintendent, other than
3332 those elected, principal, licensed employee or person recommended
3333 for a licensed position who has been elected and approved shall
3334 not execute and return the contract within ten (10) days after
3335 same has been tendered to him for execution, then, at the option
3336 of the school board, the election of the licensed employee and the
3337 contract tendered to him shall be void and of no effect.

3338 **SECTION 50.** Section 37-9-25, Mississippi Code of 1972, is
3339 amended as follows:



3340 37-9-25. The school board shall have the power and
3341 authority, in its discretion, to employ the superintendent, unless
3342 such superintendent is elected at the November 2015 general
3343 election, for not exceeding four (4) scholastic years and the
3344 principals or licensed employees for not exceeding three (3)
3345 scholastic years. In such case, contracts shall be entered into
3346 with such superintendents, principals and licensed employees for
3347 the number of years for which they have been employed. However,
3348 in the event that a vacancy in the office of the superintendent of
3349 schools elected at the November 2015 general election shall occur
3350 before January 1, 2019, the local school board shall then appoint
3351 the superintendent of the school district and enter into contract
3352 with the appointee for a period not to exceed three (3) scholastic
3353 years. All such contracts with licensed employees shall for the
3354 years after the first year thereof be subject to the contingency
3355 that the licensed employee may be released if, during the life of
3356 the contract, the average daily * * * membership should decrease
3357 from that existing during the previous year and thus necessitate a
3358 reduction in the number of licensed employees during any year
3359 after the first year of the contract. However, in all such cases
3360 the licensed employee must be released before July 1 or at least
3361 thirty (30) days prior to the beginning of the school term,
3362 whichever date should occur earlier. The salary to be paid for
3363 the years after the first year of such contract shall be subject
3364 to revision, either upward or downward, in the event of an



3365 increase or decrease in the funds available for the payment
3366 thereof, but, unless such salary is revised prior to the beginning
3367 of a school year, it shall remain for such school year at the
3368 amount fixed in such contract. However, where school district
3369 funds, other than * * * uniform per student funding formula funds,
3370 are available during the school year in excess of the amount
3371 anticipated at the beginning of the school year the salary to be
3372 paid for such year may be increased to the extent that such
3373 additional funds are available and nothing herein shall be
3374 construed to prohibit same.

3375 **SECTION 51.** Section 37-9-33, Mississippi Code of 1972, is
3376 amended as follows:

3377 37-9-33. (1) In employing and contracting with appointed
3378 superintendents, principals and * * * licensed employees, the
3379 school board shall in all cases determine whether the amount of
3380 salary to be paid such superintendent, principals and * * *
3381 licensed employees is in compliance with the provisions of * * *
3382 this chapter and Section 37-19-7. No contract shall be entered
3383 into where the salary of a superintendent, principal or * * *
3384 licensed employee is to be paid, in whole or in part, from * * *
3385 uniform per student funding formula funds except where the
3386 statutory requirements * * * as to the amount of such salary are
3387 fully met. Nothing herein shall be construed, however, to
3388 prohibit any school district from increasing the salaries of
3389 appointed superintendents, principals and * * * licensed employees



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

3402 (2) Each school district shall provide an annual report to
3403 the State Department of Education on the number of * * * licensed
3404 and * * * nonlicensed employees receiving a salary from the school
3405 district who are also receiving retirement benefits from the
3406 Public Employees' Retirement System. This report shall include
3407 the name of the employee(s), the hours per week for which the
3408 employee is under contract and the services for which the employee
3409 is under contract. Said required annual report shall be in a form
3410 and deadline promulgated by the State Board of Education.

3411 **SECTION 52.** Section 37-9-35, Mississippi Code of 1972, is
3412 amended as follows:

3413 37-9-35. * * * A reduction in the average daily * * *
3414 membership during a current year from that existing in the



3415 preceding year shall not authorize the discharge or release of a
3416 teacher or teachers during such current year. * * *

3417 **SECTION 53.** Section 37-9-37, Mississippi Code of 1972, is
3418 amended as follows:

3419 37-9-37. The amount of the salary to be paid any
3420 superintendent, principal or licensed employee shall be fixed by
3421 the school board, provided that the requirements of * * * this
3422 title are met as to superintendents, principals and licensed
3423 employees paid, in whole or in part, from * * * uniform per
3424 student funding formula funds. In employing such superintendents,
3425 principals and licensed employees and in fixing their salaries,
3426 the school boards shall take into consideration the character,
3427 professional training, experience, executive ability and teaching
3428 capacity of the licensed employee, superintendent or principal.
3429 It is the intent of the Legislature that whenever the salary of
3430 the school district superintendent is set by a school board, the
3431 board shall take into consideration the amount of money that the
3432 district spends per pupil, and shall attempt to insure that the
3433 administrative cost of the district and the amount of the salary
3434 of the superintendent are not excessive in comparison to the per
3435 pupil expenditure of the district.

3436 **SECTION 54.** Section 37-9-77, Mississippi Code of 1972, is
3437 amended as follows:

3438 37-9-77. (1) There is established the Mississippi School
3439 Administrator Sabbatical Program which shall be available to



3440 licensed teachers employed in Mississippi school districts for not
3441 less than three (3) years, for the purpose of allowing such
3442 teachers to become local school district administrators under the
3443 conditions set forth in this section. The State Board of
3444 Education, in coordination with the Board of Trustees of State
3445 Institutions of Higher Learning, shall develop guidelines for the
3446 program. Application shall be made to the State Department of
3447 Education for the Mississippi School Administrator Sabbatical
3448 Program by qualified teachers meeting the criteria for a
3449 department-approved administration program and who have been
3450 recommended by the local school board. Administration programs
3451 that are eligible for the administrator sabbatical program shall
3452 be limited to those that have been approved by the department by
3453 the January 1 preceding the date of admission to the program.
3454 Admission into the program shall authorize the applicant to take
3455 university course work and training leading to an administrator's
3456 license.

3457 (2) The salaries of the teachers approved for participation
3458 in the administrator sabbatical program shall be paid by the
3459 employing school district from * * * funds other than uniform per
3460 student funding formula funds. However, the State Department of
3461 Education shall reimburse the employing school districts for the
3462 cost of the salaries and paid fringe benefits of teachers
3463 participating in the administrator sabbatical program for one (1)
3464 contract year. Reimbursement shall be made in accordance with the



3465 then current * * * salary schedule under Section 37-19-7, except
3466 that the maximum amount of the reimbursement from state funds
3467 shall not exceed the * * * salary prescribed for a teacher holding
3468 a Class A license and having five (5) years' experience. The
3469 local school district shall be responsible for that portion of a
3470 participating teacher's salary attributable to the local
3471 supplement and for any portion of the teacher's salary that
3472 exceeds the maximum amount allowed for reimbursement from state
3473 funds as provided in this subsection, and the school board may not
3474 reduce the local supplement payable to that teacher. Any
3475 reimbursements made by the State Department of Education to local
3476 school districts under this section shall be subject to available
3477 appropriations and may be made only to school districts determined
3478 by the State Board of Education as being in need of
3479 administrators.

3480 (3) Such teachers participating in the program on a
3481 full-time basis shall continue to receive teaching experience and
3482 shall receive the salary prescribed in Section 37-19-7, including
3483 the annual experience increments. Such participants shall be
3484 fully eligible to continue participation in the Public Employees'
3485 Retirement System and the Public School Employees Health Insurance
3486 Plan during the time they are in the program on a full-time basis.

3487 (4) As a condition for participation in the School
3488 Administrator Sabbatical Program, such teachers shall agree to
3489 employment as administrators in the sponsoring school district for



3490 not less than five (5) years following completion of administrator
3491 licensure requirements. Any person failing to comply with this
3492 employment commitment in any required school year, unless the
3493 commitment is deferred as provided in subsection (5) of this
3494 section, shall immediately be in breach of contract and become
3495 liable to the State Department of Education for that amount of his
3496 salary and paid fringe benefits paid by the state while the
3497 teacher was on sabbatical, less twenty percent (20%) of the amount
3498 of his salary and paid fringe benefits paid by the state for each
3499 year that the person was employed as an administrator following
3500 completion of the administrator licensure requirements. In
3501 addition, the person shall become liable to the local school
3502 district for any portion of his salary and paid fringe benefits
3503 paid by the local school district while the teacher was on
3504 sabbatical that is attributable to the local salary supplement or
3505 is attributable to the amount that exceeds the maximum amount
3506 allowed for reimbursement from state funds as provided in
3507 subsection (2) of this section, less twenty percent (20%) of the
3508 amount of his salary and paid fringe benefits paid by the school
3509 district for each year that the person was employed as an
3510 administrator following completion of the administrator licensure
3511 requirements. Interest on the amount due shall accrue at the
3512 current Stafford Loan rate at the time the breach occurs. If the
3513 claim for repayment of such salary and fringe benefits is placed
3514 in the hands of an attorney for collection after default, then the



3515 obligor shall be liable for an additional amount equal to a
3516 reasonable attorney's fee.

3517 (5) If there is not an administrator position immediately
3518 available in the sponsoring school district after a person has
3519 completed the administrator licensure requirements, or if the
3520 administrator position in the sponsoring school district in which
3521 the person is employed is no longer needed before the completion
3522 of the five-year employment commitment, the local school board
3523 shall defer any part of the employment commitment that has not
3524 been met until such time as an administrator position becomes
3525 available in the sponsoring school district. If such a deferral
3526 is made, the sponsoring school district shall employ the person as
3527 a teacher in the school district during the period of deferral,
3528 unless the person desires to be released from employment by the
3529 sponsoring school district and the district agrees to release the
3530 person from employment. If the sponsoring school district
3531 releases a person from employment, that person may be employed as
3532 an administrator in another school district in the state that is
3533 in need of administrators as determined by the State Board of
3534 Education, and that employment for the other school district shall
3535 be applied to any remaining portion of the five-year employment
3536 commitment required under this section. Nothing in this
3537 subsection shall prevent a school district from not renewing the
3538 person's contract before the end of the five-year employment
3539 commitment in accordance with the School Employment Procedures Law



3540 (Section 37-9-101 et seq.). However, if the person is not
3541 employed as an administrator by another school district after
3542 being released by the sponsoring school district, or after his
3543 contract was not renewed by the sponsoring school district, he
3544 shall be liable for repayment of the amount of his salary and
3545 fringe benefits as provided in subsection (4) of this section.

3546 (6) All funds received by the State Department of Education
3547 from the repayment of salary and fringe benefits paid by the state
3548 from program participants shall be deposited in the Mississippi
3549 Critical Teacher Shortage Fund.

3550 **SECTION 55.** Section 37-11-11, Mississippi Code of 1972, is
3551 amended as follows:

3552 37-11-11. (1) For the purposes of this section, the term
3553 "hospital" shall include community-based programs and facilities
3554 licensed or approved by the Department of Mental Health for
3555 treatment of chemical substance use and abuse.

3556 (2) When five (5) or more children of educable mind between
3557 the ages of six (6) and twenty-one (21) years who are capable of
3558 pursuing courses of instruction at secondary school level or below
3559 shall be confined in a hospital for an extended period of time,
3560 such children shall be eligible for and shall be provided with a
3561 program of education, instruction and training within such
3562 hospital in the manner hereinafter set forth, provided that the
3563 need for hospitalization for an extended period of time shall be
3564 certified by the chief of staff of such hospital and that the



3565 ability of such children to do school work shall be certified by
3566 qualified psychologists and/or educators approved by the State
3567 Board of Education.

3568 (3) When five (5) or more children as set forth herein shall
3569 be confined in the same hospital, then the board of trustees of
3570 the school district in which such hospital is located shall be
3571 authorized and empowered, in its discretion, to provide a program
3572 of education, instruction and training to such children within
3573 such hospital. For such purpose the board shall be authorized and
3574 empowered to employ and contract with teachers, provide textbooks
3575 and other instructional materials, correspondence courses and
3576 instructional equipment and appliances, and otherwise provide for
3577 the furnishing of such program and to administer and supervise the
3578 same. Such program shall be furnished in a manner as prescribed
3579 by rules and regulations adopted by the State Board of Education.
3580 The state board shall have full power to adopt such rules,
3581 regulations, policies and standards as it may deem necessary to
3582 carry out the purpose of this section, including the establishment
3583 of qualifications of any teachers employed under the provisions
3584 hereof. It is expressly provided, however, that no program shall
3585 be furnished under this section except in a hospital licensed for
3586 operation by the State of Mississippi and only in cases where such
3587 hospital shall consent thereto, shall provide any classroom space,
3588 furniture and facilities which may be deemed necessary, and
3589 otherwise shall cooperate in carrying out the provisions of this



3590 section. Before such program of education, instruction and
3591 training shall be provided, the governing authorities of said
3592 hospital shall enter into a contract with the board of trustees of
3593 the school district which stipulates that said hospital agrees to
3594 furnish the necessary classroom space, furniture and facilities
3595 and provide for their upkeep, fuel and such other things as may be
3596 necessary for the successful operation of the program of
3597 education, instruction and training.

3598 (4) In cases when children who are residents of school
3599 districts other than the school district providing such education
3600 program may participate in the program prescribed in this section.
3601 The boards of trustees of the districts of which such children are
3602 residents shall pay to the board of trustees of the school
3603 district furnishing such school program the pro rata part of the
3604 expenses of furnishing such school program within such hospital,
3605 which payments may be made from any funds available for the
3606 operation and maintenance of the schools of the district in which
3607 such child is a resident. The amount so paid shall be based upon,
3608 but shall not exceed, the current per pupil cost of education in
3609 the school district of the child's residence, and the amount to be
3610 so paid by the school district of the child's residence shall be
3611 fixed by the State Board of Education. If the amount to be paid
3612 which has been so fixed shall not be paid upon due demand made by
3613 the school district providing a program therefor, then the State
3614 Board of Education shall deduct any such amounts from the next



3615 allocation of * * * funds attributable to any such district and
3616 shall remit the same to the board of trustees of such school
3617 district which is furnishing such school program. If the amounts
3618 so paid by such school districts of the child's residence shall
3619 not be sufficient to pay the expenses of furnishing such program,
3620 then the remainder of such expenses over and above that so paid by
3621 such school districts shall be paid by the State Board of
3622 Education to the school district providing such school program out
3623 of any funds available to the State Board of Education,
3624 including * * * uniform per student funding formula funds.
3625 However, such payments shall not exceed Three Hundred Dollars
3626 (\$300.00) per child in average daily * * * membership in such
3627 program. Provided, however, the State Board of Education shall in
3628 its discretion be authorized and empowered to exceed the said
3629 Three Hundred Dollars (\$300.00) per pupil limitation where such
3630 limitation would make it impractical to operate such a program.

3631 **SECTION 56.** Section 37-13-63, Mississippi Code of 1972, is
3632 amended as follows:

3633 37-13-63. (1) Except as otherwise provided, all public
3634 schools in the state shall be kept in session for at least one
3635 hundred eighty (180) days in each scholastic year.

3636 (2) If the school board of any school district shall
3637 determine that it is not economically feasible or practicable to
3638 operate any school within the district for the full one hundred
3639 eighty (180) days required for a scholastic year as contemplated



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

3658 **SECTION 57.** Section 37-13-64, Mississippi Code of 1972, is
3659 amended as follows:

3660 37-13-64. (1) Beginning with the 2010-2011 school term, any
3661 school district required to close the operation of its schools by
3662 decision of the superintendent, under the authority provided by
3663 the local school board, due to extreme weather conditions, in the
3664 best interests of the health and safety of the students,



3665 administration and staff of the school district, shall be exempt
3666 from the requirement that schools be kept in session a minimum of
3667 one hundred eighty (180) days. Any school district that closes
3668 its schools for reasons authorized under this section shall
3669 receive payment from the State Department of Education for per
3670 pupil expenditure for pupils in average daily * * * membership not
3671 to exceed ten (10) days.

3672 (2) In the event weather conditions are cause for the
3673 closure of operations of schools in any local school district in
3674 any instance in which a state of emergency has not been declared
3675 pursuant to Section * * * 37-151-227(2)(b), the State Board of
3676 Education may consider, on a case-by-case basis, requests
3677 submitted by local school districts to alter the school calendar
3678 consistent with the provision of that section.

3679 **SECTION 58.** Section 37-13-69, Mississippi Code of 1972, is
3680 amended as follows:

3681 37-13-69. All public schools of this state may observe such
3682 legal holidays as may be designated by the local school board, and
3683 no sessions of school shall be held on holidays so designated and
3684 observed. However, all schools shall operate for the full minimum
3685 term required by law exclusive of the holidays authorized by this
3686 section. The holidays thus observed shall not be deducted from
3687 the reports of the superintendents, principals and teachers, and
3688 such superintendents, principals and teachers shall be allowed pay
3689 for full time as though they had taught on those holidays.



3690 However, such holidays shall not be counted or included in any way
3691 in determining the average daily * * * membership of the school.

3692 **SECTION 59.** Section 37-15-38, Mississippi Code of 1972, is
3693 amended as follows:

3694 37-15-38. (1) The following phrases have the meanings
3695 ascribed in this section unless the context clearly requires
3696 otherwise:

3697 (a) A dual enrolled student is a student who is
3698 enrolled in a community or junior college or state institution of
3699 higher learning while enrolled in high school.

3700 (b) A dual credit student is a student who is enrolled
3701 in a community or junior college or state institution of higher
3702 learning while enrolled in high school and who is receiving high
3703 school and college credit for postsecondary coursework.

3704 (2) A local school board, the Board of Trustees of State
3705 Institutions of Higher Learning and the Mississippi Community
3706 College Board shall establish a dual enrollment system under which
3707 students in the school district who meet the prescribed criteria
3708 of this section may be enrolled in a postsecondary institution in
3709 Mississippi while they are still in school.

3710 (3) **Dual credit eligibility.** Before credits earned by a
3711 qualified high school student from a community or junior college
3712 or state institution of higher learning may be transferred to the
3713 student's home school district, the student must be properly
3714 enrolled in a dual enrollment program.



3715 (4) **Admission criteria for dual enrollment in community and**
3716 **junior college or university programs.** The Mississippi Community
3717 College Board and the Board of Trustees of State Institutions of
3718 Higher Learning may recommend to the State Board of Education
3719 admission criteria for dual enrollment programs under which high
3720 school students may enroll at a community or junior college or
3721 university while they are still attending high school and enrolled
3722 in high school courses. Students may be admitted to enroll in
3723 community or junior college courses under the dual enrollment
3724 programs if they meet that individual institution's stated dual
3725 enrollment admission requirements.

3726 (5) **Tuition and cost responsibility.** Tuition and costs for
3727 university-level courses and community and junior college courses
3728 offered under a dual enrollment program may be paid for by the
3729 postsecondary institution, the local school district, the parents
3730 or legal guardians of the student, or by grants, foundations or
3731 other private or public sources. Payment for tuition and any
3732 other costs must be made directly to the credit-granting
3733 institution.

3734 (6) **Transportation responsibility.** Any transportation
3735 required by a student to participate in the dual enrollment
3736 program is the responsibility of the parent, custodian or legal
3737 guardian of the student. Transportation costs may be paid from
3738 any available public or private sources, including the local
3739 school district.



3740 (7) **School district average daily * * * membership credit.**

3741 When dually enrolled, the student may be counted, for * * *
3742 uniform per student funding formula purposes, in the average
3743 daily * * * membership of the public school district in which the
3744 student attends high school.

3745 (8) **High school student transcript transfer requirements.**

3746 Grades and college credits earned by a student admitted to a dual
3747 credit program must be recorded on the high school student record
3748 and on the college transcript at the university or community or
3749 junior college where the student attends classes. The transcript
3750 of the university or community or junior college coursework may be
3751 released to another institution or applied toward college
3752 graduation requirements.

3753 (9) **Determining factor of prerequisites for dual enrollment**

3754 **courses.** Each university and community or junior college
3755 participating in a dual enrollment program shall determine course
3756 prerequisites. Course prerequisites shall be the same for dual
3757 enrolled students as for regularly enrolled students at that
3758 university or community or junior college.

3759 (10) **Process for determining articulation of curriculum**
3760 **between high school, university, and community and junior college**

3761 **courses.** All dual credit courses must meet the standards
3762 established at the postsecondary level. Postsecondary level
3763 developmental courses may not be considered as meeting the
3764 requirements of the dual credit program. Dual credit memorandum



3765 of understandings must be established between each postsecondary
3766 institution and the school district implementing a dual credit
3767 program.

3768 (11) [Deleted]

3769 (12) **Eligible courses for dual credit programs.** Courses
3770 eligible for dual credit include, but are not necessarily limited
3771 to, foreign languages, advanced math courses, advanced science
3772 courses, performing arts, advanced business and technology, and
3773 career and technical courses. Distance Learning Collaborative
3774 Program courses approved under Section 37-67-1 shall be fully
3775 eligible for dual credit. All courses being considered for dual
3776 credit must receive unconditional approval from the superintendent
3777 of the local school district and the chief instructional officer
3778 at the participating community or junior college or university in
3779 order for college credit to be awarded. A university or community
3780 or junior college shall make the final decision on what courses
3781 are eligible for semester hour credits.

3782 (13) **High school Carnegie unit equivalency.** One (1)
3783 three-hour university or community or junior college course is
3784 equal to one (1) high school Carnegie unit.

3785 (14) **Course alignment.** The universities, community and
3786 junior colleges and the State Department of Education shall
3787 periodically review their respective policies and assess the place
3788 of dual credit courses within the context of their traditional
3789 offerings.



3790 (15) **Maximum dual credits allowed.** It is the intent of the
3791 dual enrollment program to make it possible for every eligible
3792 student who desires to earn a semester's worth of college credit
3793 in high school to do so. A qualified dually enrolled high school
3794 student must be allowed to earn an unlimited number of college or
3795 university credits for dual credit.

3796 (16) **Dual credit program allowances.** A student may be
3797 granted credit delivered through the following means:

3798 (a) Examination preparation taught at a high school by
3799 a qualified teacher. A student may receive credit at the
3800 secondary level after completion of an approved course and passing
3801 the standard examination, such as an Advanced Placement or
3802 International Baccalaureate course through which a high school
3803 student is allowed CLEP credit by making a three (3) or higher on
3804 the end-of-course examination.

3805 (b) College or university courses taught at a high
3806 school or designated postsecondary site by a qualified teacher who
3807 is an employee of the school district and approved as an
3808 instructor by the collaborating college or university.

3809 (c) College or university courses taught at a college,
3810 university or high school by an instructor employed by the college
3811 or university and approved by the collaborating school district.

3812 (d) Online courses of any public university, community
3813 or junior college in Mississippi.



3814 (17) **Qualifications of dual credit instructors.** A dual
3815 credit academic instructor must meet the requirements set forth by
3816 the regional accrediting association (Southern Association of
3817 College and Schools). University and community and junior college
3818 personnel have the sole authority in the selection of dual credit
3819 instructors.

3820 A dual credit career and technical education instructor must
3821 meet the requirements set forth by the Mississippi Community
3822 College Board in the qualifications manual for postsecondary
3823 career and technical personnel.

3824 (18) **Guidance on local agreements.** The Chief Academic
3825 Officer of the State Board of Trustees of State Institutions of
3826 Higher Learning and the Chief Instructional Officers of the
3827 Mississippi Community College Board and the State Department of
3828 Education, working collaboratively, shall develop a template to be
3829 used by the individual community and junior colleges and
3830 institutions of higher learning for consistent implementation of
3831 the dual enrollment program throughout the State of Mississippi.

3832 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
3833 A local school board and the local community colleges board shall
3834 establish a Mississippi Works Dual Enrollment-Dual Credit Option
3835 Program under which potential or recent student dropouts may
3836 dually enroll in their home school and a local community college
3837 in a dual credit program consisting of high school completion
3838 coursework and a community college credential, certificate or



3839 degree program. Students completing the dual enrollment-credit
3840 option may obtain their high school diploma while obtaining a
3841 community college credential, certificate or degree. The
3842 Mississippi Department of Employment Security shall assist
3843 students who have successfully completed the Mississippi Works
3844 Dual Enrollment-Dual Credit Option in securing a job upon the
3845 application of the student or the participating school or
3846 community college. The Mississippi Works Dual Enrollment-Dual
3847 Credit Option Program will be implemented statewide in the
3848 2012-2013 school year and thereafter. The State Board of
3849 Education, local school board and the local community college
3850 board shall establish criteria for the Dual Enrollment-Dual Credit
3851 Program. Students enrolled in the program will not be eligible to
3852 participate in interscholastic sports or other extracurricular
3853 activities at the home school district. Tuition and costs for
3854 community college courses offered under the Dual Enrollment-Dual
3855 Credit Program shall not be charged to the student, parents or
3856 legal guardians. When dually enrolled, the student shall be
3857 counted, for * * * uniform per student funding formula purposes,
3858 in the average daily * * * membership of the public school
3859 district in which the student attends high school * * *. Any
3860 transportation required by the student to participate in the Dual
3861 Enrollment-Dual Credit Program is the responsibility of the parent
3862 or legal guardian of the student, and transportation costs may be
3863 paid from any available public or private sources, including the



3864 local school district. Grades and college credits earned by a
3865 student admitted to this Dual Enrollment-Dual Credit Program shall
3866 be recorded on the high school student record and on the college
3867 transcript at the community college and high school where the
3868 student attends classes. The transcript of the community college
3869 coursework may be released to another institution or applied
3870 toward college graduation requirements. Any course that is
3871 required for subject area testing as a requirement for graduation
3872 from a public school in Mississippi is eligible for dual credit,
3873 and courses eligible for dual credit shall also include career,
3874 technical and degree program courses. All courses eligible for
3875 dual credit shall be approved by the superintendent of the local
3876 school district and the chief instructional officer at the
3877 participating community college in order for college credit to be
3878 awarded. A community college shall make the final decision on
3879 what courses are eligible for semester hour credits and the local
3880 school superintendent, subject to approval by the Mississippi
3881 Department of Education, shall make the final decision on the
3882 transfer of college courses credited to the student's high school
3883 transcript.

3884 **SECTION 60.** Section 37-16-3, Mississippi Code of 1972, is
3885 amended as follows:

3886 37-16-3. (1) The State Department of Education is directed
3887 to implement a program of statewide assessment testing which shall
3888 provide for the improvement of the operation and management of the



3889 public schools. The statewide program shall be timed, as far as
3890 possible, so as not to conflict with ongoing district assessment
3891 programs. As part of the program, the department shall:

3892 (a) Establish, with the approval of the State Board of
3893 Education, minimum performance standards related to the goals for
3894 education contained in the state's plan including, but not limited
3895 to, basic skills in reading, writing and mathematics. The minimum
3896 performance standards shall be approved by April 1 in each year
3897 they are established.

3898 (b) Conduct a uniform statewide testing program in
3899 grades deemed appropriate in the public schools, including charter
3900 schools. The program may test skill areas, basic skills and high
3901 school course content.

3902 (c) Monitor the results of the assessment program and,
3903 at any time the composite student performance of a school or basic
3904 program is found to be below the established minimum standards,
3905 notify the district superintendent or the governing board of the
3906 charter school, as the case may be, the school principal and the
3907 school advisory committee or other existing parent group of the
3908 situation within thirty (30) days of its determination. The
3909 department shall further provide technical assistance to a school
3910 district in the identification of the causes of this deficiency
3911 and shall recommend courses of action for its correction.

3912 (d) Provide technical assistance to the school
3913 districts, when requested, in the development of student



3914 performance standards in addition to the established minimum
3915 statewide standards.

3916 (e) Issue security procedure regulations providing for
3917 the security and integrity of the tests that are administered
3918 under the basic skills assessment program.

3919 (f) In case of an allegation of a testing irregularity
3920 that prompts a need for an investigation by the Department of
3921 Education, the department may, in its discretion, take complete
3922 control of the statewide test administration in a school district
3923 or any part thereof, including, but not limited to, obtaining
3924 control of the test booklets and answer documents. In the case of
3925 any verified testing irregularity that jeopardized the security
3926 and integrity of the test(s), validity or the accuracy of the test
3927 results, the cost of the investigation and any other actual and
3928 necessary costs related to the investigation paid by the
3929 Department of Education shall be reimbursed by the local school
3930 district from funds other than federal funds, * * * uniform per
3931 student funding formula funds, or any other state funds within six
3932 (6) months from the date of notice by the department to the school
3933 district to make reimbursement to the department.

3934 (2) Uniform basic skills tests shall be completed by each
3935 student in the appropriate grade. These tests shall be
3936 administered in such a manner as to preserve the integrity and
3937 validity of the assessment. In the event of excused or unexcused
3938 student absences, make-up tests shall be given. The school



3939 superintendent of every school district in the state and the
3940 principal of each charter school shall annually certify to the
3941 State Department of Education that each student enrolled in the
3942 appropriate grade has completed the required basic skills
3943 assessment test for his or her grade in a valid test
3944 administration.

3945 (3) Within five (5) days of completing the administration of
3946 a statewide test, the principal of the school where the test was
3947 administered shall certify under oath to the State Department of
3948 Education that the statewide test was administered in strict
3949 accordance with the Requirements of the Mississippi Statewide
3950 Assessment System as adopted by the State Board of Education. The
3951 principal's sworn certification shall be set forth on a form
3952 developed and approved by the Department of Education. If,
3953 following the administration of a statewide test, the principal
3954 has reason to believe that the test was not administered in strict
3955 accordance with the Requirements of the Mississippi Statewide
3956 Assessment System as adopted by the State Board of Education, the
3957 principal shall submit a sworn certification to the Department of
3958 Education setting forth all information known or believed by the
3959 principal about all potential violations of the Requirements of
3960 the Mississippi Statewide Assessment System as adopted by the
3961 State Board of Education. The submission of false information or
3962 false certification to the Department of Education by any licensed
3963 educator may result in licensure disciplinary action pursuant to



3964 Section 37-3-2 and criminal prosecution pursuant to Section
3965 37-16-4.

3966 **SECTION 61.** Section 37-17-6, Mississippi Code of 1972, is
3967 amended as follows:

3968 37-17-6. (1) The State Board of Education, acting through
3969 the Commission on School Accreditation, shall establish and
3970 implement a permanent performance-based accreditation system, and
3971 all noncharter public elementary and secondary schools shall be
3972 accredited under this system.

3973 (2) * * * The State Board of Education, acting through the
3974 Commission on School Accreditation, shall require school districts
3975 to provide school classroom space that is air-conditioned as a
3976 minimum requirement for accreditation.

3977 (3) (a) * * * The State Board of Education, acting through
3978 the Commission on School Accreditation, shall require that school
3979 districts employ certified school librarians according to the
3980 following formula:

3981	Number of Students	Number of Certified
3982	Per School Library	School Librarians
3983	0 - 499 Students	1/2 Full-time Equivalent
3984		Certified Librarian
3985	500 or More Students	1 Full-time Certified
3986		Librarian

3987 (b) The State Board of Education, however, may increase
3988 the number of positions beyond the above requirements.



3989 (c) The assignment of certified school librarians to
3990 the particular schools shall be at the discretion of the local
3991 school district. No individual shall be employed as a certified
3992 school librarian without appropriate training and certification as
3993 a school librarian by the State Department of Education.

3994 (d) School librarians in the district shall spend at
3995 least fifty percent (50%) of direct work time in a school library
3996 and shall devote no more than one-fourth (1/4) of the workday to
3997 administrative activities that are library related.

3998 (e) Nothing in this subsection shall prohibit any
3999 school district from employing more certified school librarians
4000 than are provided for in this section.

4001 (f) Any additional millage levied to fund school
4002 librarians required for accreditation under this subsection shall
4003 be included in the tax increase limitation set forth in Sections
4004 37-57-105 and 37-57-107 and shall not be deemed a new program for
4005 purposes of the limitation.

4006 (4) On or before December 31, 2002, the State Board of
4007 Education shall implement the performance-based accreditation
4008 system for school districts and for individual noncharter public
4009 schools which shall include the following:

4010 (a) High expectations for students and high standards
4011 for all schools, with a focus on the basic curriculum;

4012 (b) Strong accountability for results with appropriate
4013 local flexibility for local implementation;



4014 (c) A process to implement accountability at both the
4015 school district level and the school level;

4016 (d) Individual schools shall be held accountable for
4017 student growth and performance;

4018 (e) Set annual performance standards for each of the
4019 schools of the state and measure the performance of each school
4020 against itself through the standard that has been set for it;

4021 (f) A determination of which schools exceed their
4022 standards and a plan for providing recognition and rewards to
4023 those schools;

4024 (g) A determination of which schools are failing to
4025 meet their standards and a determination of the appropriate role
4026 of the State Board of Education and the State Department of
4027 Education in providing assistance and initiating possible
4028 intervention. A failing district is a district that fails to meet
4029 both the absolute student achievement standards and the rate of
4030 annual growth expectation standards as set by the State Board of
4031 Education for two (2) consecutive years. The State Board of
4032 Education shall establish the level of benchmarks by which
4033 absolute student achievement and growth expectations shall be
4034 assessed. In setting the benchmarks for school districts, the
4035 State Board of Education may also take into account such factors
4036 as graduation rates, dropout rates, completion rates, the extent
4037 to which the school or district employs qualified teachers in
4038 every classroom, and any other factors deemed appropriate by the



4039 State Board of Education. The State Board of Education, acting
4040 through the State Department of Education, shall apply a simple
4041 "A," "B," "C," "D" and "F" designation to the current school and
4042 school district statewide accountability performance
4043 classification labels beginning with the State Accountability
4044 Results for the 2011-2012 school year and following, and in the
4045 school, district and state report cards required under state and
4046 federal law. Under the new designations, a school or school
4047 district that has earned a "Star" rating shall be designated an
4048 "A" school or school district; a school or school district that
4049 has earned a "High-Performing" rating shall be designated a "B"
4050 school or school district; a school or school district that has
4051 earned a "Successful" rating shall be designated a "C" school or
4052 school district; a school or school district that has earned an
4053 "Academic Watch" rating shall be designated a "D" school or school
4054 district; a school or school district that has earned a
4055 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
4056 be designated an "F" school or school district. Effective with
4057 the implementation of any new curriculum and assessment standards,
4058 the State Board of Education, acting through the State Department
4059 of Education, is further authorized and directed to change the
4060 school and school district accreditation rating system to a simple
4061 "A," "B," "C," "D," and "F" designation based on a combination of
4062 student achievement scores and student growth as measured by the
4063 statewide testing programs developed by the State Board of



4064 Education pursuant to Chapter 16, Title 37, Mississippi Code of
4065 1972. In any statute or regulation containing the former
4066 accreditation designations, the new designations shall be
4067 applicable;

4068 (h) Development of a comprehensive student assessment
4069 system to implement these requirements; and

4070 (i) The State Board of Education may, based on a
4071 written request that contains specific reasons for requesting a
4072 waiver from the school districts affected by Hurricane Katrina of
4073 2005, hold harmless school districts from assignment of district
4074 and school level accountability ratings for the 2005-2006 school
4075 year. The State Board of Education upon finding an extreme
4076 hardship in the school district may grant the request. It is the
4077 intent of the Legislature that all school districts maintain the
4078 highest possible academic standards and instructional programs in
4079 all schools as required by law and the State Board of Education.

4080 (5) (a) Effective with the 2013-2014 school year, the State
4081 Department of Education, acting through the Mississippi Commission
4082 on School Accreditation, shall revise and implement a single "A"
4083 through "F" school and school district accountability system
4084 complying with applicable federal and state requirements in order
4085 to reach the following educational goals:

4086 (i) To mobilize resources and supplies to ensure
4087 that all students exit third grade reading on grade level by 2015;



4088 (ii) To reduce the student dropout rate to
4089 thirteen percent (13%) by 2015; and

4090 (iii) To have sixty percent (60%) of students
4091 scoring proficient and advanced on the assessments of the Common
4092 Core State Standards by 2016 with incremental increases of three
4093 percent (3%) each year thereafter.

4094 (b) The State Department of Education shall combine the
4095 state school and school district accountability system with the
4096 federal system in order to have a single system.

4097 (c) The State Department of Education shall establish
4098 five (5) performance categories ("A," "B," "C," "D" and "F") for
4099 the accountability system based on the following criteria:

4100 (i) Student Achievement: the percent of students
4101 proficient and advanced on the current state assessments;

4102 (ii) Individual student growth: the percent of
4103 students making one (1) year's progress in one (1) year's time on
4104 the state assessment, with an emphasis on the progress of the
4105 lowest twenty-five percent (25%) of students in the school or
4106 district;

4107 (iii) Four-year graduation rate: the percent of
4108 students graduating with a standard high school diploma in four
4109 (4) years, as defined by federal regulations;

4110 (iv) Categories shall identify schools as Reward
4111 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
4112 at least five percent (5%) of schools in the state are not graded



4113 as "F" schools, the lowest five percent (5%) of school grade point
4114 designees will be identified as Priority schools. If at least ten
4115 percent (10%) of schools in the state are not graded as "D"
4116 schools, the lowest ten percent (10%) of school grade point
4117 designees will be identified as Focus schools;

4118 (v) The State Department of Education shall
4119 discontinue the use of Star School, High-Performing, Successful,
4120 Academic Watch, Low-Performing, At-Risk of Failing and Failing
4121 school accountability designations;

4122 (vi) The system shall include the federally
4123 compliant four-year graduation rate in school and school district
4124 accountability system calculations. Graduation rate will apply to
4125 high school and school district accountability ratings as a
4126 compensatory component. The system shall discontinue the use of
4127 the High School Completer Index (HSCI);

4128 (vii) The school and school district
4129 accountability system shall incorporate a standards-based growth
4130 model, in order to support improvement of individual student
4131 learning;

4132 (viii) The State Department of Education shall
4133 discontinue the use of the Quality Distribution Index (QDI);

4134 (ix) The State Department of Education shall
4135 determine feeder patterns of schools that do not earn a school
4136 grade because the grades and subjects taught at the school do not
4137 have statewide standardized assessments needed to calculate a



4138 school grade. Upon determination of the feeder pattern, the
4139 department shall notify schools and school districts prior to the
4140 release of the school grades beginning in 2013. Feeder schools
4141 will be assigned the accountability designation of the school to
4142 which they provide students;

4143 (x) Standards for student, school and school
4144 district performance will be increased when student proficiency is
4145 at a seventy-five percent (75%) and/or when sixty-five percent
4146 (65%) of the schools and/or school districts are earning a grade
4147 of "B" or higher, in order to raise the standard on performance
4148 after targets are met.

4149 (6) Nothing in this section shall be deemed to require a
4150 nonpublic school that receives no local, state or federal funds
4151 for support to become accredited by the State Board of Education.

4152 (7) The State Board of Education shall create an
4153 accreditation audit unit under the Commission on School
4154 Accreditation to determine whether schools are complying with
4155 accreditation standards.

4156 (8) The State Board of Education shall be specifically
4157 authorized and empowered to withhold * * * uniform per student
4158 funding formula allocations * * * to any public school district
4159 for failure to timely report student, school personnel and fiscal
4160 data necessary to meet state and/or federal requirements.

4161 (9) [Deleted]



4162 (10) The State Board of Education shall establish, for those
4163 school districts failing to meet accreditation standards, a
4164 program of development to be complied with in order to receive
4165 state funds, except as otherwise provided in subsection (15) of
4166 this section when the Governor has declared a state of emergency
4167 in a school district or as otherwise provided in Section 206,
4168 Mississippi Constitution of 1890. The state board, in
4169 establishing these standards, shall provide for notice to schools
4170 and sufficient time and aid to enable schools to attempt to meet
4171 these standards, unless procedures under subsection (15) of this
4172 section have been invoked.

4173 (11) * * * The State Board of Education shall be charged
4174 with the implementation of the program of development in each
4175 applicable school district as follows:

4176 (a) Develop an impairment report for each district
4177 failing to meet accreditation standards in conjunction with school
4178 district officials;

4179 (b) Notify any applicable school district failing to
4180 meet accreditation standards that it is on probation until
4181 corrective actions are taken or until the deficiencies have been
4182 removed. The local school district shall develop a corrective
4183 action plan to improve its deficiencies. For district academic
4184 deficiencies, the corrective action plan for each such school
4185 district shall be based upon a complete analysis of the following:
4186 student test data, student grades, student attendance reports,



4187 student dropout data, existence and other relevant data. The
4188 corrective action plan shall describe the specific measures to be
4189 taken by the particular school district and school to improve:
4190 (i) instruction; (ii) curriculum; (iii) professional development;
4191 (iv) personnel and classroom organization; (v) student incentives
4192 for performance; (vi) process deficiencies; and (vii) reporting to
4193 the local school board, parents and the community. The corrective
4194 action plan shall describe the specific individuals responsible
4195 for implementing each component of the recommendation and how each
4196 will be evaluated. All corrective action plans shall be provided
4197 to the State Board of Education as may be required. The decision
4198 of the State Board of Education establishing the probationary
4199 period of time shall be final;

4200 (c) Offer, during the probationary period, technical
4201 assistance to the school district in making corrective actions.

4202 * * * Subject to the availability of funds, the State Department
4203 of Education shall provide technical and/or financial assistance
4204 to all such school districts in order to implement each measure
4205 identified in that district's corrective action plan through
4206 professional development and on-site assistance. Each such school
4207 district shall apply for and utilize all available federal funding
4208 in order to support its corrective action plan in addition to
4209 state funds made available under this paragraph;

4210 (d) Assign department personnel or contract, in its
4211 discretion, with the institutions of higher learning or other



4212 appropriate private entities with experience in the academic,
4213 finance and other operational functions of schools to assist
4214 school districts;

4215 (e) Provide for publication of public notice at least
4216 one time during the probationary period, in a newspaper published
4217 within the jurisdiction of the school district failing to meet
4218 accreditation standards, or if no newspaper is published therein,
4219 then in a newspaper having a general circulation therein. The
4220 publication shall include the following: declaration of school
4221 system's status as being on probation; all details relating to the
4222 impairment report; and other information as the State Board of
4223 Education deems appropriate. Public notices issued under this
4224 section shall be subject to Section 13-3-31 and not contrary to
4225 other laws regarding newspaper publication.

4226 (12) (a) If the recommendations for corrective action are
4227 not taken by the local school district or if the deficiencies are
4228 not removed by the end of the probationary period, the Commission
4229 on School Accreditation shall conduct a hearing to allow the
4230 affected school district to present evidence or other reasons why
4231 its accreditation should not be withdrawn. Additionally, if the
4232 local school district violates accreditation standards that have
4233 been determined by the policies and procedures of the State Board
4234 of Education to be a basis for withdrawal of school district's
4235 accreditation without a probationary period, the Commission on
4236 School Accreditation shall conduct a hearing to allow the affected



4237 school district to present evidence or other reasons why its
4238 accreditation should not be withdrawn. After its consideration of
4239 the results of the hearing, the Commission on School Accreditation
4240 shall be authorized, with the approval of the State Board of
4241 Education, to withdraw the accreditation of a public school
4242 district, and issue a request to the Governor that a state of
4243 emergency be declared in that district.

4244 (b) If the State Board of Education and the Commission
4245 on School Accreditation determine that an extreme emergency
4246 situation exists in a school district that jeopardizes the safety,
4247 security or educational interests of the children enrolled in the
4248 schools in that district and that emergency situation is believed
4249 to be related to a serious violation or violations of
4250 accreditation standards or state or federal law, or when a school
4251 district meets the State Board of Education's definition of a
4252 failing school district for two (2) consecutive full school years,
4253 or if more than fifty percent (50%) of the schools within the
4254 school district are designated as Schools At-Risk in any one (1)
4255 year, the State Board of Education may request the Governor to
4256 declare a state of emergency in that school district. For
4257 purposes of this paragraph, the declarations of a state of
4258 emergency shall not be limited to those instances when a school
4259 district's impairments are related to a lack of financial
4260 resources, but also shall include serious failure to meet minimum



4261 academic standards, as evidenced by a continued pattern of poor
4262 student performance.

4263 (c) Whenever the Governor declares a state of emergency
4264 in a school district in response to a request made under paragraph
4265 (a) or (b) of this subsection, the State Board of Education may
4266 take one or more of the following actions:

4267 (i) Declare a state of emergency, under which some
4268 or all of state funds can be escrowed except as otherwise provided
4269 in Section 206, Constitution of 1890, until the board determines
4270 corrective actions are being taken or the deficiencies have been
4271 removed, or that the needs of students warrant the release of
4272 funds. The funds may be released from escrow for any program
4273 which the board determines to have been restored to standard even
4274 though the state of emergency may not as yet be terminated for the
4275 district as a whole;

4276 (ii) Override any decision of the local school
4277 board or superintendent of education, or both, concerning the
4278 management and operation of the school district, or initiate and
4279 make decisions concerning the management and operation of the
4280 school district;

4281 (iii) Assign an interim superintendent, or in its
4282 discretion, contract with a private entity with experience in the
4283 academic, finance and other operational functions of schools and
4284 school districts, who will have those powers and duties prescribed
4285 in subsection (15) of this section;



4286 (iv) Grant transfers to students who attend this
4287 school district so that they may attend other accredited schools
4288 or districts in a manner that is not in violation of state or
4289 federal law;

4290 (v) For states of emergency declared under
4291 paragraph (a) only, if the accreditation deficiencies are related
4292 to the fact that the school district is too small, with too few
4293 resources, to meet the required standards and if another school
4294 district is willing to accept those students, abolish that
4295 district and assign that territory to another school district or
4296 districts. If the school district has proposed a voluntary
4297 consolidation with another school district or districts, then if
4298 the State Board of Education finds that it is in the best interest
4299 of the pupils of the district for the consolidation to proceed,
4300 the voluntary consolidation shall have priority over any such
4301 assignment of territory by the State Board of Education;

4302 (vi) For states of emergency declared under
4303 paragraph (b) only, reduce local supplements paid to school
4304 district employees, including, but not limited to, instructional
4305 personnel, assistant teachers and extracurricular activities
4306 personnel, if the district's impairment is related to a lack of
4307 financial resources, but only to an extent that will result in the
4308 salaries being comparable to districts similarly situated, as
4309 determined by the State Board of Education;



4310 (vii) For states of emergency declared under
4311 paragraph (b) only, the State Board of Education may take any
4312 action as prescribed in Section 37-17-13.

4313 (d) At the time that satisfactory corrective action has
4314 been taken in a school district in which a state of emergency has
4315 been declared, the State Board of Education may request the
4316 Governor to declare that the state of emergency no longer exists
4317 in the district.

4318 (e) The parent or legal guardian of a school-age child
4319 who is enrolled in a school district whose accreditation has been
4320 withdrawn by the Commission on School Accreditation and without
4321 approval of that school district may file a petition in writing to
4322 a school district accredited by the Commission on School
4323 Accreditation for a legal transfer. The school district
4324 accredited by the Commission on School Accreditation may grant the
4325 transfer according to the procedures of Section 37-15-31(1)(b).
4326 In the event the accreditation of the student's home district is
4327 restored after a transfer has been approved, the student may
4328 continue to attend the transferee school district. The * * * per
4329 student allocation prescribed under Section 37-151-209 of
4330 the * * * uniform per student funding formula allotment * * *
4331 shall be transferred monthly to the school district accredited by
4332 the Commission on School Accreditation that has granted the
4333 transfer of the school-age child.



4334 (f) Upon the declaration of a state of emergency for
4335 any school district in which the Governor has previously declared
4336 a state of emergency, the State Board of Education may either:

4337 (i) Place the school district into district
4338 transformation, in which the school district shall remain until it
4339 has fulfilled all conditions related to district transformation.
4340 If the district was assigned an accreditation rating of "D" or "F"
4341 when placed into district transformation, the district shall be
4342 eligible to return to local control when the school district has
4343 attained a "C" rating or higher for five (5) consecutive years,
4344 unless the State Board of Education determines that the district
4345 is eligible to return to local control in less than the five-year
4346 period;

4347 (ii) Abolish the school district and
4348 administratively consolidate the school district with one or more
4349 existing school districts;

4350 (iii) Reduce the size of the district and
4351 administratively consolidate parts of the district, as determined
4352 by the State Board of Education. However, no school district
4353 which is not in district transformation shall be required to
4354 accept additional territory over the objection of the district; or

4355 (iv) Require the school district to develop and
4356 implement a district improvement plan with prescriptive guidance
4357 and support from the State Department of Education, with the goal
4358 of helping the district improve student achievement. Failure of



4359 the school board, superintendent and school district staff to
4360 implement the plan with fidelity and participate in the activities
4361 provided as support by the department shall result in the school
4362 district retaining its eligibility for district transformation.

4363 (g) There is established a Mississippi Recovery School
4364 District within the State Department of Education under the
4365 supervision of a deputy superintendent appointed by the State
4366 Superintendent of Public Education, who is subject to the approval
4367 by the State Board of Education. The Mississippi Recovery School
4368 District shall provide leadership and oversight of all school
4369 districts that are subject to district transformation status, as
4370 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
4371 and shall have all the authority granted under these two (2)
4372 chapters. The * * * State Department of Education, with the
4373 approval of the State Board of Education, shall develop policies
4374 for the operation and management of the Mississippi Recovery
4375 School District. The deputy state superintendent is responsible
4376 for the Mississippi Recovery School District and shall be
4377 authorized to oversee the administration of the Mississippi
4378 Recovery School District, oversee the interim superintendent
4379 assigned by the State Board of Education to a local school
4380 district, hear appeals that would normally be filed by students,
4381 parents or employees and heard by a local school board, which
4382 hearings on appeal shall be conducted in a prompt and timely
4383 manner in the school district from which the appeal originated in



4384 order to ensure the ability of appellants, other parties and
4385 witnesses to appeal without undue burden of travel costs or loss
4386 of time from work, and perform other related duties as assigned by
4387 the State Superintendent of Public Education. The deputy state
4388 superintendent is responsible for the Mississippi Recovery School
4389 District and shall determine, based on rigorous professional
4390 qualifications set by the State Board of Education, the
4391 appropriate individuals to be engaged to be interim
4392 superintendents and financial advisors, if applicable, of all
4393 school districts subject to district transformation status. After
4394 State Board of Education approval, these individuals shall be
4395 deemed independent contractors.

4396 (13) Upon the declaration of a state of emergency in a
4397 school district under subsection (12) of this section, the
4398 Commission on School Accreditation shall be responsible for public
4399 notice at least once a week for at least three (3) consecutive
4400 weeks in a newspaper published within the jurisdiction of the
4401 school district failing to meet accreditation standards, or if no
4402 newspaper is published therein, then in a newspaper having a
4403 general circulation therein. The size of the notice shall be no
4404 smaller than one-fourth (1/4) of a standard newspaper page and
4405 shall be printed in bold print. If an interim superintendent has
4406 been appointed for the school district, the notice shall begin as
4407 follows: "By authority of Section 37-17-6, Mississippi Code of
4408 1972, as amended, adopted by the Mississippi Legislature during



4409 the 1991 Regular Session, this school district (name of school
4410 district) is hereby placed under the jurisdiction of the State
4411 Department of Education acting through its appointed interim
4412 superintendent (name of interim superintendent)."

4413 The notice also shall include, in the discretion of the State
4414 Board of Education, any or all details relating to the school
4415 district's emergency status, including the declaration of a state
4416 of emergency in the school district and a description of the
4417 district's impairment deficiencies, conditions of any district
4418 transformation status and corrective actions recommended and being
4419 taken. Public notices issued under this section shall be subject
4420 to Section 13-3-31 and not contrary to other laws regarding
4421 newspaper publication.

4422 Upon termination of the state of emergency in a school
4423 district, the Commission on School Accreditation shall cause
4424 notice to be published in the school district in the same manner
4425 provided in this section, to include any or all details relating
4426 to the corrective action taken in the school district that
4427 resulted in the termination of the state of emergency.

4428 (14) The State Board of Education or the Commission on
4429 School Accreditation shall have the authority to require school
4430 districts to produce the necessary reports, correspondence,
4431 financial statements, and any other documents and information
4432 necessary to fulfill the requirements of this section.



4433 Nothing in this section shall be construed to grant any
4434 individual, corporation, board or interim superintendent the
4435 authority to levy taxes except in accordance with presently
4436 existing statutory provisions.

4437 (15) (a) Whenever the Governor declares a state of
4438 emergency in a school district in response to a request made under
4439 subsection (12) of this section, the State Board of Education, in
4440 its discretion, may assign an interim superintendent to the school
4441 district, or in its discretion, may contract with an appropriate
4442 private entity with experience in the academic, finance and other
4443 operational functions of schools and school districts, who will be
4444 responsible for the administration, management and operation of
4445 the school district, including, but not limited to, the following
4446 activities:

4447 (i) Approving or disapproving all financial
4448 obligations of the district, including, but not limited to, the
4449 employment, termination, nonrenewal and reassignment of all
4450 licensed and nonlicensed personnel, contractual agreements and
4451 purchase orders, and approving or disapproving all claim dockets
4452 and the issuance of checks; in approving or disapproving
4453 employment contracts of superintendents, assistant superintendents
4454 or principals, the interim superintendent shall not be required to
4455 comply with the time limitations prescribed in Sections 37-9-15
4456 and 37-9-105;



4457 (ii) Supervising the day-to-day activities of the
4458 district's staff, including reassigning the duties and
4459 responsibilities of personnel in a manner which, in the
4460 determination of the interim superintendent, will best suit the
4461 needs of the district;

4462 (iii) Reviewing the district's total financial
4463 obligations and operations and making recommendations to the
4464 district for cost savings, including, but not limited to,
4465 reassigning the duties and responsibilities of staff;

4466 (iv) Attending all meetings of the district's
4467 school board and administrative staff;

4468 (v) Approving or disapproving all athletic, band
4469 and other extracurricular activities and any matters related to
4470 those activities;

4471 (vi) Maintaining a detailed account of
4472 recommendations made to the district and actions taken in response
4473 to those recommendations;

4474 (vii) Reporting periodically to the State Board of
4475 Education on the progress or lack of progress being made in the
4476 district to improve the district's impairments during the state of
4477 emergency; and

4478 (viii) Appointing a parent advisory committee,
4479 comprised of parents of students in the school district that may
4480 make recommendations to the interim superintendent concerning the
4481 administration, management and operation of the school district.



4482 The cost of the salary of the interim superintendent and any
4483 other actual and necessary costs related to district
4484 transformation status paid by the State Department of Education
4485 shall be reimbursed by the local school district from funds other
4486 than * * * uniform per student funding formula funds. The
4487 department shall submit an itemized statement to the
4488 superintendent of the local school district for reimbursement
4489 purposes, and any unpaid balance may be withheld from the
4490 district's * * * uniform per student funding formula funds.

4491 At the time that the Governor, in accordance with the request
4492 of the State Board of Education, declares that the state of
4493 emergency no longer exists in a school district, the powers and
4494 responsibilities of the interim superintendent assigned to the
4495 district shall cease.

4496 (b) In order to provide loans to school districts under
4497 a state of emergency or in district transformation status that
4498 have impairments related to a lack of financial resources, the
4499 School District Emergency Assistance Fund is created as a special
4500 fund in the State Treasury into which monies may be transferred or
4501 appropriated by the Legislature from any available public
4502 education funds. Funds in the School District Emergency
4503 Assistance Fund up to a maximum balance of Three Million Dollars
4504 (\$3,000,000.00) annually shall not lapse but shall be available
4505 for expenditure in subsequent years subject to approval of the
4506 State Board of Education. Any amount in the fund in excess of



4507 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
4508 year shall lapse into the State General Fund or the Education
4509 Enhancement Fund, depending on the source of the fund.

4510 The State Board of Education may loan monies from the School
4511 District Emergency Assistance Fund to a school district that is
4512 under a state of emergency or in district transformation status,
4513 in those amounts, as determined by the board, that are necessary
4514 to correct the district's impairments related to a lack of
4515 financial resources. The loans shall be evidenced by an agreement
4516 between the school district and the State Board of Education and
4517 shall be repayable in principal, without necessity of interest, to
4518 the School District Emergency Assistance Fund by the school
4519 district from any allowable funds that are available. The total
4520 amount loaned to the district shall be due and payable within five
4521 (5) years after the impairments related to a lack of financial
4522 resources are corrected. If a school district fails to make
4523 payments on the loan in accordance with the terms of the agreement
4524 between the district and the State Board of Education, the State
4525 Department of Education, in accordance with rules and regulations
4526 established by the State Board of Education, may withhold that
4527 district's * * * uniform per student funding formula funds in an
4528 amount and manner that will effectuate repayment consistent with
4529 the terms of the agreement; the funds withheld by the department
4530 shall be deposited into the School District Emergency Assistance
4531 Fund.



4532 The State Board of Education shall develop a protocol that
4533 will outline the performance standards and requisite timeline
4534 deemed necessary for extreme emergency measures. If the State
4535 Board of Education determines that an extreme emergency exists,
4536 simultaneous with the powers exercised in this subsection, it
4537 shall take immediate action against all parties responsible for
4538 the affected school districts having been determined to be in an
4539 extreme emergency. The action shall include, but not be limited
4540 to, initiating civil actions to recover funds and criminal actions
4541 to account for criminal activity. Any funds recovered by the
4542 State Auditor or the State Board of Education from the surety
4543 bonds of school officials or from any civil action brought under
4544 this subsection shall be applied toward the repayment of any loan
4545 made to a school district hereunder.

4546 (16) If a majority of the membership of the school board of
4547 any school district resigns from office, the State Board of
4548 Education shall be authorized to assign an interim superintendent,
4549 who shall be responsible for the administration, management and
4550 operation of the school district until the time as new board
4551 members are selected or the Governor declares a state of emergency
4552 in that school district under subsection (12), whichever occurs
4553 first. In that case, the State Board of Education, acting through
4554 the interim superintendent, shall have all powers which were held
4555 by the previously existing school board, and may take any action



4556 as prescribed in Section 37-17-13 and/or one or more of the
4557 actions authorized in this section.

4558 (17) (a) If the Governor declares a state of emergency in a
4559 school district, the State Board of Education may take all such
4560 action pertaining to that school district as is authorized under
4561 subsection (12) or (15) of this section, including the appointment
4562 of an interim superintendent. The State Board of Education shall
4563 also have the authority to issue a written request with
4564 documentation to the Governor asking that the office of the
4565 superintendent of the school district be subject to recall. If
4566 the Governor declares that the office of the superintendent of the
4567 school district is subject to recall, the local school board or
4568 the county election commission, as the case may be, shall take the
4569 following action:

4570 (i) If the office of superintendent is an elected
4571 office, in those years in which there is no general election, the
4572 name shall be submitted by the State Board of Education to the
4573 county election commission, and the county election commission
4574 shall submit the question at a special election to the voters
4575 eligible to vote for the office of superintendent within the
4576 county, and the special election shall be held within sixty (60)
4577 days from notification by the State Board of Education. The
4578 ballot shall read substantially as follows:

4579 "Shall County Superintendent of Education _____ (here the
4580 name of the superintendent shall be inserted) of the _____



4581 (here the title of the school district shall be inserted) be
4582 retained in office? Yes _____ No _____"

4583 If a majority of those voting on the question votes against
4584 retaining the superintendent in office, a vacancy shall exist
4585 which shall be filled in the manner provided by law; otherwise,
4586 the superintendent shall remain in office for the term of that
4587 office, and at the expiration of the term shall be eligible for
4588 qualification and election to another term or terms.

4589 (ii) If the office of superintendent is an
4590 appointive office, the name of the superintendent shall be
4591 submitted by the president of the local school board at the next
4592 regular meeting of the school board for retention in office or
4593 dismissal from office. If a majority of the school board voting
4594 on the question vote against retaining the superintendent in
4595 office, a vacancy shall exist which shall be filled as provided by
4596 law, otherwise the superintendent shall remain in office for the
4597 duration of his employment contract.

4598 (b) The State Board of Education may issue a written
4599 request with documentation to the Governor asking that the
4600 membership of the school board of the school district shall be
4601 subject to recall. Whenever the Governor declares that the
4602 membership of the school board is subject to recall, the county
4603 election commission or the local governing authorities, as the
4604 case may be, shall take the following action:



4605 (i) If the members of the local school board are
4606 elected to office, in those years in which the specific member's
4607 office is not up for election, the name of the school board member
4608 shall be submitted by the State Board of Education to the county
4609 election commission, and the county election commission at a
4610 special election shall submit the question to the voters eligible
4611 to vote for the particular member's office within the county or
4612 school district, as the case may be, and the special election
4613 shall be held within sixty (60) days from notification by the
4614 State Board of Education. The ballot shall read substantially as
4615 follows:

4616 "Members of the _____ (here the title of the school
4617 district shall be inserted) School Board who are not up for
4618 election this year are subject to recall because of the school
4619 district's failure to meet critical accountability standards as
4620 defined in the letter of notification to the Governor from the
4621 State Board of Education. Shall the member of the school board
4622 representing this area, _____ (here the name of the school
4623 board member holding the office shall be inserted), be retained in
4624 office? Yes _____ No _____"

4625 If a majority of those voting on the question vote against
4626 retaining the member of the school board in office, a vacancy in
4627 that board member's office shall exist, which shall be filled in
4628 the manner provided by law; otherwise, the school board member
4629 shall remain in office for the term of that office, and at the



4630 expiration of the term of office, the member shall be eligible for
4631 qualification and election to another term or terms of office.
4632 However, if a majority of the school board members are recalled in
4633 the special election, the Governor shall authorize the board of
4634 supervisors of the county in which the school district is situated
4635 to appoint members to fill the offices of the members recalled.
4636 The board of supervisors shall make those appointments in the
4637 manner provided by law for filling vacancies on the school board,
4638 and the appointed members shall serve until the office is filled
4639 at the next regular special election or general election.

4640 (ii) If the local school board is an appointed
4641 school board, the name of all school board members shall be
4642 submitted as a collective board by the president of the municipal
4643 or county governing authority, as the case may be, at the next
4644 regular meeting of the governing authority for retention in office
4645 or dismissal from office. If a majority of the governing
4646 authority voting on the question vote against retaining the board
4647 in office, a vacancy shall exist in each school board member's
4648 office, which shall be filled as provided by law; otherwise, the
4649 members of the appointed school board shall remain in office for
4650 the duration of their term of appointment, and those members may
4651 be reappointed.

4652 (iii) If the local school board is comprised of
4653 both elected and appointed members, the elected members shall be
4654 subject to recall in the manner provided in subparagraph (i) of



4655 this paragraph (b), and the appointed members shall be subject to
4656 recall in the manner provided in subparagraph (ii).

4657 (18) * * * The State Board of Education, acting through the
4658 Commission on School Accreditation, shall require each school
4659 district to comply with standards established by the State
4660 Department of Audit for the verification of fixed assets and the
4661 auditing of fixed assets records as a minimum requirement for
4662 accreditation.

4663 (19) * * * [Deleted]

4664 The State Superintendent of Public Education and the State
4665 Board of Education also shall develop a comprehensive
4666 accountability plan to ensure that local school boards,
4667 superintendents, principals and teachers are held accountable for
4668 student achievement. * * *

4669 (20) Before January 1, 2008, the State Board of Education
4670 shall evaluate and submit a recommendation to the Education
4671 Committees of the House of Representatives and the Senate on
4672 inclusion of graduation rate and dropout rate in the school level
4673 accountability system.

4674 (21) If a local school district is determined as failing and
4675 placed into district transformation status for reasons authorized
4676 by the provisions of this section, the interim superintendent
4677 appointed to the district shall, within forty-five (45) days after
4678 being appointed, present a detailed and structured corrective
4679 action plan to move the local school district out of district



4680 transformation status to the deputy superintendent. A copy of the
4681 interim superintendent's corrective action plan shall also be
4682 filed with the State Board of Education.

4683 **SECTION 62.** Section 37-17-17, Mississippi Code of 1972, is
4684 amended as follows:

4685 37-17-17. (1) There is created the Mississippi Achievement
4686 School District for the purpose of transforming persistently
4687 failing public schools and districts throughout the state into
4688 quality educational institutions. The Mississippi Achievement
4689 School District shall be a statewide school district, separate and
4690 distinct from all other school districts but not confined to any
4691 specified geographic boundaries, and may be comprised of any
4692 public schools or school districts in the state which, during two
4693 (2) consecutive school years, are designated an "F" school or
4694 district by the State Board of Education under the accountability
4695 rating system or which have been persistently failing and
4696 chronically underperforming.

4697 (2) The Mississippi Achievement School District shall be
4698 governed by the State Board of Education.

4699 (3) The State Board of Education shall obtain suitable
4700 office space to serve as the administrative office of the school
4701 district.

4702 (4) The State Board of Education shall select an individual
4703 to serve as superintendent of the Mississippi Achievement School
4704 District. The superintendent must be deemed by the board to be



4705 highly qualified with a demonstrable track record for producing
4706 results in a context relevant to that of Mississippi Achievement
4707 School District schools. The superintendent of the Mississippi
4708 Achievement School District shall exercise powers and duties that
4709 would afford significant autonomy but are bound by the governance
4710 of the State Board of Education.

4711 (5) (a) Each public school or district in the state which,
4712 during each of two (2) consecutive school years or during two (2)
4713 of three (3) consecutive school years, receives an "F" designation
4714 by the State Board of Education under the accountability rating
4715 system or has been persistently failing as defined by the State
4716 Board of Education may be absorbed into and become a part of the
4717 Mississippi Achievement School District. All eligible public
4718 schools and districts shall be prioritized by the Mississippi
4719 Achievement School District according to criteria set by the
4720 Mississippi Achievement School District and publicized prior to
4721 the annual release of accountability rating data. The Mississippi
4722 Achievement School District shall takeover only the number of
4723 schools and districts for which it has the capacity to serve. The
4724 transfer of the school's/district's governance from the local
4725 school district to the Mississippi Achievement School District
4726 shall take effect upon the approval of the State Board of
4727 Education unless, in the sole determination of the Mississippi
4728 Achievement School District, the transition may be more smoothly
4729 accomplished through a gradual transfer of control. If the



4730 Mississippi Achievement School District elects not to assume
4731 complete control of a school or district immediately after that
4732 school receives an "F" designation during each of two (2)
4733 consecutive school years or during two (2) of the three (3)
4734 consecutive school years, the State Board of Education shall
4735 prescribe the process and timetable by which the school or
4736 district shall be absorbed; however, in no event may the transfer
4737 of the school or district to the Mississippi Achievement School
4738 District be completed later than the beginning of the school year
4739 next succeeding the year during which the school or district
4740 receives the "F" designation. School districts that are eligible
4741 to be absorbed by the Achievement School District, but are not
4742 absorbed due to the capacity of the Achievement School District,
4743 shall develop and implement a district improvement plan with
4744 prescriptive guidance and support from the Mississippi Department
4745 of Education, with the goal of helping the district improve
4746 student achievement. Failure of the school board, superintendent
4747 and school district staff to implement the plan with fidelity and
4748 participate in the activities provided as support by the
4749 department shall result in the school district retaining its
4750 eligibility for the Mississippi Achievement School District.

4751 (b) The State Board of Education shall adopt rules and
4752 regulations governing the operation of the Mississippi Achievement
4753 School District.



4754 (c) Designations assigned to schools or districts under
4755 the accountability rating system by the State Board of Education
4756 before the 2015-2016 school year may not be considered in
4757 determining whether a particular school or district is subject to
4758 being absorbed by the Mississippi Achievement School District.
4759 During the 2017-2018 school year, any school or district receiving
4760 an "F" designation after also being designated an "F" school or
4761 district in the 2015-2016 and 2016-2017 school years may be
4762 absorbed immediately by the Mississippi Achievement School
4763 District, upon approval of the State Board of Education.

4764 (d) The school district from which an "F" school or
4765 district is being absorbed must cooperate fully with the
4766 Mississippi Achievement School District and the State Board of
4767 Education in order to provide as smooth a transition as possible
4768 in the school's/district's governance and operations for the
4769 students enrolled in the school or district. Upon completion of
4770 the transfer of a school or district to the Mississippi
4771 Achievement School District, the school or district shall be
4772 governed by the rules, regulations, policies and procedures
4773 established by the State Board of Education specifically for the
4774 Mississippi Achievement School District, and the school or
4775 district shall no longer be under the purview of the school board
4776 of the local school district. In the event of the transfer of
4777 governance and operations of a school district, the State Board of



4778 Education shall abolish the district as prescribed in Section
4779 37-17-13.

4780 (e) Upon the transfer of the school or school district
4781 to the Mississippi Achievement School District, the individual
4782 appointed by the State Board of Education to serve as
4783 superintendent for the Mississippi Achievement School District
4784 shall be responsible for the administration, management and
4785 operation of the school or school district, including the
4786 following activities: (i) approving or denying all financial
4787 obligations of the school or school district; (ii) approving or
4788 denying the employment, termination, nonrenewal and reassignment
4789 of all licensed and nonlicensed personnel; (iii) approving or
4790 denying contractual agreements and purchase orders; (iv)
4791 approving or denying all claim dockets and the issuance of checks;
4792 (v) supervising the day-to-day activities of the school or school
4793 district's staff in a manner which in the determination of the
4794 Mississippi Achievement School District will best suit the needs
4795 of the school or school district; (vi) approving or denying all
4796 athletic, band and other extracurricular activities and any
4797 matters related to those activities; (vii) honoring any reasonable
4798 financial commitment of the district being absorbed; and (viii)
4799 reporting periodically to the State Board of Education on the
4800 progress or lack of progress being made in the school or school
4801 district to improve the school or school district's impairments.



4802 (f) Upon attaining and maintaining a school or district
4803 accountability rating of "C" or better under the State Department
4804 of Education's accountability rating system for five (5)
4805 consecutive years, the State Board of Education may decide to
4806 revert the absorbed school or district back to local governance,
4807 provided the school or school(s) in question are not conversion
4808 charter schools. "Local governance" may include a traditional
4809 school board model of governance or other new form of governance
4810 such as mayoral control, or other type of governance. The State
4811 Board of Education shall determine the best form of local
4812 governance and school board composition after soliciting the input
4813 of local citizens and shall outline a process for establishing the
4814 type of governance selected. The manner and timeline for
4815 reverting a school or district back to local control shall be at
4816 the discretion of the State School Board, but in no case shall it
4817 exceed five (5) years.

4818 (6) The Superintendent of the Mississippi Achievement School
4819 District shall hire those persons to be employed as principals,
4820 teachers and noninstructional personnel in schools or districts
4821 absorbed into the Mississippi Achievement School District. Only
4822 highly qualified individuals having a demonstrable record of
4823 success may be selected by the superintendent for such positions
4824 in the Mississippi Achievement School District. The
4825 superintendent may choose to continue the employment of any person
4826 employed in an "F" rated school when the school or district is



4827 absorbed into the Mississippi Achievement School District;
4828 alternatively, the superintendent may elect not to offer continued
4829 employment to a person formerly employed at a school or district
4830 that is absorbed into the Mississippi Achievement School District.
4831 Any persons employed by the Mississippi Achievement School
4832 District shall not be subject to Sections 37-9-101 through
4833 37-9-113.

4834 (7) (a) The Mississippi Achievement School District may use
4835 a school building and all facilities and property that is a part
4836 of a school and recognized as part of the facilities or assets of
4837 the school before it is absorbed into the Mississippi Achievement
4838 School District. In addition, the Mississippi Achievement School
4839 District shall have access to those additional facilities that
4840 typically were available to that school or district, its students,
4841 faculty and staff before its absorption by the Mississippi
4842 Achievement School District. Use of facilities by a school or
4843 district in the Mississippi Achievement School District must be
4844 unrestricted and free of charge. However, the Mississippi
4845 Achievement School District shall be responsible for providing
4846 routine maintenance and repairs necessary to maintain the
4847 facilities in as good a condition as when the right of use was
4848 acquired by the Mississippi Achievement School District. The
4849 Mississippi Achievement School District shall be responsible for
4850 paying all utilities at the facilities used for the absorbed
4851 school. Any fixtures, improvements and tangible assets added to a



4852 school building or facility by the Mississippi Achievement School
4853 District must remain at the school or district building or
4854 facility if the school or district is returned to local
4855 governance.

4856 (b) The State Board of Education shall include in the
4857 rules and regulations adopted pursuant to subsection (5) of this
4858 section specific provisions addressing the rights and
4859 responsibilities of the Mississippi Achievement School District
4860 relating to the real and personal property of a school or district
4861 that is absorbed into the Mississippi Achievement School District.

4862 (8) (a) The Mississippi Achievement School District shall
4863 certify annually to the State Board of Education in which a
4864 Mississippi Achievement School District school or district is
4865 located the number of students residing in the school district
4866 which are enrolled in that school or district.

4867 (b) Whenever an increase in funding is requested by the
4868 school board for the support of schools within a particular school
4869 district absorbed into the Mississippi Achievement School
4870 District, the State Board of Education and the superintendent for
4871 the Mississippi Achievement School District shall hold a public
4872 meeting in the local municipality having jurisdiction of the
4873 absorbed school district to allow input of local residents on the
4874 matter, and subsequent to the conclusion of such meeting, the
4875 board of the Mississippi Achievement School District shall submit
4876 its request for ad valorem increase in dollars to the local



4877 governing authority having jurisdiction over the absorbed school
4878 district for approval of the request for increase in ad valorem
4879 tax effort. In a district in which a school or schools but not
4880 the entire district is absorbed into the Mississippi Achievement
4881 School District, the local school district shall pay directly to
4882 the Mississippi Achievement School District an amount for each
4883 student enrolled in that school equal to the ad valorem tax
4884 receipts and in-lieu payments received per pupil for the support
4885 of the local school district in which the student resides. The
4886 pro rata ad valorem receipts and in-lieu receipts to be
4887 transferred to the Mississippi Achievement School District shall
4888 include all levies for the support of the local school district
4889 under Sections 37-57-1 (local contribution to the * * * uniform
4890 per student funding formula) and 37-57-105 (school district
4891 operational levy) and may not include any taxes levied for the
4892 retirement of the local school district's bonded indebtedness or
4893 short-term notes or any taxes levied for the support of
4894 vocational-technical education programs, unless the school or
4895 schools absorbed include a high school at which
4896 vocational-technical education programs are offered. In no event
4897 may the payment exceed the pro rata amount of the local ad valorem
4898 payment to the * * * uniform per student funding formula under
4899 Section 37-57-1 for the school district in which the student
4900 resides. Payments made under this section by a school district to
4901 the Mississippi Achievement School District must be made before



4902 the expiration of three (3) business days after the funds are
4903 distributed to the local school district by the tax collector.

4904 (c) If an entire school district is absorbed into the
4905 Mississippi Achievement School District, the tax collector shall
4906 pay the amounts as described in paragraph (b) of this subsection,
4907 with the exception that all funds should transfer, including taxes
4908 levied for the retirement of the local school district's bonded
4909 indebtedness or short-term notes and any taxes levied for the
4910 support of vocational-technical education programs. The
4911 Mississippi Achievement School District shall pay funds raised to
4912 retire the district's debts to the appropriate creditors on behalf
4913 of the former district.

4914 (9) (a) The State Department of Education shall make
4915 payments to the Mississippi Achievement School District for each
4916 student in average daily membership at a Mississippi Achievement
4917 School District school equal to the state share of the * * *
4918 uniform per student funding formula payments for each student in
4919 average daily * * * membership at the local school district or
4920 former local school district in which that school is located. In
4921 calculating the local contribution for purposes of determining the
4922 state share of the * * * uniform per student funding formula
4923 payments, the department shall deduct the pro rata local
4924 contribution of the school district or former school district in
4925 which the student resides * * *.



4926 (b) Payments made pursuant to this subsection by the
4927 State Department of Education must be made at the same time and in
4928 the same manner as * * * uniform per student funding formula
4929 payments are made to all other school districts under Sections
4930 37-151-101 and 37-151-103. Amounts payable to the Mississippi
4931 Achievement School District must be determined by the State
4932 Department of Education in the same manner that such amounts are
4933 calculated for all other school districts under the * * * uniform
4934 per student funding formula.

4935 (10) The Mississippi Achievement School District shall be
4936 considered a local educational agency for the same purposes and to
4937 the same extent that all other school districts in the state are
4938 deemed local educational agencies under applicable federal laws.

4939 (11) The Mississippi Achievement School District may receive
4940 donations or grants from any public or private source, including
4941 any federal funding that may be available to the school district
4942 or individual schools within the Mississippi Achievement School
4943 District.

4944 (12) The Legislature may appropriate sufficient funding to
4945 the State Department of Education for the 2017 fiscal year for the
4946 specific purpose of funding the start-up, operational and any
4947 other required costs of the Mississippi Achievement School
4948 District during the 2017-2018 school year.

4949 **SECTION 63.** Section 37-19-7, Mississippi Code of 1972, is
4950 amended as follows:



4951 37-19-7. (1) * * * Teachers' salaries in each county and
 4952 separate school district shall be determined and paid in
 4953 accordance with the scale for teachers' salaries as provided in
 4954 this subsection. For teachers holding the following types of
 4955 licenses or the equivalent as determined by the State Board of
 4956 Education, and the following number of years of teaching
 4957 experience, the scale shall be as follows:

4958 * * *

4959 **2015-2016 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

4960 Years

4961	Exp.	AAAA	AAA	AA	A
4962	0	39,108.00	37,944.00	36,780.00	34,390.00
4963	1	39,108.00	37,944.00	36,780.00	34,390.00
4964	2	39,108.00	37,944.00	36,780.00	34,390.00
4965	3	39,902.00	38,671.00	37,440.00	34,885.00
4966	4	40,696.00	39,398.00	38,100.00	35,380.00
4967	5	41,490.00	40,125.00	38,760.00	35,875.00
4968	6	42,284.00	40,852.00	39,420.00	36,370.00
4969	7	43,078.00	41,579.00	40,080.00	36,865.00
4970	8	43,872.00	42,306.00	40,740.00	37,360.00
4971	9	44,666.00	43,033.00	41,400.00	37,855.00
4972	10	45,460.00	43,760.00	42,060.00	38,350.00
4973	11	46,254.00	44,487.00	42,720.00	38,845.00
4974	12	47,048.00	45,214.00	43,380.00	39,340.00
4975	13	47,842.00	45,941.00	44,040.00	39,835.00



4976	14	48,636.00	46,668.00	44,700.00	40,330.00
4977	15	49,430.00	47,395.00	45,360.00	40,825.00
4978	16	50,224.00	48,122.00	46,020.00	41,320.00
4979	17	51,018.00	48,849.00	46,680.00	41,815.00
4980	18	51,812.00	49,576.00	47,340.00	42,310.00
4981	19	52,606.00	50,303.00	48,000.00	42,805.00
4982	20	53,400.00	51,030.00	48,660.00	43,300.00
4983	21	54,194.00	51,757.00	49,320.00	43,795.00
4984	22	54,988.00	52,484.00	49,980.00	44,290.00
4985	23	55,782.00	53,211.00	50,640.00	44,785.00
4986	24	56,576.00	53,938.00	51,300.00	45,280.00
4987	25	59,430.00	56,725.00	54,020.00	47,835.00
4988	26	60,224.00	57,452.00	54,680.00	48,330.00
4989	27	61,018.00	58,179.00	55,340.00	48,825.00
4990	28	61,812.00	58,906.00	56,000.00	49,320.00
4991	29	62,606.00	59,633.00	56,660.00	49,815.00
4992	30	63,400.00	60,360.00	57,320.00	50,310.00
4993	31	64,194.00	61,087.00	57,980.00	50,805.00
4994	32	64,988.00	61,814.00	58,640.00	51,300.00
4995	33	65,782.00	62,541.00	59,300.00	51,795.00
4996	34	66,576.00	63,268.00	59,960.00	52,290.00
4997	35				
4998	& above	67,370.00	63,995.00	60,620.00	52,785.00

4999 It is the intent of the Legislature that any state funds made
5000 available for salaries of licensed personnel in excess of the



5001 funds paid for such salaries for the 1986-1987 school year shall
5002 be paid to licensed personnel pursuant to a personnel appraisal
5003 and compensation system implemented by the State Board of
5004 Education. The State Board of Education shall have the authority
5005 to adopt and amend rules and regulations as are necessary to
5006 establish, administer and maintain the system.

5007 All teachers employed on a full-time basis shall be paid a
5008 minimum salary in accordance with the above scale. However, no
5009 school district shall receive any funds under this section for any
5010 school year during which the local supplement paid to any
5011 individual teacher shall have been reduced to a sum less than that
5012 paid to that individual teacher for performing the same duties
5013 from local supplement during the immediately preceding school
5014 year. The amount actually spent for the purposes of group health
5015 and/or life insurance shall be considered as a part of the
5016 aggregate amount of local supplement but shall not be considered a
5017 part of the amount of individual local supplement.

5018 The level of professional training of each teacher to be used
5019 in establishing the salary * * * for the * * * teacher for each
5020 year shall be determined by the type of valid teacher's license
5021 issued to * * * that teacher on or before October 1 of the current
5022 school year. * * * However, * * * school districts are
5023 authorized, in their discretion, to negotiate the salary levels
5024 applicable to * * * licensed employees who are receiving



5025 retirement benefits from the retirement system of another
5026 state * * *.

5027 (2) (a) The following employees shall receive an annual
5028 salary supplement in the amount of Six Thousand Dollars
5029 (\$6,000.00), plus fringe benefits, in addition to any other
5030 compensation to which the employee may be entitled:

5031 (i) Any licensed teacher who has met the
5032 requirements and acquired a Master Teacher certificate from the
5033 National Board for Professional Teaching Standards and who is
5034 employed by a local school board or the State Board of Education
5035 as a teacher and not as an administrator. Such teacher shall
5036 submit documentation to the State Department of Education that the
5037 certificate was received prior to October 15 in order to be
5038 eligible for the full salary supplement in the current school
5039 year, or the teacher shall submit such documentation to the State
5040 Department of Education prior to February 15 in order to be
5041 eligible for a prorated salary supplement beginning with the
5042 second term of the school year.

5043 (ii) A licensed nurse who has met the requirements
5044 and acquired a certificate from the National Board for
5045 Certification of School Nurses, Inc., and who is employed by a
5046 local school board or the State Board of Education as a school
5047 nurse and not as an administrator. The licensed school nurse
5048 shall submit documentation to the State Department of Education
5049 that the certificate was received before October 15 in order to be



5050 eligible for the full salary supplement in the current school
5051 year, or the licensed school nurse shall submit the documentation
5052 to the State Department of Education before February 15 in order
5053 to be eligible for a prorated salary supplement beginning with the
5054 second term of the school year. Provided, however, that the total
5055 number of licensed school nurses eligible for a salary supplement
5056 under this subparagraph (ii) shall not exceed thirty-five (35).

5057 (iii) Any licensed school counselor who has met
5058 the requirements and acquired a National Certified School
5059 Counselor (NCSC) endorsement from the National Board of Certified
5060 Counselors and who is employed by a local school board or the
5061 State Board of Education as a counselor and not as an
5062 administrator. Such licensed school counselor shall submit
5063 documentation to the State Department of Education that the
5064 endorsement was received prior to October 15 in order to be
5065 eligible for the full salary supplement in the current school
5066 year, or the licensed school counselor shall submit such
5067 documentation to the State Department of Education prior to
5068 February 15 in order to be eligible for a prorated salary
5069 supplement beginning with the second term of the school year.
5070 However, any school counselor who started the National Board for
5071 Professional Teaching Standards process for school counselors
5072 between June 1, 2003, and June 30, 2004, and completes the
5073 requirements and acquires the Master Teacher certificate shall be
5074 entitled to the master teacher supplement, and those counselors



5075 who complete the process shall be entitled to a one-time
5076 reimbursement for the actual cost of the process as outlined in
5077 paragraph (b) of this subsection.

5078 (iv) Any licensed speech-language pathologist and
5079 audiologist who has met the requirements and acquired a
5080 Certificate of Clinical Competence from the American
5081 Speech-Language-Hearing Association and any certified academic
5082 language therapist (CALT) who has met the certification
5083 requirements of the Academic Language Therapy Association and who
5084 is employed by a local school board or is employed by a state
5085 agency under the State Personnel Board. The licensed
5086 speech-language pathologist and audiologist and certified academic
5087 language therapist shall submit documentation to the State
5088 Department of Education that the certificate or endorsement was
5089 received before October 15 in order to be eligible for the full
5090 salary supplement in the current school year, or the licensed
5091 speech-language pathologist and audiologist and certified academic
5092 language therapist shall submit the documentation to the State
5093 Department of Education before February 15 in order to be eligible
5094 for a prorated salary supplement beginning with the second term of
5095 the school year. However, the total number of certified academic
5096 language therapists eligible for a salary supplement under this
5097 paragraph (iv) shall not exceed twenty (20).

5098 (b) An employee shall be reimbursed for the actual cost
5099 of completing each component of acquiring the certificate or



5100 endorsement, excluding any costs incurred for postgraduate
5101 courses, not to exceed Five Hundred Dollars (\$500.00) for each
5102 component, not to exceed four (4) components, for a teacher,
5103 school counselor or speech-language pathologist and audiologist,
5104 regardless of whether or not the process resulted in the award of
5105 the certificate or endorsement. A local school district or any
5106 private individual or entity may pay the cost of completing the
5107 process of acquiring the certificate or endorsement for any
5108 employee of the school district described under paragraph (a), and
5109 the State Department of Education shall reimburse the school
5110 district for such cost, regardless of whether or not the process
5111 resulted in the award of the certificate or endorsement. If a
5112 private individual or entity has paid the cost of completing the
5113 process of acquiring the certificate or endorsement for an
5114 employee, the local school district may agree to directly
5115 reimburse the individual or entity for such cost on behalf of the
5116 employee.

5117 (c) All salary supplements, fringe benefits and process
5118 reimbursement authorized under this subsection shall be paid
5119 directly by the State Department of Education to the local school
5120 district and shall be in addition to its * * * uniform per student
5121 funding formula allotments and not a part thereof in accordance
5122 with regulations promulgated by the State Board of Education.
5123 Local school districts shall not reduce the local supplement paid
5124 to any employee receiving such salary supplement, and the employee



5125 shall receive any local supplement to which employees with similar
5126 training and experience otherwise are entitled. However, an
5127 educational employee shall receive the salary supplement in the
5128 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the
5129 qualifying certifications authorized under paragraph (a) of this
5130 subsection. No school district shall provide more than one (1)
5131 annual salary supplement under the provisions of this subsection
5132 to any one individual employee holding multiple qualifying
5133 national certifications.

5134 (d) If an employee for whom such cost has been paid, in
5135 full or in part, by a local school district or private individual
5136 or entity fails to complete the certification or endorsement
5137 process, the employee shall be liable to the school district or
5138 individual or entity for all amounts paid by the school district
5139 or individual or entity on behalf of that employee toward his or
5140 her certificate or endorsement.

5141 (3) The following employees shall receive an annual salary
5142 supplement in the amount of Four Thousand Dollars (\$4,000.00),
5143 plus fringe benefits, in addition to any other compensation to
5144 which the employee may be entitled:

5145 Effective July 1, 2016, if funds are available for that
5146 purpose, any licensed teacher who has met the requirements and
5147 acquired a Master Teacher Certificate from the National Board for
5148 Professional Teaching Standards and who is employed in a public
5149 school district located in one (1) of the following counties:



5150 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
5151 Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington.
5152 The salary supplement awarded under the provisions of this
5153 subsection (3) shall be in addition to the salary supplement
5154 awarded under the provisions of subsection (2) of this section.

5155 Teachers who meet the qualifications for a salary supplement
5156 under this subsection (3) who are assigned for less than one (1)
5157 full year or less than full time for the school year shall receive
5158 the salary supplement in a prorated manner, with the portion of
5159 the teacher's assignment to the critical geographic area to be
5160 determined as of June 15th of the school year.

5161 (4) (a) This subsection shall be known and may be cited as
5162 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition
5163 to the minimum base pay described in this section, only * * * if
5164 funds are available for that purpose, the State of Mississippi may
5165 provide monies from state funds to school districts for the
5166 purposes of rewarding * * * licensed teachers, administrators and
5167 nonlicensed personnel at individual schools showing improvement in
5168 student test scores. The MPBP plan shall be developed by the
5169 State Department of Education based on the following criteria:

5170 (i) It is the express intent of this legislation
5171 that the MPBP plan shall utilize only existing standards of
5172 accreditation and assessment as established by the State Board of
5173 Education.



5174 (ii) To ensure that all of Mississippi's teachers,
5175 administrators and nonlicensed personnel at all schools have equal
5176 access to the monies set aside in this section, the MPBP program
5177 shall be designed to calculate each school's performance as
5178 determined by the school's increase in scores from the prior
5179 school year. The MPBP program shall be based on a standardized
5180 scores rating where all levels of schools can be judged in a
5181 statistically fair and reasonable way upon implementation. At the
5182 end of each year, after all student achievement scores have been
5183 standardized, the State Department of Education shall implement
5184 the MPBP plan.

5185 (iii) To ensure all teachers cooperate in the
5186 spirit of teamwork, individual schools shall submit a plan to the
5187 local school district to be approved before the beginning of each
5188 school year * * *. The plan shall include, but not be limited to,
5189 how all teachers, regardless of subject area, and administrators
5190 will be responsible for improving student achievement for their
5191 individual school.

5192 (b) The State Board of Education shall develop the
5193 processes and procedures for designating schools eligible to
5194 participate in the MPBP. State assessment results, growth in
5195 student achievement at individual schools and other measures
5196 deemed appropriate in designating successful student achievement
5197 shall be used in establishing MPBP criteria. The State Board of
5198 Education shall develop the MPBP policies * * *.



5199 (5) (a) * * * If funds are available for that purpose, each
5200 school in Mississippi shall have mentor teachers, as defined by
5201 Sections 37-9-201 through 37-9-213, who shall receive additional
5202 base compensation provided for by the State Legislature in the
5203 amount of One Thousand Dollars (\$1,000.00) per each beginning
5204 teacher that is being mentored. The additional state compensation
5205 shall be limited to those mentor teachers that provide mentoring
5206 services to beginning teachers. For the purposes of such funding,
5207 a beginning teacher shall be defined as any teacher in any school
5208 in Mississippi that has less than one (1) year of classroom
5209 experience teaching in a public school. For the purposes of such
5210 funding, no full-time academic teacher shall mentor more than two
5211 (2) beginning teachers.

5212 (b) To be eligible for this state funding, the
5213 individual school must have a classroom management program
5214 approved by the local school board.

5215 (6) Effective with the 2014-2015 school year, the school
5216 districts participating in the Pilot Performance-Based
5217 Compensation System pursuant to Section 37-19-9 may award
5218 additional teacher and administrator pay based thereon.

5219 **SECTION 64.** Section 37-21-6, Mississippi Code of 1972, is
5220 amended as follows:

5221 37-21-6. The Mississippi Early Childhood Education Program
5222 shall be the kindergarten program implemented by local school
5223 districts * * *.



5224 **SECTION 65.** Section 37-21-7, Mississippi Code of 1972, is
5225 amended as follows:

5226 37-21-7. (1) This section shall be referred to as the
5227 "Mississippi Elementary Schools Assistant Teacher Program," the
5228 purpose of which shall be to provide an early childhood education
5229 program that assists in the instruction of basic skills. The
5230 State Board of Education is authorized, empowered and directed to
5231 implement a statewide system of assistant teachers in kindergarten
5232 classes and in the first, second and third grades. The assistant
5233 teacher shall assist pupils in actual instruction under the strict
5234 supervision of a licensed teacher.

5235 (2) (a) Except as otherwise authorized under subsection
5236 (7), each school district shall employ the total number of
5237 assistant teachers funded under subsection (6) of this section.
5238 The superintendent of each district shall assign the assistant
5239 teachers to the kindergarten, first-, second- and third-grade
5240 classes in the district in a manner that will promote the maximum
5241 efficiency, as determined by the superintendent, in the
5242 instruction of skills such as verbal and linguistic skills,
5243 logical and mathematical skills, and social skills.

5244 (b) If a licensed teacher to whom an assistant teacher
5245 has been assigned is required to be absent from the classroom, the
5246 assistant teacher may assume responsibility for the classroom in
5247 lieu of a substitute teacher. However, no assistant teacher shall
5248 assume sole responsibility of the classroom for more than three



5249 (3) consecutive school days. Further, in no event shall any
5250 assistant teacher be assigned to serve as a substitute teacher for
5251 any teacher other than the licensed teacher to whom that assistant
5252 teacher has been assigned.

5253 (3) Assistant teachers shall have, at a minimum, a high
5254 school diploma or a High School Equivalency Diploma equivalent,
5255 and shall show demonstratable proficiency in reading and writing
5256 skills. The State Department of Education shall develop a testing
5257 procedure for assistant teacher applicants to be used in all
5258 school districts in the state.

5259 (4) (a) In order to receive funding, each school district
5260 shall:

5261 (i) Submit a plan on the implementation of a
5262 reading improvement program to the State Department of Education;
5263 and

5264 (ii) Develop a plan of educational accountability
5265 and assessment of performance, including pretests and posttests,
5266 for reading in Grades 1 through 6.

5267 (b) Additionally, each school district shall:

5268 (i) Provide annually a mandatory preservice
5269 orientation session, using an existing in-school service day, for
5270 administrators and teachers on the effective use of assistant
5271 teachers as part of a team in the classroom setting and on the
5272 role of assistant teachers, with emphasis on program goals;



5273 (ii) Hold periodic workshops for administrators
5274 and teachers on the effective use and supervision of assistant
5275 teachers;

5276 (iii) Provide training annually on specific
5277 instructional skills for assistant teachers;

5278 (iv) Annually evaluate their program in accordance
5279 with their educational accountability and assessment of
5280 performance plan; and

5281 (v) Designate the necessary personnel to supervise
5282 and report on their program.

5283 (5) The State Department of Education shall:

5284 (a) Develop and assist in the implementation of a
5285 statewide uniform training module, subject to the availability of
5286 funds specifically appropriated therefor by the Legislature, which
5287 shall be used in all school districts for training administrators,
5288 teachers and assistant teachers. The module shall provide for the
5289 consolidated training of each assistant teacher and teacher to
5290 whom the assistant teacher is assigned, working together as a
5291 team, and shall require further periodic training for
5292 administrators, teachers and assistant teachers regarding the role
5293 of assistant teachers;

5294 (b) Annually evaluate the program on the district and
5295 state level. Subject to the availability of funds specifically
5296 appropriated therefor by the Legislature, the department shall
5297 develop: (i) uniform evaluation reports, to be performed by the



5298 principal or assistant principal, to collect data for the annual
5299 overall program evaluation conducted by the department; or (ii) a
5300 program evaluation model that, at a minimum, addresses process
5301 evaluation; and

5302 (c) Promulgate rules, regulations and such other
5303 standards deemed necessary to effectuate the purposes of this
5304 section. Noncompliance with the provisions of this section and
5305 any rules, regulations or standards adopted by the department may
5306 result in a violation of compulsory accreditation standards as
5307 established by the State Board of Education and the Commission on
5308 School Accreditation.

5309 (6) * * * No assistant teacher shall be paid less than the
5310 amount he or she received in the prior school year. No school
5311 district shall receive any funds under this section for any school
5312 year during which the aggregate amount of the local contribution
5313 to the salaries of assistant teachers by the district shall have
5314 been reduced below such amount for the previous year.

5315 For the 2007-2008 school year and school years thereafter,
5316 the minimum salary for assistant teachers shall be Twelve Thousand
5317 Five Hundred Dollars (\$12,500.00).

5318 In addition, for each one percent (1%) that the Sine Die
5319 General Fund Revenue Estimate Growth exceeds five percent (5%) in
5320 fiscal year 2006, as certified by the Legislative Budget Office to
5321 the State Board of Education and subject to the specific
5322 appropriation therefor by the Legislature, the State Board of



5323 Education shall revise the salary scale in the appropriate year to
5324 provide an additional one percent (1%) across_the_board increase
5325 in the base salaries for assistant teachers. The State Board of
5326 Education shall revise the salaries prescribed above for assistant
5327 teachers to conform to any adjustments made in prior fiscal years
5328 due to revenue growth over and above five percent (5%). The
5329 assistant teachers shall not be restricted to working only in the
5330 grades for which the funds were allotted, but may be assigned to
5331 other classes as provided in subsection (2)(a) of this section.

5332 (7) (a) As an alternative to employing assistant teachers,
5333 any school district may use the allotment provided under
5334 subsection (6) of this section for the purpose of employing
5335 licensed teachers for kindergarten, first-, second- and
5336 third-grade classes; however, no school district shall be
5337 authorized to use the allotment for assistant teachers for the
5338 purpose of employing licensed teachers unless the district has
5339 established that the employment of licensed teachers using such
5340 funds will reduce the teacher:student ratio in the kindergarten,
5341 first-, second- and third-grade classes. All state funds for
5342 assistant teachers shall be applied to reducing teacher:student
5343 ratio in Grades K-3.

5344 It is the intent of the Legislature that no school district
5345 shall dismiss any assistant teacher for the purpose of using the
5346 assistant teacher allotment to employ licensed teachers. School



5347 districts may rely only upon normal attrition to reduce the number
5348 of assistant teachers employed in that district.

5349 (b) Districts meeting the highest levels of
5350 accreditation standards, as defined by the State Board of
5351 Education, shall be exempted from the provisions of subsection (4)
5352 of this section.

5353 **SECTION 66.** Section 37-22-5, Mississippi Code of 1972, is
5354 amended as follows:

5355 37-22-5. There is * * * created an Emergency Fund Loss
5356 Assistance Program to provide temporary grants to eligible school
5357 districts. The purpose of the program shall be to provide relief
5358 to school districts suffering losses of financial assistance under
5359 federal programs, such as the IMPACT Program, designed to serve
5360 the educational needs of children of government employees and
5361 Choctaw Indian children. Any school district which has sustained
5362 losses in direct payments from the federal government for the
5363 purpose of educating the children of federal government employees
5364 and Choctaw Indian children living on United States government
5365 owned reservation land shall be entitled to an Emergency Fund Loss
5366 Assistance Grant, in the amount of the reduction of the grant
5367 funds received from the federal government from prior years. This
5368 grant shall be limited to losses resulting from reductions in the
5369 level of federal funding allocated to school districts from prior
5370 years and not from reductions resulting from a loss of students
5371 served by the school districts. Losses incurred prior to July 1,



5372 1987, shall not be considered for purposes of determining the
5373 amount of the grant. There is hereby established an Emergency
5374 Fund Loss Assistance Fund in the State Treasury which shall be
5375 used to distribute the emergency grants to school districts.
5376 Expenditures from this fund shall not exceed One Million Dollars
5377 (\$1,000,000.00) in any fiscal year. If the total of all grant
5378 entitlements from local school districts exceeds such sum, then
5379 the grants to the school districts shall be prorated accordingly.

5380 * * *

5381 **SECTION 67.** Section 37-23-1, Mississippi Code of 1972, is
5382 amended as follows:

5383 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
5384 is to mandate free appropriate public educational services and
5385 equipment for exceptional children in the age range three (3)
5386 through twenty (20) for whom the regular school programs are not
5387 adequate and to provide, on a permissive basis, a free appropriate
5388 public education, as a part of the state's early intervention
5389 system in accordance with regulations developed in collaboration
5390 with the agency designated as "lead agency" under Part C of the
5391 Individuals with Disabilities Education Act. The portion of the
5392 regulations developed in collaboration with the lead agency which
5393 are necessary to implement the programs under the authority of the
5394 State Board of Education shall be presented to the State Board of
5395 Education for adoption. This specifically includes, but shall not
5396 be limited to, provision for day schools for the deaf and blind of



5397 an age under six (6) years, where early training is in accordance
5398 with the most advanced and best approved scientific methods of
5399 instruction, always taking into consideration the best interests
5400 of the child and his improvement at a time during which he is most
5401 susceptible of improvement. Educational programs to exceptional
5402 children under the age of three (3) years shall be eligible
5403 for * * * uniform per student funding formula funds.

5404 All references in the laws of this state to the "Individuals
5405 with Disabilities Education Act" or to the "IDEA" shall be
5406 construed to include any subsequent amendments to that act.

5407 The educational programs and services provided for
5408 exceptional children in Sections 37-23-1 through 37-23-15,
5409 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
5410 shall be designed to provide individualized appropriate special
5411 education and related services that enable a child to reach his or
5412 her appropriate and uniquely designed goals for success. The
5413 State Board of Education shall establish an accountability system
5414 for special education programs and students with disabilities.
5415 The system shall establish accountability standards for services
5416 provided to improve the educational skills designed to prepare
5417 children for life after their years in school. These standards
5418 shall be a part of the accreditation system and shall be
5419 implemented before July 1, 1996.

5420 The State Department of Education shall establish goals for
5421 the performance of children with disabilities that will promote



5422 the purpose of IDEA and are consistent, to the maximum extent
5423 appropriate, with other goals and standards for children
5424 established by the State Department of Education. Performance
5425 indicators used to assess progress toward achieving those goals
5426 that, at a minimum, address the performance of children with
5427 disabilities on assessments, drop-out rates, and graduation rates
5428 shall be developed. Every two (2) years, the progress toward
5429 meeting the established performance goals shall be reported to the
5430 public.

5431 **SECTION 68.** Section 37-23-15, Mississippi Code of 1972, is
5432 amended as follows:

5433 37-23-15. (1) The State Department of Education, in
5434 accordance with Sections 37-23-1 through 37-23-75, and any
5435 additional authority granted in this chapter, shall:

5436 (a) Adopt pilot programs under which certain students
5437 enrolled or enrolling in public schools in this state shall be
5438 tested for dyslexia and related disorders as may be necessary.
5439 The pilot programs shall provide that upon the request of a
5440 parent, student, school nurse, classroom teacher or other school
5441 personnel who has reason to believe that a student has a need to
5442 be tested for dyslexia, such student shall be reviewed for
5443 appropriate services. However, a student shall not be tested for
5444 dyslexia whose parent or guardian objects thereto on grounds that
5445 such testing conflicts with his conscientiously held religious
5446 beliefs.



5447 (b) In accordance with the pilot programs adopted by
5448 the State Department of Education, such school boards shall
5449 provide remediation in an appropriate multi-sensory, systematic
5450 language-based regular education program or programs, as
5451 determined by the school district, such as the Texas Scottish Rite
5452 Hospital Dyslexia Training Program, pertinent to the child's
5453 physical and educational disorders or the sensory area in need of
5454 remediation for those students who do not qualify for special
5455 education services.

5456 (c) The State Department of Education, by not later
5457 than January 1, 1997, shall make recommendations to the school
5458 boards designated for the pilot programs for the delivery of
5459 services to students who are identified as dyslexic.

5460 (d) For the purposes of this section:

5461 (i) "Dyslexia" means a language processing
5462 disorder which may be manifested by difficulty processing
5463 expressive or receptive, oral or written language despite adequate
5464 intelligence, educational exposure and cultural opportunity.
5465 Specific manifestations may occur in one or more areas, including
5466 difficulty with the alphabet, reading comprehension, writing and
5467 spelling.

5468 (ii) "Related disorders" shall include disorders
5469 similar to or related to dyslexia such as developmental auditory
5470 imperception, dysphasia, specific developmental dyslexia,



5471 dyspraxia, developmental dysgraphia and developmental spelling
5472 disability.

5473 (e) Local school districts designated for the pilot
5474 programs may utilize any source of funds other than * * * uniform
5475 per student funding formula funds to provide any services under
5476 this section.

5477 (f) Nothing in this section shall be construed to
5478 require any school district to implement this section unless the
5479 local school board, by resolution spread on its minutes,
5480 voluntarily agrees to comply with this section and any regulations
5481 promulgated under this section. Any local school board may
5482 withdraw from participation in the program authorized under this
5483 section by providing written notice of its determination to
5484 withdraw to the State Department of Education no later than June 1
5485 of the preceding fiscal year.

5486 (2) State funding for the pilot programs for testing
5487 students for dyslexia shall be subject to the availability of
5488 funds specifically appropriated therefor by the Legislature.

5489 (3) The State Department of Education shall prepare a report
5490 for the 1999 Regular Session of the Legislature to be submitted to
5491 the Chairmen of the Education Committees of the Senate and House
5492 of Representatives not later than November 1, 1998, with
5493 recommendations as to the effectiveness of the pilot programs for
5494 students with dyslexia and whether or not the pilot programs
5495 should be expanded or discontinued.



5496 **SECTION 69.** Section 37-23-69, Mississippi Code of 1972, is
5497 amended as follows:

5498 37-23-69. The State Department of Education may determine
5499 and pay the amount of the financial assistance to be made
5500 available to each applicant, and see that all applicants and the
5501 programs for them meet the requirements of the program for
5502 exceptional children. No financial assistance shall exceed the
5503 obligation actually incurred by the applicant for educational
5504 costs, which shall include special education and related services
5505 as defined by the Mississippi Department of Education Policies and
5506 Procedures Regarding Children with Disabilities under the federal
5507 Individuals with Disabilities Education Act (IDEA). Within the
5508 amount of available state funds * * * for that purpose, each such
5509 applicant may receive assistance according to the following
5510 allowances:

5511 (a) If the applicant chooses to attend a private
5512 school, a parochial school or a speech, hearing and/or language
5513 clinic having an appropriate program for the applicant, and if the
5514 school or clinic meets federal and state regulations, then the
5515 educational costs reimbursement will be one hundred percent (100%)
5516 of the first Six Hundred Dollars (\$600.00) in educational costs
5517 charged by the school or clinic; or, if the applicant is under six
5518 (6) years of age, and no program appropriate for the child exists
5519 in the public schools of his domicile, then the reimbursement
5520 shall be one hundred percent (100%) of the first Six Hundred



5521 Dollars (\$600.00) in educational costs charged by the school or
5522 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
5523 (\$800.00) in educational costs charged by the school or clinic;

5524 (b) A public school district shall be reimbursed for
5525 the educational costs of an applicant up to an annual maximum
5526 based on a * * * cost factor * * * determined by the State Board
5527 of Education if the following conditions are met: (i) an
5528 applicant in the age range six (6) through twenty (20) requests
5529 the public school district where he resides to provide an
5530 education for him and the nature of the applicant's educational
5531 problem is such that, according to best educational practices, it
5532 cannot be met in the public school district where the child
5533 resides; (ii) the public school district decides to provide the
5534 applicant a free appropriate education by placing him in a private
5535 school, a parochial school or a speech, hearing and/or language
5536 clinic having an appropriate program for the applicant; (iii) the
5537 program meets federal and state regulations; and (iv) the
5538 applicant is approved for financial assistance by a State Level
5539 Review Board established by the State Board of Education. The
5540 Review Board will act on financial assistance requests within five
5541 (5) working days of receipt. Nothing in this paragraph shall
5542 prevent two (2) or more public school districts from forming a
5543 cooperative to meet the needs of low incidence exceptional
5544 children, nor shall the public school be relieved of its
5545 responsibility to provide an education for all children. If state



5546 monies are not sufficient to fund all applicants, there will be a
5547 ratable reduction for all recipients receiving state funds under
5548 this section. School districts may pay additional educational
5549 costs from available federal, state and local funds.

5550 If an exceptional child, as defined in Section 37-23-3, is
5551 placed in a therapeutic or other group home licensed or approved
5552 by the state that has no educational program associated with it,
5553 the local school district in which the home is located shall offer
5554 an appropriate educational program to that child.

5555 At any time that the Individualized Education Program (IEP)
5556 Committee in the district where the home is located determines
5557 that an exceptional child, as defined in Section 37-23-3, residing
5558 in that home can no longer be provided a free appropriate public
5559 education in that school district, and the State Department of
5560 Education agrees with that decision, then the State Department of
5561 Education shall recommend to the Department of Human Services
5562 placement of the child by the Department of Human Services, which
5563 shall take appropriate action. The placement of the exceptional
5564 child in the facility shall be at no cost to the local school
5565 district. Funds available under Sections 37-23-61 through
5566 37-23-77, as well as any available federal funds, may be used to
5567 provide the educational costs of the placement. If the
5568 exceptional child is under the guardianship of the Department of
5569 Human Services or another state agency, the State Department of
5570 Education shall pay only for the educational costs of that



5571 placement, and the other agency shall be responsible for the room,
5572 board and any other costs. The special education and related
5573 services provided to the child shall be in compliance with State
5574 Department of Education and any related federal regulations. The
5575 State Board of Education may promulgate regulations that are
5576 necessary to implement this section; and

5577 (c) If an appropriate local or regional system of care,
5578 including a free appropriate public education, is available for
5579 exceptional children who are currently being served in
5580 out-of-district or Department of Human Services placements under
5581 Section 37-23-69(b) or 37-23-77, then the state funds from the
5582 State Department of Education that would have been used for those
5583 placements may be paid into a pool of funds with funds from other
5584 state agencies to be used for the implementation of the
5585 individualized plans of care for those children. If there are
5586 sufficient funds to serve additional exceptional children because
5587 of cost savings as a result of serving these students at home
5588 and/or matching the pooled funds with federal dollars, the funds
5589 may be used to implement individualized plans of care for those
5590 additional exceptional children. Each local or regional provider
5591 of services included in the individualized plans of care shall
5592 comply with all appropriate state and federal regulations. The
5593 State Board of Education may promulgate regulations that are
5594 necessary to implement this section.



5595 The State Department of Education may also provide for the
5596 payment of that financial assistance in installments and for
5597 proration of that financial assistance in the case of children
5598 attending a school or clinic for less than a full school session
5599 and, if available funds are insufficient, may allocate the
5600 available funds among the qualified applicants and local school
5601 districts by reducing the maximum assistance provided for in this
5602 section.

5603 Any monies provided an applicant under Sections 37-23-61
5604 through 37-23-75 shall be applied by the receiving educational
5605 institution as a reduction in the amount of the educational costs
5606 paid by the applicant, and the total educational costs paid by the
5607 applicant shall not exceed the total educational costs paid by any
5608 other child in similar circumstances enrolled in the same program
5609 in that institution. However, this limitation shall not prohibit
5610 the waiving of all or part of the educational costs for a limited
5611 number of children based upon demonstrated financial need, and the
5612 State Department of Education may adopt and enforce reasonable
5613 rules and regulations to carry out the intent of these provisions.

5614 **SECTION 70.** Section 37-23-109, Mississippi Code of 1972, is
5615 amended as follows:

5616 37-23-109. Any child development center created under the
5617 provisions of Sections 37-23-91 through 37-23-111 shall be
5618 entitled to receive all contributions and benefits allowed to the
5619 other school districts from the federal and state governments



5620 including, but not limited to, contributions on the basis of the
5621 average daily * * * membership per child, school textbooks and
5622 school lunch program.

5623 **SECTION 71.** Section 37-23-179, Mississippi Code of 1972, is
5624 amended as follows:

5625 37-23-179. (1) The board shall specifically promulgate
5626 rules, regulations and guidelines which establish model programs
5627 of gifted education and also establish minimum criteria for gifted
5628 education programs. In providing programs of gifted education,
5629 the local district may use the model programs prepared by the
5630 board or may itself develop programs of gifted education which,
5631 prior to being implemented, shall be approved by the board,
5632 provided, that no such plan or program shall be approved or
5633 continued unless it meets the minimum criteria established by the
5634 board.

5635 (2) There is hereby created within the department an office
5636 for gifted education which shall be staffed by such professional,
5637 support and clerical personnel as may be necessary to implement
5638 the provisions of Sections 37-23-171 through 37-23-181.

5639 (3) All local school districts may have programs of gifted
5640 education for intellectually, creatively and/or artistically
5641 gifted students in Grades 2 through 12 and for academically gifted
5642 students in Grades 9 through 12 approved by the board. Beginning
5643 with the 1993-1994 school year, all local school districts shall
5644 have programs of gifted education for intellectually gifted



5645 students in Grade 2, subject to the approval of the State Board of
5646 Education and the availability of funds appropriated therefor by
5647 line-item. Beginning with the 1994-1995 school year, all local
5648 school districts shall have programs of gifted education for
5649 intellectually gifted students in Grades 2 and 3, subject to the
5650 approval of the State Board of Education. Beginning with the
5651 1995-1996 school year, all local school districts shall have
5652 programs of gifted education for intellectually gifted students in
5653 Grades 2, 3 and 4 subject to the approval of the State Board of
5654 Education. Beginning with the 1996-1997 school year, all local
5655 school districts shall have programs of gifted education for
5656 intellectually gifted students in Grades 2, 3, 4 and 5, subject to
5657 the approval of the State Board of Education. Beginning with the
5658 1997-1998 school year, all local school districts shall have
5659 programs of gifted education for intellectually gifted students in
5660 Grades 2, 3, 4, 5 and 6, subject to the approval of the State
5661 Board of Education. * * * Each local school district shall
5662 include as a part of its five-year plan a description of any
5663 proposed gifted education programs of the district. * * *

5664 **SECTION 72.** Section 37-27-55, Mississippi Code of 1972, is
5665 amended as follows:

5666 37-27-55. When any pupils shall attend any agricultural high
5667 school or community or junior college under the provisions of
5668 Section 37-27-51, such pupils shall be reported and accounted for
5669 the allocation of * * * uniform per student funding formula funds



5670 and building funds just as though such pupils were attending the
5671 regular schools of the district in which they reside. For this
5672 purpose reports shall be made to the board of trustees of the
5673 school district involved by the agricultural high school or
5674 community or junior college of the number of children in average
5675 daily * * * membership, and the average daily * * * membership of
5676 such pupils shall thereupon be included in reports made to the
5677 county or school district under the provisions of Chapters 19 and
5678 47 of this title. The allocation of * * * uniform per student
5679 funding formula funds and state public school building funds shall
5680 be made for such children just as though such children were
5681 attending the regular schools of the district. However, all * * *
5682 uniform per student funding formula funds which accrue to any
5683 district as a result of the pupils who are in attendance at such
5684 agricultural high school or community or junior college * * *
5685 shall be paid by the board of trustees of the municipal separate
5686 school district or the county board of education, as the case may
5687 be, to the agricultural high school or community or junior college
5688 at which the pupils are in attendance, and shall be expended by
5689 said agricultural high school or community or junior college for
5690 the instruction of said pupils * * *. Funds allotted to the
5691 school district for building purposes under Chapter 47 of this
5692 title, shall, however, be retained by the school district entitled
5693 thereto. The term "school district" as used in Sections 37-27-51
5694 through 37-27-59 shall be defined as including all public school



5695 districts in this state and also all agricultural high schools not
5696 located on the campus of a community or junior college.

5697 **SECTION 73.** Section 37-27-57, Mississippi Code of 1972, is
5698 amended as follows:

5699 37-27-57. Any additional or supplemental expenses incurred
5700 by the agricultural high school or community or junior college in
5701 the instruction of such pupils above that defrayed by * * *
5702 uniform per student funding formula funds as provided in Section
5703 37-27-55, shall be paid either from the amounts received from the
5704 state appropriation for the support of agricultural high schools
5705 or from the tax levy for the support of such agricultural high
5706 school or community or junior college or from any other funds
5707 which such agricultural high school or community or junior college
5708 may have available for such purpose.

5709 **SECTION 74.** Section 37-28-5, Mississippi Code of 1972, is
5710 amended as follows:

5711 37-28-5. As used in this chapter, the following words and
5712 phrases have the meanings ascribed in this section unless the
5713 context clearly indicates otherwise:

5714 (a) "Applicant" means any person or group that develops
5715 and submits an application for a charter school to the authorizer.

5716 (b) "Application" means a proposal from an applicant to
5717 the authorizer to enter into a charter contract whereby the
5718 proposed school obtains charter school status.



5719 (c) "Authorizer" means the Mississippi Charter School
5720 Authorizer Board established under Section 37-28-7 to review
5721 applications, decide whether to approve or reject applications,
5722 enter into charter contracts with applicants, oversee charter
5723 schools, and decide whether to renew, not renew, or revoke charter
5724 contracts.

5725 (d) "Charter contract" means a fixed-term, renewable
5726 contract between a charter school and the authorizer which
5727 outlines the roles, powers, responsibilities and performance
5728 expectations for each party to the contract.

5729 (e) "Charter school" means a public school that is
5730 established and operating under the terms of charter contract
5731 between the school's governing board and the authorizer. The term
5732 "charter school" includes a conversion charter school and start-up
5733 charter school.

5734 (f) "Conversion charter school" means a charter school
5735 that existed as a noncharter public school before becoming a
5736 charter school.

5737 (g) "Education service provider" means a charter
5738 management organization, school design provider or any other
5739 partner entity with which a charter school intends to contract for
5740 educational design, implementation or comprehensive management.

5741 (h) "Governing board" means the independent board of a
5742 charter school which is party to the charter contract with the



5743 authorizer and whose members have been elected or selected
5744 pursuant to the school's application.

5745 (i) "Noncharter public school" means a public school
5746 that is under the direct management, governance and control of a
5747 school board or the state.

5748 (j) "Parent" means a parent, guardian or other person
5749 or entity having legal custody of a child.

5750 (k) "School board" means a school board exercising
5751 management and control over a local school district and the
5752 schools of that district pursuant to the State Constitution and
5753 state statutes.

5754 (l) "School district" means a governmental entity that
5755 establishes and supervises one or more public schools within its
5756 geographical limits pursuant to state statutes.

5757 (m) "Start-up charter school" means a charter school
5758 that did not exist as a noncharter public school before becoming a
5759 charter school.

5760 (n) "Student" means any child who is eligible for
5761 attendance in a public school in the state.

5762 (o) "Underserved students" means students participating
5763 in the federal free lunch program * * * and students who are
5764 identified as having special educational needs.

5765 **SECTION 75.** Section 37-28-53, Mississippi Code of 1972, is
5766 amended as follows:



5767 37-28-53. (1) Each charter school shall certify annually to
5768 the State Department of Education its student enrollment, average
5769 daily * * * membership and student participation in the national
5770 school lunch program, special education, vocational education,
5771 gifted education, alternative school program and federal programs
5772 in the same manner as school districts.

5773 (2) Each charter school shall certify annually to the school
5774 board of the school district in which the charter school is
5775 located the number of enrolled charter school students residing in
5776 the school district.

5777 **SECTION 76.** Section 37-28-55, Mississippi Code of 1972, is
5778 amended as follows:

5779 37-28-55. (1) (a) The State Department of Education shall
5780 make payments to charter schools for each student in average
5781 daily * * * membership at the charter school equal to the state
5782 share of the * * * uniform per student funding formula payments
5783 for each student in average daily * * * membership at the school
5784 district in which the charter school is located. In calculating
5785 the local contribution for purposes of determining the state share
5786 of the * * * uniform per student funding formula payments, the
5787 department shall deduct the pro rata local contribution of the
5788 school district in which the student resides * * *.

5789 (b) Payments made pursuant to this subsection by the
5790 State Department of Education must be made at the same time and in
5791 the same manner as * * * uniform per student funding formula



5792 payments are made to school districts under Sections 37-151-101
5793 and 37-151-103. Amounts payable to a charter school must be
5794 determined by the State Department of Education. Amounts payable
5795 to a charter school over its charter term must be based on the
5796 enrollment projections set forth over the term of the charter
5797 contract. Such projections must be reconciled with the average
5798 daily * * * membership (ADM) using months two (2) and three
5799 (3) * * * ADM for the current year for which * * * uniform per
5800 student funding formula funds are being appropriated and any
5801 necessary adjustments must be made to payments during the school's
5802 following year of operation.

5803 (2) For students attending a charter school located in the
5804 school district in which the student resides, the school district
5805 in which a charter school is located shall pay directly to the
5806 charter school an amount for each student enrolled in the charter
5807 school equal to the ad valorem tax receipts and in-lieu payments
5808 received per pupil for the support of the local school district in
5809 which the student resides. The pro rata ad valorem receipts and
5810 in-lieu receipts to be transferred to the charter school shall
5811 include all levies for the support of the local school district
5812 under Sections 37-57-1 (local contribution to the * * * uniform
5813 per student funding formula) and 37-57-105 (school district
5814 operational levy) and may not include any taxes levied for the
5815 retirement of the local school district's bonded indebtedness or
5816 short-term notes or any taxes levied for the support of



5817 vocational-technical education programs. The amount of funds
5818 payable to the charter school by the school district must be based
5819 on the previous year's enrollment data and ad valorem receipts and
5820 in-lieu receipts of the local school district in which the student
5821 resides. The pro rata amount must be calculated by dividing the
5822 local school district's months one (1) through nine (9) average
5823 daily membership into the total amount of ad valorem receipts and
5824 in-lieu receipts, as reported to the State Department of Education
5825 by the local school district. The local school district shall pay
5826 an amount equal to this pro rata amount multiplied by the number
5827 of students enrolled in the charter school, based on the charter
5828 school's end of first month enrollment for the current school
5829 year. The amount must be paid by the school district to the
5830 charter school before January 16 of the current fiscal year. If
5831 the local school district does not pay the required amount to the
5832 charter school before January 16, the State Department of
5833 Education shall reduce the local school district's January
5834 transfer of * * * Mississippi Uniform Per Student Funding Formula
5835 funds by the amount owed to the charter school and shall redirect
5836 that amount to the charter school. Any such payments made under
5837 this subsection (2) by the State Department of Education to a
5838 charter school must be made at the same time and in the same
5839 manner as * * * uniform per student funding formula payments are
5840 made to school districts under Sections 37-151-101 and 37-151-103.



5841 (3) For students attending a charter school located in a
5842 school district in which the student does not reside, the State
5843 Department of Education shall pay to the charter school in which
5844 the student is enrolled an amount as follows: the pro rata ad
5845 valorem receipts and in-lieu payments per pupil for the support of
5846 the local school district in which the student resides under
5847 Sections 37-57-1 (local contribution to the * * * uniform per
5848 student funding formula) and 37-57-105 (school district
5849 operational levy), however, not including any taxes levied for the
5850 retirement of the local school district's bonded indebtedness or
5851 short-term notes or any taxes levied for the support of
5852 vocational-technical education programs. The amount of funds
5853 payable to the charter school by the school district must be based
5854 on the previous year's enrollment data and ad valorem receipts and
5855 in-lieu receipts of the local school district in which the student
5856 resides. The pro rata amount must be calculated by dividing the
5857 local school district's months one (1) through nine (9) average
5858 daily membership into the total amount of ad valorem receipts and
5859 in-lieu receipts, as reported to the State Department of Education
5860 by the transferor local school district. The payable amount shall
5861 be equal to this pro rata amount multiplied by the number of
5862 students enrolled in the charter school, based on the charter
5863 school's end of first month enrollment for the current school
5864 year. The State Department of Education shall reduce the school
5865 district's January transfer of * * * Mississippi Uniform Per



5866 Student Funding Formula funds by the amount owed to the charter
5867 school and shall redirect that amount to the charter school. Any
5868 such payments made under this subsection (3) by the State
5869 Department of Education to a charter school must be made at the
5870 same time and in the same manner as * * * uniform per student
5871 funding formula payments are made to school districts under
5872 Sections 37-151-101 and 37-151-103.

5873 (4) (a) The State Department of Education shall direct the
5874 proportionate share of monies generated under federal and state
5875 categorical aid programs, including special education, vocational,
5876 gifted and alternative school programs, to charter schools serving
5877 students eligible for such aid. The department shall ensure that
5878 charter schools with rapidly expanding enrollments are treated
5879 equitably in the calculation and disbursement of all federal and
5880 state categorical aid program dollars. Each charter school that
5881 serves students who may be eligible to receive services provided
5882 through such programs shall comply with all reporting requirements
5883 to receive the aid.

5884 (b) A charter school shall pay to a local school
5885 district any federal or state aid attributable to a student with a
5886 disability attending the charter school in proportion to the level
5887 of services for that student which the local school district
5888 provides directly or indirectly.

5889 (c) Subject to the approval of the authorizer, a
5890 charter school and a local school district may negotiate and enter



5891 into a contract for the provision of and payment for special
5892 education services, including, but not necessarily limited to, a
5893 reasonable reserve not to exceed five percent (5%) of the local
5894 school district's total budget for providing special education
5895 services. The reserve may be used by the local school district
5896 only to offset excess costs of providing services to students with
5897 disabilities enrolled in the charter school.

5898 * * *

5899 (5) * * * A charter school may enter into a contract with a
5900 school district or private provider to provide transportation to
5901 the school's students.

5902 **SECTION 77.** Section 37-29-1, Mississippi Code of 1972, is
5903 amended as follows:

5904 37-29-1. (1) The creation, establishment, maintenance and
5905 operation of community colleges is authorized. Community colleges
5906 may admit students if they have earned one (1) unit less than the
5907 number of units required for high school graduation established by
5908 State Board of Education policy or have earned a High School
5909 Equivalency Diploma in courses correlated to those of senior
5910 colleges or professional schools. Subject to the provisions of
5911 Section 75-76-34, they shall offer, without limitation, education
5912 and training preparatory for occupations such as agriculture,
5913 industry of all kinds, business, homemaking and for other
5914 occupations on the semiprofessional and vocational-technical
5915 level. They may offer courses and services to students regardless



5916 of their previous educational attainment or further academic
5917 plans.

5918 (2) The boards of trustees of the community college
5919 districts are authorized to establish an early admission program
5920 under which applicants having a minimum ACT composite score of
5921 twenty-six (26) or the equivalent SAT score may be admitted as
5922 full-time college students if the principal or guidance counselor
5923 of the student recommends in writing that it is in the best
5924 educational interest of the student. Such recommendation shall
5925 also state that the student's age will not keep him from being a
5926 successful full-time college student. Students admitted in the
5927 early admission program shall not be counted for * * * uniform per
5928 student funding formula purposes in the average daily * * *
5929 membership of the school district in which they reside, and
5930 transportation required by a student to participate in the early
5931 admission program shall be the responsibility of the parents or
5932 legal guardians of the student. Grades and college credits earned
5933 by students admitted to the early admission program shall be
5934 recorded on the college transcript at the community college where
5935 the student attends classes, and may be released to another
5936 institution or used for college graduation requirements only after
5937 the student has successfully completed one (1) full semester of
5938 course work.

5939 (3) The community colleges shall provide, through courses or
5940 other acceptable educational measures, the general education



5941 necessary to individuals and groups which will tend to make them
5942 capable of living satisfactory lives consistent with the ideals of
5943 a democratic society.

5944 **SECTION 78.** Section 37-29-272, Mississippi Code of 1972, is
5945 amended as follows:

5946 37-29-272. The board of trustees of any community college
5947 district in the state maintaining and operating an agricultural
5948 high school on July 1, 1994, is hereby authorized to transfer the
5949 control, maintenance and operation of said agricultural high
5950 school, including the transfer of title to all real and personal
5951 property used for agricultural high school purposes, to the county
5952 board of education of the county in which the school is located.
5953 Upon the acceptance by the county board of education and before an
5954 order authorizing such transfer shall be entered, the board of
5955 trustees of the community college district and the county board of
5956 education in which such school is located shall by joint
5957 resolution agree in writing on the terms of such transfer, the
5958 extent of the rights of use and occupancy of the school and
5959 grounds, and the control, management, preservation and
5960 responsibility of transportation of students to such premises, to
5961 be spread upon the minutes of each governing authority. Upon such
5962 transfer, the county board of education may abolish the
5963 agricultural high school as a distinct school, and merge its
5964 activities, programs and students into the regular high school
5965 curricula of the school district. When a community college has



5966 transferred operation of an agricultural high school as provided
5967 herein, the pupils attending such school shall be reported,
5968 accounted for allocation of * * * uniform per student funding
5969 formula funds and entitled to school transportation as though such
5970 pupils were attending the schools of the school district in which
5971 they reside, as provided in Sections 37-27-53 and 37-27-55,
5972 Mississippi Code of 1972. When any agricultural high school is
5973 transferred by the board of trustees of a community college to the
5974 county board of education as provided in this section, all laws
5975 relating to agricultural high school tax levies for the support or
5976 retirement of bonded indebtedness for agricultural high schools
5977 shall continue in full force and effect for the transferring
5978 community college district until current obligations on all bonded
5979 indebtednesses related to agriculture high schools have been
5980 satisfied and retired.

5981 **SECTION 79.** Section 37-29-303, Mississippi Code of 1972, is
5982 amended as follows:

5983 37-29-303. As used in Sections 37-29-301 through 37-29-305,
5984 the following terms shall be defined as provided in this section:

5985 (a) "Full-time equivalent (FTE) enrollment" means the
5986 process by which the Southern Regional Education Board (SREB)
5987 calculates FTE by taking total undergraduate semester credit hours
5988 divided by thirty (30); total undergraduate quarter hours divided
5989 by forty-five (45); total graduate semester credit hours divided



5990 by twenty-four (24); and total graduate quarter hours divided by
5991 thirty-six (36).

5992 (b) "State funds" means all funds appropriated by the
5993 Legislature including funds from the State General Fund, Education
5994 Enhancement Fund, Budget Contingency Fund and Health Care
5995 Expendable Fund.

5996 (c) "E & G operations" means education and general
5997 expenses of the colleges and universities.

5998 (d) * * * "Average daily membership (ADM)" has the same
5999 meaning as ascribed to that term under Section 37-151-203.

6000 **SECTION 80.** Section 37-31-13, Mississippi Code of 1972, is
6001 amended as follows:

6002 37-31-13. (1) Any appropriation that may be made under the
6003 provisions of Sections 37-31-1 through 37-31-15 shall be used by
6004 the board for the promotion of vocational education as provided
6005 for in the "Smith-Hughes Act" and for the purpose set forth in
6006 Sections 37-31-1 through 37-31-15. The state appropriation shall
6007 not be used for payments to high schools which are now receiving
6008 other state funds, except in lieu of not more than one-half (1/2)
6009 the amount that may be due such high schools from federal funds.
6010 Only such portion of the state appropriation shall be used as may
6011 be absolutely necessary to carry out the provisions of Sections
6012 37-31-1 through 37-31-15, and to meet the federal requirements.
6013 Except as provided in subsection (2) of this section, the state
6014 appropriation shall not be used for payments to high schools for



6015 conducting vocational programs for more than ten (10) months in
6016 any school year, and only funds other than * * * uniform per
6017 student funding formula funds may be expended for such purpose.

6018 (2) Subject to annual approval by the State Board of
6019 Education, extended contracts for vocational agriculture education
6020 services and other related vocational education services which
6021 contribute to economic development may be conducted by local
6022 school districts, and state appropriations may be used for
6023 payments to school districts providing such services. The board
6024 of trustees of each school district shall determine whether any
6025 proposed services contribute to the economic development of the
6026 area. Local districts may apply to the Division of Vocational and
6027 Technical Education of the State Department of Education for any
6028 state funds available for these extended contracts. The State
6029 Board of Education shall establish the application process and the
6030 selection criteria for this program. The number of state funded
6031 extended contracts approved by the State Board of Education will
6032 be determined by the availability of funds specified for this
6033 purpose. The State Board of Education's decision shall be final.
6034 Payments under this subsection shall only be available to those
6035 high schools whose teachers of vocational programs are responsible
6036 for the following programs of instruction during those months
6037 between the academic years: (a) supervision and instruction of
6038 students in agricultural or other vocational experience programs;
6039 (b) group and individual instruction of farmers and



6040 agribusinessmen; (c) supervision of student members of youth
6041 groups who are involved in leadership training or other activity
6042 required by state or federal law; or (d) any program of vocational
6043 agriculture or other vocational-related services established by
6044 the Division of Vocational and Technical Education of the State
6045 Department of Education that contribute to the economic
6046 development of the geographic area.

6047 **SECTION 81.** Section 37-31-75, Mississippi Code of 1972, is
6048 amended as follows:

6049 37-31-75. The various counties, municipalities, school
6050 districts and junior college districts which may become parties to
6051 any agreement authorized by Sections 37-31-71 through 37-31-79 are
6052 authorized to appropriate and expend any and all funds which may
6053 be required to carry out the terms of the agreement from any funds
6054 available to any party to the agreement not otherwise appropriated
6055 without limitation as to the source of the funds, including * * *
6056 uniform per student funding formula funds, sixteenth section
6057 funds, funds received from the federal government or other sources
6058 by way of grant, donation or otherwise, and funds which may be
6059 available to any such party through the Department of Education or
6060 any other agency of the state, regardless of the party to the
6061 agreement designated by the agreement to be primarily responsible
6062 for the construction or operation of the regional education center
6063 and regardless of the limitation on the expenditure of any funds
6064 imposed by any other statute. However, no funds whose use was



6065 originally limited to the construction of capital improvements
6066 shall be utilized for the purpose of defraying the administrative
6067 or operating costs of any regional education center. Any one or
6068 more of the parties to an agreement may be designated as the
6069 fiscal agent or contracting party in carrying out any of the
6070 purposes of the agreement, and any and all funds authorized to be
6071 spent by any of the parties may be paid over to the fiscal agent
6072 or contracting party for disbursement by the fiscal agent or
6073 contracting party. Disbursements shall be made and contracted for
6074 under the laws and regulations applicable to the fiscal or
6075 disbursing agent, except to the extent they may be extended or
6076 modified by the provisions of Sections 37-31-71 through 37-31-79.
6077 All of the parties to the agreement may issue bonds, negotiable
6078 notes or other evidences of indebtedness for the purpose of
6079 providing funds for the acquisition of land and for the
6080 construction of buildings and permanent improvements under the
6081 terms of the agreement under any existing laws authorizing the
6082 issuance or sale of bonds, negotiable notes or other evidences of
6083 indebtedness to provide funds for any capital improvement.

6084 **SECTION 82.** Section 37-35-3, Mississippi Code of 1972, is
6085 amended as follows:

6086 37-35-3. (1) The board of trustees of any school district,
6087 including any community or junior college, may establish and
6088 maintain classes for adults, including general educational
6089 development classes, under the regulations authorized in this



6090 chapter and pursuant to the standards prescribed in subsection
6091 (3). The property and facilities of the public school districts
6092 may be used for this purpose where such use does not conflict with
6093 uses already established.

6094 (2) The trustees of any school district desiring to
6095 establish such program may request the taxing authority of the
6096 district to levy additional ad valorem taxes for the support of
6097 this program. The board of supervisors, in the case of a county
6098 school district, a special municipal separate school district, or
6099 a community or junior college district, and the governing
6100 authority of any municipality, in the case of a municipal separate
6101 school district, is authorized, in its discretion, to levy a tax
6102 not exceeding one (1) mill upon all the taxable property of the
6103 district for the support of this program. The tax shall be in
6104 addition to all other taxes authorized by law to be levied. In
6105 addition to the funds realized from any such levy, the board of
6106 trustees of any school district is authorized to use any surplus
6107 funds that it may have or that may be made available to it from
6108 local sources to supplement this program.

6109 (3) (a) Any student participating in an approved High
6110 School Equivalency Diploma Option program administered by a local
6111 school district or a local school district with an approved
6112 contractual agreement with a community or junior college or other
6113 local entity shall not be considered a dropout. Students in such
6114 a program administered by a local school district shall be



6115 considered as enrolled within the school district of origin for
6116 the purpose of enrollment for * * * the uniform per student
6117 funding formula only. Such students shall not be considered as
6118 enrolled in the regular school program for academic or
6119 programmatic purposes.

6120 (b) Students participating in an approved High School
6121 Equivalency Diploma Option program shall have an individual career
6122 plan developed at the time of placement to insure that the
6123 student's academic and job skill needs will be met. The
6124 Individual Career Plan will address, but is not limited to, the
6125 following:

6126 (i) Academic and instructional needs of the
6127 student;

6128 (ii) Job readiness needs of the student; and

6129 (iii) Work experience program options available
6130 for the student.

6131 (c) Students participating in an approved High School
6132 Equivalency Diploma Option program may participate in existing job
6133 and skills development programs or in similar programs developed
6134 in conjunction with the High School Equivalency Diploma Option
6135 program and the vocational director.

6136 (d) High School Equivalency Diploma Option programs may
6137 be operated by local school districts or may be operated by two
6138 (2) or more adjacent school districts, pursuant to a contract
6139 approved by the State Board of Education. When two (2) or more



6140 school districts contract to operate a High School Equivalency
6141 Diploma Option program, the school board of a district designated
6142 to be the lead district shall serve as the governing board of the
6143 High School Equivalency Diploma Option program. Transportation
6144 for students placed in the High School Equivalency Diploma Option
6145 program shall be the responsibility of the school district of
6146 origin. The expense of establishing, maintaining and operating
6147 such High School Equivalency Diploma Option programs may be paid
6148 from funds made available to the school district through
6149 contributions, * * * uniform per student funding formula funds or
6150 from local district maintenance funds.

6151 (e) The State Department of Education will develop
6152 procedures and criteria for placement of a student in the High
6153 School Equivalency Diploma Option programs. Students placed in
6154 High School Equivalency Diploma Option programs shall have
6155 parental approval for such placement and must meet the following
6156 criteria:

6157 (i) The student must be at least sixteen (16)
6158 years of age;

6159 (ii) The student must be at least one (1) full
6160 grade level behind his or her ninth grade cohort or must have
6161 acquired less than four (4) Carnegie units;

6162 (iii) The student must have taken every
6163 opportunity to continue to participate in coursework leading to a
6164 diploma; and



6165 (iv) The student must be certified to be eligible
6166 to participate in the GED course by the school district
6167 superintendent, based on the developed criteria.

6168 (f) Students participating in an approved High School
6169 Equivalency Diploma Option program, who are enrolled in subject
6170 area courses through January 31 in a school with a traditional
6171 class schedule or who are enrolled in subject area courses through
6172 October 31 or through March 31 in a school on a block schedule,
6173 shall be required to take the end-of-course subject area tests for
6174 those courses in which they are enrolled.

6175 **SECTION 83.** Section 37-37-3, Mississippi Code of 1972, is
6176 amended as follows:

6177 37-37-3. In addition to all auditors and other employees now
6178 or hereafter provided by law, the State Auditor may appoint and
6179 employ examiners in the Department of Audit. The examiners shall
6180 make such audits as may be necessary to determine the correctness
6181 and accuracy of all reports made to the State Department of
6182 Education by any school district or school official concerning the
6183 number of educable students in any school district, the number of
6184 students enrolled in any school district, the number of students
6185 in average daily * * * membership in any school district, and the
6186 number of students being transported or entitled to transportation
6187 to any of the public schools of this state.

6188 **SECTION 84.** Section 37-41-7, Mississippi Code of 1972, is
6189 amended as follows:



6190 37-41-7. The local school board is hereby authorized,
6191 empowered and directed to lay out all transportation routes and
6192 provide transportation for all school children who are entitled to
6193 transportation within their respective counties and school
6194 districts.

6195 Any school district may, in the discretion of the school
6196 board, expend funds from any funds available to the school
6197 district other than * * * uniform per student funding formula
6198 funds, including the amounts derived from district tax levies,
6199 sixteenth section funds, and all other available funds, for the
6200 purpose of supplementing funds available to the school board for
6201 paying transportation costs * * * not covered by * * * uniform per
6202 student funding formula funds.

6203 **SECTION 85.** Section 37-45-49, Mississippi Code of 1972, is
6204 amended as follows:

6205 37-45-49. Any cost or fees provided by this chapter to be
6206 paid by any county board of education or board of trustees of a
6207 municipal separate school district may be paid by the county board
6208 of education from the administrative fund provided by Section
6209 37-19-31, or from any school funds of the district other
6210 than * * * uniform per student funding formula funds, and by the
6211 municipal separate school district from the maintenance funds of
6212 the district, other than * * * uniform per student funding formula
6213 funds. Any fees or costs provided by this chapter to be paid by



6214 the * * * department may be paid from the funds appropriated for
6215 its operation.

6216 **SECTION 86.** Section 37-47-9, Mississippi Code of 1972, is
6217 amended as follows:

6218 37-47-9. It is found and determined that the state should
6219 make an annual grant of Twenty-four Dollars (\$24.00) for each
6220 child in average daily * * * membership in the public schools of
6221 the various school districts of this state during each school
6222 year, and that such monies should be applied for the purpose of
6223 establishing and maintaining adequate physical facilities for the
6224 public school district and/or the payment of existing debt
6225 therefor.

6226 The grant to which each public school is entitled under the
6227 provisions of this section shall be credited to the school
6228 district of which such school is part. If any change is made in
6229 the operation or boundaries of any such school district, equitable
6230 reallocations shall be made by the * * * department of all
6231 balances to the credit of such school district, and all debits
6232 charged against the districts affected by the change in the
6233 boundaries or system of operation. The obligation of the state to
6234 make remittance of the sums appropriated or otherwise provided to
6235 make the annual grants provided by this section shall be
6236 subordinate to the pledge made to secure the state school bonds
6237 authorized under this chapter and the sinking fund created for
6238 their retirement. The grants shall be computed annually as soon



6239 as practicable after the end of the school year, and shall be
6240 based on the average daily * * * membership for such school year
6241 in all of the public schools operated by each school district as
6242 determined by the State Department of Education.

6243 **SECTION 87.** Section 37-47-17, Mississippi Code of 1972, is
6244 amended as follows:

6245 37-47-17. Applications for the expenditure of funds to the
6246 credit of any school district in the state public school building
6247 fund shall originate with the school board of the school district
6248 entitled to such funds. Before any funds to the credit of a
6249 school district shall be expended for capital improvements or the
6250 retirement of outstanding bonded indebtedness, the school board of
6251 such school district shall prepare and submit an application in
6252 such form as may be prescribed by the * * * department. There
6253 shall be included with such application a statement in which there
6254 is set forth the enrollment and average daily * * * membership in
6255 the schools of the district divided as to schools and grades, the
6256 number of teachers employed, the facilities in use, the facilities
6257 to be provided with the funds to be expended, the outstanding
6258 school indebtedness, and such other information as the * * *
6259 department may require. Such application and statement shall be
6260 submitted directly to the * * * department and approved or
6261 disapproved by it. The decision of the * * * department shall be
6262 final, unless an appeal to the chancery court shall be taken in
6263 the manner provided by law. In the event any application shall be



6264 disapproved by the * * * department, the school board submitting
6265 same shall be notified of such disapproval, which notice of
6266 disapproval shall be accompanied by a statement of the reason or
6267 reasons for such disapproval.

6268 The * * * department shall approve only those applications
6269 which are found to be proper under the provisions of this chapter
6270 and the applicable rules and regulations of the * * * department.
6271 When an application is approved for the expenditure of funds for
6272 capital improvements, the contract for the construction of such
6273 capital improvements shall be entered into and awarded by the
6274 school board of the school district in the manner provided in this
6275 chapter; however, the contract for construction of a secondary
6276 vocational and technical training center for exclusive use and
6277 operation by a school district may be entered into and awarded by
6278 the board of trustees of a * * * community college district where
6279 a grant of federal funds by the Appalachian Commission has been
6280 made to the board of trustees of such * * * community college
6281 district to assist in financing construction of such secondary
6282 vocational and technical training facility for such school
6283 district.

6284 **SECTION 88.** Section 37-47-25, Mississippi Code of 1972, is
6285 amended as follows:

6286 37-47-25. Whenever the State Department of Education shall
6287 determine that any school district is in need of capital
6288 improvements to an extent in excess of that which may be financed



6289 by the credit then due such school district by the department, the
6290 department shall be empowered to advance or lend said school
6291 district such sums as in the opinion of the department are
6292 necessary to be expended for capital improvements by said school
6293 district. Such loans or advances shall be evidenced by
6294 appropriate agreements, and shall be repayable in principal by the
6295 school district from the annual grants to which the school
6296 district shall become entitled and from such other funds as may be
6297 available. Such loans or advances shall not constitute a debt of
6298 the school district within the meaning of any provision or
6299 limitation of the Constitution or statutes of the State of
6300 Mississippi. The department shall not advance or lend to any
6301 school district any sum in excess of seventy-five percent (75%) of
6302 the estimated sum which will accrue to the said school district on
6303 account of grants to be made to the said school district within
6304 the twenty (20) years next following the date of the loan or
6305 advance. In determining the maximum allowable advance or loan,
6306 the department shall assume that the average daily * * *
6307 membership in the schools of the school district for the past
6308 preceding scholastic year as confirmed by the audit of average
6309 daily * * * membership made by the State Department of Audit will
6310 continue for the period during which the loan is to be repaid.

6311 **SECTION 89.** Section 37-47-33, Mississippi Code of 1972, is
6312 amended as follows:



6313 37-47-33. For the purpose of: (a) providing funds to enable
6314 the State Board of Education to make loans or advances to school
6315 districts as provided by Section 37-47-25 * * *;and for the
6316 purpose of (b) providing funds for the payment and redemption of
6317 certificates of credit issued to school districts under Section
6318 37-47-23, when such funds are not otherwise available * * *;or
6319 for the purpose of (c) providing funds in an amount not exceeding
6320 Twenty Million Dollars (\$20,000,000.00) for the payment of
6321 allocations of Mississippi Adequate Education Program funds to
6322 school districts for capital expenditures approved by the State
6323 Board of Education which have not been pledged for debt by the
6324 school district, when such funds are not otherwise
6325 available * * *;or for any of such purposes, the State Bond
6326 Commission is authorized and empowered to issue state school bonds
6327 under the conditions prescribed in this chapter. The aggregate
6328 principal amount of such bonds outstanding at any one (1) time,
6329 after deducting the amount of the sinking fund provided for the
6330 retirement of bonds issued for such purposes, shall never exceed
6331 the sum of One Hundred Million Dollars (\$100,000,000.00). Within
6332 such limits, however, state school bonds may be issued from time
6333 to time under the conditions prescribed in this chapter. None of
6334 such bonds so issued shall have a maturity date later than July 1,
6335 2021.

6336 **SECTION 90.** Section 37-57-1, Mississippi Code of 1972, is
6337 amended as follows:



6338 37-57-1. (1) (a) The boards of supervisors of the counties
6339 shall levy and collect all taxes for and on behalf of all school
6340 districts which were within the county school system or designated
6341 as special municipal separate school districts prior to July 1,
6342 1986. Such taxes shall be collected by the county tax collector
6343 at the same time and in the same manner as county taxes are
6344 collected by him, and the same penalties for delinquency shall be
6345 applicable.

6346 The governing authorities of the municipalities shall levy
6347 and collect all taxes for and on behalf of all school districts
6348 which were designated as municipal separate school districts prior
6349 to July 1, 1986. Such taxes shall be collected by the municipal
6350 tax collector at the same time and in the same manner as municipal
6351 taxes are collected by him, and the same penalties for delinquency
6352 shall be applicable.

6353 Except as otherwise provided in Section 19-9-171, the county
6354 or municipal tax collector, as the case may be, shall pay such tax
6355 collections, except for taxes collected for the payment of the
6356 principal of and interest on school bonds or notes and except for
6357 taxes collected to defray collection costs, into the school
6358 depository and report to the school board of the appropriate
6359 school district at the same time and in the same manner as the tax
6360 collector makes his payments and reports of other taxes collected
6361 by him.



6362 Provided, however, the State Board of Education shall
6363 determine the appropriate levying authority for any school
6364 district created or reorganized after July 1, 1987.

6365 (b) For the purposes of this chapter and any other laws
6366 pertaining to taxes levied or bonds or notes issued for and on
6367 behalf of school districts, the term "levying authority" means the
6368 board of supervisors of the county or the governing authorities of
6369 the municipality, whichever levies taxes for and on behalf of the
6370 particular school district as provided in paragraphs (a) and (b)
6371 of this subsection.

6372 (2) The levying authority for the school district shall, at
6373 the same time and in the same manner as other taxes are levied by
6374 the levying authority, levy a tax of not less than twenty-eight
6375 (28) mills for the then current fiscal year, less the estimated
6376 amount of the yield of the School Ad Valorem Tax Reduction Fund
6377 grant to the school district as determined by the State Department
6378 of Education or twenty-seven percent (27%) of the * * * uniform
6379 per student funding formula cost for such school district,
6380 whichever is a lesser amount, upon all of the taxable property of
6381 the school district * * *. However, in no case shall the minimum
6382 local ad valorem tax effort for any school district be equal to an
6383 amount that would require a millage rate exceeding fifty-five (55)
6384 mills in that school district. Provided, however, that if a
6385 levying authority is levying in excess of fifty-five (55) mills on
6386 July 1, 1997, the levying authority may levy an additional amount



6387 not exceeding three (3) mills in the aggregate for the period
6388 beginning July 1, 1997, and ending June 30, 2003, subject to the
6389 limitation on increased receipts from ad valorem taxes prescribed
6390 in Sections 37-57-105 and 37-57-107. Nothing in this subsection
6391 shall be construed to require any school district that is levying
6392 more than fifty-five (55) mills pursuant to Sections 37-57-1 and
6393 37-57-105 to decrease its millage rate to fifty-five (55) mills or
6394 less. In making such levy, the levying authority shall levy an
6395 additional amount sufficient to cover anticipated delinquencies
6396 and costs of collection so that the net amount of money to be
6397 produced by such levy shall be equal to the amount which the
6398 school district is required to contribute as its said minimum
6399 local ad valorem tax effort. The tax so levied shall be collected
6400 by the tax collector at the same time and in the same manner as
6401 other ad valorem taxes are collected by him. The amount of taxes
6402 so collected as a result of such levy shall be paid into the
6403 district maintenance fund of the school district by the tax
6404 collector at the same time and in the same manner as reports and
6405 payments of other ad valorem taxes are made by said tax collector,
6406 except that the amount collected to defray costs of collection may
6407 be paid into the county general fund. The levying authority shall
6408 have the power and authority to direct and cause warrants to be
6409 issued against such fund for the purpose of refunding any amount
6410 of taxes erroneously or illegally paid into such fund where such
6411 refund has been approved in the manner provided by law.



6412 **SECTION 91.** Section 37-57-104, Mississippi Code of 1972, is
6413 amended as follows:

6414 37-57-104. (1) Each school board shall submit to the
6415 levying authority for the school district a certified copy of an
6416 order adopted by the school board requesting an ad valorem tax
6417 effort in dollars for the support of the school district. The
6418 copy of the order shall be submitted by the school board when the
6419 copies of the school district's budget are filed with the levying
6420 authority pursuant to Section 37-61-9. Upon receipt of the school
6421 board's order requesting the ad valorem tax effort in dollars, the
6422 levying authority shall determine the millage rate necessary to
6423 generate funds equal to the dollar amount requested by the school
6424 board. For the purpose of calculating this millage rate, any
6425 additional amount that is levied pursuant to Section 37-57-105(1)
6426 to cover anticipated delinquencies and costs of collection or any
6427 amount that may be levied for the payment of the principal and
6428 interest on school bonds or notes shall be excluded from the
6429 limitation of fifty-five (55) mills provided for in subsection (2)
6430 of this section.

6431 (2) (a) Except as otherwise provided under paragraph (b) or
6432 (c) of this subsection, if the millage rate necessary to generate
6433 funds equal to the dollar amount requested by the school board is
6434 greater than fifty-five (55) mills, and if this millage rate is
6435 higher than the millage then being levied pursuant to the school
6436 board's order requesting the ad valorem tax effort for the



6437 currently existing fiscal year, then the levying authority shall
6438 call a referendum on the question of exceeding, during the next
6439 fiscal year, the then existing millage rate being levied for
6440 school district purposes. The referendum shall be scheduled for
6441 not more than six (6) weeks after the date on which the levying
6442 authority receives the school board's order requesting the ad
6443 valorem tax effort.

6444 When a referendum has been called, notice of the referendum
6445 shall be published at least five (5) days per week, unless the
6446 only newspaper published in the school district is published less
6447 than five (5) days per week, for at least three (3) consecutive
6448 weeks, in at least one (1) newspaper published in the school
6449 district. The notice shall be no less than one-fourth (1/4) page
6450 in size, and the type used shall be no smaller than eighteen (18)
6451 point and surrounded by a one-fourth-inch solid black border. The
6452 notice may not be placed in that portion of the newspaper where
6453 legal notices and classified advertisements appear. The first
6454 publication of the notice shall be made not less than twenty-one
6455 (21) days before the date fixed for the referendum, and the last
6456 publication shall be made not more than seven (7) days before that
6457 date. If no newspaper is published in the school district, then
6458 the notice shall be published in a newspaper having a general
6459 circulation in the school district. The referendum shall be held,
6460 as far as is practicable, in the same manner as other referendums
6461 and elections are held in the county or municipality. At the



6462 referendum, all registered, qualified electors of the school
6463 district may vote. The ballots used at the referendum shall have
6464 printed thereon a brief statement of the amount and purpose of the
6465 increased tax levy and the words "FOR INCREASING THE MILLAGE
6466 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
6467 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
6468 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR
6469 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
6470 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
6471 MILLS." The voter shall vote by placing a cross (X) or checkmark
6472 (√) opposite his choice on the proposition.

6473 If a majority of the registered, qualified electors of the
6474 school district who vote in the referendum vote in favor of the
6475 question, then the ad valorem tax effort in dollars requested by
6476 the school board shall be approved. However, if a majority of the
6477 registered, qualified electors who vote in the referendum vote
6478 against the question, the millage rate levied by the levying
6479 authority shall not exceed the millage then being levied pursuant
6480 to the school board's order requesting the ad valorem tax effort
6481 for the then currently existing fiscal year.

6482 Nothing in this subsection shall be construed to require any
6483 school district that is levying more than fifty-five (55) mills
6484 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage
6485 rate to fifty-five (55) mills or less. Further, nothing in this
6486 subsection shall be construed to require a referendum in a school



6487 district where the requested ad valorem tax effort in dollars
6488 requires a millage rate of greater than fifty-five (55) mills but
6489 the requested dollar amount does not require any increase in the
6490 then existing millage rate. Further, nothing in this subsection
6491 shall be construed to require a referendum in a school district
6492 where, because of a decrease in the assessed valuation of the
6493 district, a millage rate of greater than fifty-five (55) mills is
6494 necessary to generate funds equal to the dollar amount generated
6495 by the ad valorem tax effort for the currently existing fiscal
6496 year.

6497 (b) Provided, however, that if a levying authority is
6498 levying in excess of fifty-five (55) mills on July 1, 1997, the
6499 levying authority may levy an additional amount not exceeding
6500 three (3) mills in the aggregate for the period beginning July 1,
6501 1997, and ending June 30, 2003, subject to the limitation on
6502 increased receipts from ad valorem taxes prescribed in Sections
6503 37-57-105 and 37-57-107.

6504 (c) If the levying authority for any school district
6505 lawfully has decreased the millage levied for school district
6506 purposes, but subsequently determines that there is a need to
6507 increase the millage rate due to a disaster in which the Governor
6508 has declared a disaster emergency or the President of the United
6509 States has declared an emergency or major disaster, then the
6510 levying authority may increase the millage levied for school
6511 district purposes up to an amount that does not exceed the millage



6512 rate in any one (1) of the immediately preceding ten (10) fiscal
6513 years without any referendum that otherwise would be required
6514 under this subsection.

6515 (3) If the millage rate necessary to generate funds equal to
6516 the dollar amount requested by the school board is equal to
6517 fifty-five (55) mills or less, but the dollar amount requested by
6518 the school board exceeds the next preceding fiscal year's ad
6519 valorem tax effort in dollars by more than four percent (4%), but
6520 not more than seven percent (7%) (as provided for under subsection
6521 (4) of this section), then the school board shall publish notice
6522 thereof at least five (5) days per week, unless the only newspaper
6523 published in the school district is published less than five (5)
6524 days per week, for at least three (3) consecutive weeks in a
6525 newspaper published in the school district. The notice shall be
6526 no less than one-fourth (1/4) page in size, and the type used
6527 shall be no smaller than eighteen (18) point and surrounded by a
6528 one-fourth-inch solid black border. The notice may not be placed
6529 in that portion of the newspaper where legal notices and
6530 classified advertisements appear. The first publication shall be
6531 made not less than fifteen (15) days before the final adoption of
6532 the budget by the school board. If no newspaper is published in
6533 the school district, then the notice shall be published in a
6534 newspaper having a general circulation in the school district. If
6535 at any time before the adoption of the budget a petition signed by
6536 not less than twenty percent (20%) or fifteen hundred (1500),



6537 whichever is less, of the registered, qualified electors of the
6538 school district is filed with the school board requesting that a
6539 referendum be called on the question of exceeding the next
6540 preceding fiscal year's ad valorem tax effort in dollars by more
6541 than four percent (4%), then the school board shall adopt, not
6542 later than the next regular meeting, a resolution calling a
6543 referendum to be held within the school district upon the
6544 question. The referendum shall be called and held, and notice
6545 thereof shall be given, in the same manner provided for in
6546 subsection (2) of this section. The ballot shall contain the
6547 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
6548 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
6549 majority of the registered, qualified electors of the school
6550 district who vote in the referendum vote in favor of the question,
6551 then the increase requested by the school board shall be approved.
6552 For the purposes of this subsection, the revenue sources excluded
6553 from the increase limitation under Section 37-57-107 also shall be
6554 excluded from the limitation described in this subsection in the
6555 same manner as they are excluded under Section 37-57-107.
6556 Provided, however, that any increases requested by the school
6557 board as a result of the required local contribution to the * * *
6558 Mississippi Uniform Per Student Funding Formula, as certified to
6559 the local school district by the State Board of Education under
6560 Section * * * 37-151-227, shall not be subject to the four percent



6561 (4%) and/or seven percent (7%) tax increase limitations provided
6562 in this section.

6563 (4) If the millage rate necessary to generate funds equal to
6564 the dollar amount requested by the school board is equal to
6565 fifty-five (55) mills or less, but the dollar amount requested by
6566 the school board exceeds the seven percent (7%) increase
6567 limitation provided for in Section 37-57-107, the school board may
6568 exceed the seven percent (7%) increase limitation only after the
6569 school board has determined the need for additional revenues and
6570 three-fifths (3/5) of the registered, qualified electors voting in
6571 a referendum called by the levying authority have voted in favor
6572 of the increase. The notice and manner of holding the referendum
6573 shall be as prescribed in subsection (2) of this section for a
6574 referendum on the question of increasing the millage rate in
6575 school districts levying more than fifty-five (55) mills for
6576 school district purposes.

6577 (5) The aggregate receipts from ad valorem taxes levied for
6578 school district purposes pursuant to Sections 37-57-1 and
6579 37-57-105, excluding collection fees, additional revenue from the
6580 ad valorem tax on any newly constructed properties or any existing
6581 properties added to the tax rolls or any properties previously
6582 exempt which were not assessed in the next preceding year, and
6583 amounts received by school districts from the School Ad Valorem
6584 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject



6585 to the increase limitation under this section and Section
6586 37-57-107.

6587 (6) The school board shall pay to the levying authority all
6588 costs that are incurred by the levying authority in the calling
6589 and holding of any election under this section.

6590 (7) The provisions of this section shall not be construed to
6591 affect in any manner the authority of school boards to levy
6592 millage for the following purposes:

6593 (a) The issuance of bonds, notes and certificates of
6594 indebtedness, as authorized in Sections 37-59-1 through 37-59-45
6595 and Sections 37-59-101 through 37-59-115;

6596 (b) The lease of property for school purposes, as
6597 authorized under the Emergency School Leasing Authority Act of
6598 1986 (Sections 37-7-351 through 37-7-359);

6599 (c) The lease or lease-purchase of school buildings, as
6600 authorized under Section 37-7-301;

6601 (d) The issuance of promissory notes in the event of a
6602 shortfall of ad valorem taxes and/or revenue from local sources,
6603 as authorized under Section 27-39-333; and

6604 (e) The construction of school buildings outside the
6605 school district, as authorized under Section 37-7-401.

6606 Any millage levied for the purposes specified in this
6607 subsection shall be excluded from the millage limitations
6608 established under this section.



6609 **SECTION 92.** Section 37-57-105, Mississippi Code of 1972, is
6610 amended as follows:

6611 37-57-105. (1) In addition to the taxes levied under
6612 Section 37-57-1, the levying authority for the school district, as
6613 defined in Section 37-57-1, upon receipt of a certified copy of an
6614 order adopted by the school board of the school district
6615 requesting an ad valorem tax effort in dollars for the support of
6616 the school district, shall, at the same time and in the same
6617 manner as other ad valorem taxes are levied, levy an annual ad
6618 valorem tax in the amount fixed in such order upon all of the
6619 taxable property of such school district, which shall not be less
6620 than the millage rate certified by the State Board of Education as
6621 the uniform minimum school district ad valorem tax levy for the
6622 support of the * * * uniform per student funding formula in such
6623 school district under Section 37-57-1. Provided, however, that
6624 any school district levying less than the uniform minimum school
6625 district ad valorem tax levy on July 1, 1997, shall only be
6626 required to increase its local district maintenance levy in four
6627 (4) mill annual increments in order to attain such millage
6628 requirements. In making such levy, the levying authority shall
6629 levy an additional amount sufficient to cover anticipated
6630 delinquencies and costs of collection so that the net amount of
6631 money to be produced by such levy shall be equal to the amount
6632 which is requested by said school board. The proceeds of such tax
6633 levy, excluding levies for the payment of the principal of and



6634 interest on school bonds or notes and excluding levies for costs
6635 of collection, shall be placed in the school depository to the
6636 credit of the school district and shall be expended in the manner
6637 provided by law for the purpose of supplementing teachers'
6638 salaries, extending school terms, purchasing furniture, supplies
6639 and materials, and for all other lawful operating and incidental
6640 expenses of such school district, funds for which are not provided
6641 by * * * uniform per student funding formula allotments.

6642 The monies authorized to be received by school districts from
6643 the School Ad Valorem Tax Reduction Fund pursuant to Section
6644 37-61-35 shall be included as ad valorem tax receipts. The
6645 levying authority for the school district, as defined in Section
6646 37-57-1, shall reduce the ad valorem tax levy for such school
6647 district in an amount equal to the amount distributed to such
6648 school district from the School Ad Valorem Tax Reduction Fund each
6649 calendar year pursuant to said Section 37-61-35. Such reduction
6650 shall not be less than the millage rate necessary to generate a
6651 reduction in ad valorem tax receipts equal to the funds
6652 distributed to such school district from the School Ad Valorem Tax
6653 Reduction Fund pursuant to Section 37-61-35. * * * The millage
6654 levy certified by the State Board of Education as the uniform
6655 minimum ad valorem tax levy or the millage levy that would
6656 generate funds in an amount equal to a school district's district
6657 entitlement, as defined in Section 37-22-1(2)(e), shall be subject
6658 to the provisions of this paragraph.



6659 In any county where there is located a nuclear generating
6660 power plant on which a tax is assessed under Section 27-35-309(3),
6661 such required levy and revenue produced thereby may be reduced by
6662 the levying authority in an amount in proportion to a reduction in
6663 the base revenue of any such county from the previous year. Such
6664 reduction shall be allowed only if the reduction in base revenue
6665 equals or exceeds five percent (5%). "Base revenue" shall mean
6666 the revenue received by the county from the ad valorem tax levy
6667 plus the revenue received by the county from the tax assessed
6668 under Section 27-35-309(3) and authorized to be used for any
6669 purposes for which a county is authorized by law to levy an ad
6670 valorem tax. For purposes of determining if the reduction equals
6671 or exceeds five percent (5%), a levy of millage equal to the prior
6672 year's millage shall be hypothetically applied to the current
6673 year's ad valorem tax base to determine the amount of revenue to
6674 be generated from the ad valorem tax levy. For the purposes of
6675 this section and Section 37-57-107, the portion of the base
6676 revenue used for the support of any school district shall be
6677 deemed to be the aggregate receipts from ad valorem taxes for the
6678 support of any school district. This paragraph shall apply to
6679 taxes levied for the 1987 fiscal year and for each fiscal year
6680 thereafter. If the Mississippi Supreme Court or another court
6681 finally adjudicates that the tax levied under Section 27-35-309(3)
6682 is unconstitutional, then this paragraph shall stand repealed.



6683 (2) When the tax is levied upon the territory of any school
6684 district located in two (2) or more counties, the order of the
6685 school board requesting the levying of such tax shall be certified
6686 to the levying authority of each of the counties involved, and
6687 each of the levying authorities shall levy the tax in the manner
6688 specified herein. The taxes so levied shall be collected by the
6689 tax collector of the levying authority involved and remitted by
6690 the tax collector to the school depository of the home county to
6691 the credit of the school district involved as provided above,
6692 except that taxes for collection fees may be retained by the
6693 levying authority for deposit into its general fund.

6694 (3) The aggregate receipts from ad valorem taxes levied for
6695 school district purposes, excluding collection fees, pursuant to
6696 this section and Section 37-57-1 shall be subject to the increased
6697 limitation under Section 37-57-107; however, if the ad valorem tax
6698 effort in dollars requested by the school district for the fiscal
6699 year exceeds the next preceding fiscal year's ad valorem tax
6700 effort in dollars by more than four percent (4%) but not more than
6701 seven percent (7%), then the school board shall publish notice
6702 thereof once each week for at least three (3) consecutive weeks in
6703 a newspaper having general circulation in the school district
6704 involved, with the first publication thereof to be made not less
6705 than fifteen (15) days prior to the final adoption of the budget
6706 by the school board. If at any time prior to said adoption a
6707 petition signed by not less than twenty percent (20%) or fifteen



6708 hundred (1500), whichever is less, of the qualified electors of
6709 the school district involved shall be filed with the school board
6710 requesting that an election be called on the question of exceeding
6711 the next preceding fiscal year's ad valorem tax effort in dollars
6712 by more than four percent (4%) but not more than seven percent
6713 (7%), then the school board shall, not later than the next regular
6714 meeting, adopt a resolution calling an election to be held within
6715 such school district upon such question. The election shall be
6716 called and held, and notice thereof shall be given, in the same
6717 manner for elections upon the questions of the issuance of the
6718 bonds of school districts, and the results thereof shall be
6719 certified to the school board. The ballot shall contain the
6720 language "For the School Tax Increase Over Four Percent (4%)" and
6721 "Against the School Tax Increase Over Four Percent (4%)." If a
6722 majority of the qualified electors of the school district who
6723 voted in such election shall vote in favor of the question, then
6724 the stated increase requested by the school board shall be
6725 approved. For the purposes of this paragraph, the revenue sources
6726 excluded from the increased limitation under Section 37-57-107
6727 shall also be excluded from the limitation described herein in the
6728 same manner as they are excluded under Section 37-57-107.

6729 **SECTION 93.** Section 37-57-107, Mississippi Code of 1972, is
6730 amended as follows:

6731 37-57-107. (1) Beginning with the tax levy for the 1997
6732 fiscal year and for each fiscal year thereafter, the aggregate



6733 receipts from taxes levied for school district purposes pursuant
6734 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
6735 receipts from those sources during any one (1) of the immediately
6736 preceding three (3) fiscal years, as determined by the school
6737 board, plus an increase not to exceed seven percent (7%). For the
6738 purpose of this limitation, the term "aggregate receipts" when
6739 used in connection with the amount of funds generated in a
6740 preceding fiscal year shall not include excess receipts required
6741 by law to be deposited into a special account. However, the term
6742 "aggregate receipts" includes any receipts required by law to be
6743 paid to a charter school. The additional revenue from the ad
6744 valorem tax on any newly constructed properties or any existing
6745 properties added to the tax rolls or any properties previously
6746 exempt which were not assessed in the next preceding year may be
6747 excluded from the seven percent (7%) increase limitation set forth
6748 herein. Taxes levied for payment of principal of and interest on
6749 general obligation school bonds issued heretofore or hereafter
6750 shall be excluded from the seven percent (7%) increase limitation
6751 set forth herein. Any additional millage levied to fund any new
6752 program mandated by the Legislature shall be excluded from the
6753 limitation for the first year of the levy and included within such
6754 limitation in any year thereafter. For the purposes of this
6755 section, the term "new program" shall include, but shall not be
6756 limited to, (a) the Early Childhood Education Program required to
6757 commence with the 1986-1987 school year as provided by Section



6758 37-21-7 and any additional millage levied and the revenue
6759 generated therefrom, which is excluded from the limitation for the
6760 first year of the levy, to support the mandated Early Childhood
6761 Education Program shall be specified on the minutes of the school
6762 board and of the governing body making such tax levy; (b) any
6763 additional millage levied and the revenue generated therefrom,
6764 which shall be excluded from the limitation for the first year of
6765 the levy, for the purpose of generating additional local
6766 contribution funds required for the * * * uniform per student
6767 funding formula; and (c) any additional millage levied and the
6768 revenue generated therefrom which shall be excluded from the
6769 limitation for the first year of the levy, for the purpose of
6770 support and maintenance of any agricultural high school which has
6771 been transferred to the control, operation and maintenance of the
6772 school board by the board of trustees of the community college
6773 district under provisions of Section 37-29-272.

6774 (2) The seven percent (7%) increase limitation prescribed in
6775 this section may be increased an additional amount only when the
6776 school board has determined the need for additional revenues and
6777 has held an election on the question of raising the limitation
6778 prescribed in this section. The limitation may be increased only
6779 if three-fifths (3/5) of those voting in the election shall vote
6780 for the proposed increase. The resolution, notice and manner of
6781 holding the election shall be as prescribed by law for the holding
6782 of elections for the issuance of bonds by the respective school



6783 boards. Revenues collected for the fiscal year in excess of the
6784 seven percent (7%) increase limitation pursuant to an election
6785 shall be included in the tax base for the purpose of determining
6786 aggregate receipts for which the seven percent (7%) increase
6787 limitation applies for subsequent fiscal years.

6788 (3) Except as otherwise provided for excess revenues
6789 generated pursuant to an election, if revenues collected as the
6790 result of the taxes levied for the fiscal year pursuant to this
6791 section and Section 37-57-1 exceed the increase limitation, then
6792 it shall be the mandatory duty of the school board of the school
6793 district to deposit such excess receipts over and above the
6794 increase limitation into a special account and credit it to the
6795 fund for which the levy was made. It will be the further duty of
6796 such board to hold said funds and invest the same as authorized by
6797 law. Such excess funds shall be calculated in the budgets for the
6798 school districts for the purpose for which such levies were made,
6799 for the succeeding fiscal year. Taxes imposed for the succeeding
6800 year shall be reduced by the amount of excess funds available.
6801 Under no circumstances shall such excess funds be expended during
6802 the fiscal year in which such excess funds are collected.

6803 (4) For the purposes of determining ad valorem tax receipts
6804 for a preceding fiscal year under this section, the term "fiscal
6805 year" means the fiscal year beginning October 1 and ending
6806 September 30.



6807 (5) Beginning with the 2013-2014 school year, each school
6808 district in which a charter school is located shall pay to the
6809 charter school an amount for each student enrolled in the charter
6810 school equal to the ad valorem taxes levied per pupil for the
6811 support of the school district in which the charter school is
6812 located. The pro rata ad valorem taxes to be transferred to the
6813 charter school must include all levies for the support of the
6814 school district under Sections 37-57-1 (local contribution to
6815 the * * * uniform per student funding formula) and 37-57-105
6816 (school district operational levy) but may not include any taxes
6817 levied for the retirement of school district bonded indebtedness
6818 or short-term notes or any taxes levied for the support of
6819 vocational-technical education programs. Payments made pursuant
6820 to this subsection by a school district to a charter school must
6821 be made before the expiration of three (3) business days after the
6822 funds are distributed to the school district.

6823 **SECTION 94.** Section 37-61-3, Mississippi Code of 1972, is
6824 amended as follows:

6825 37-61-3. The * * * uniform per student funding formula
6826 allotments * * * to the public school districts and the funds
6827 derived from the supplemental school district tax levies
6828 authorized by law shall be used exclusively for the support,
6829 maintenance and operation of the schools in the manner provided by
6830 law for the fiscal years for which such funds were appropriated,
6831 collected or otherwise made available, and no part of said funds



6832 or allotments shall be used in paying any expenses incurred during
6833 any preceding fiscal year. However, this shall not be construed to
6834 prohibit the payment of expenses incurred during the fiscal year
6835 after the close of such fiscal year from amounts remaining on hand
6836 at the end of such fiscal year, provided that such expenses were
6837 properly payable from such amounts. Moreover, this shall not be
6838 construed to prohibit the payment of the salaries of
6839 superintendents, principals and teachers and other school
6840 employees whose salaries are payable in twelve (12) monthly
6841 installments after the close of the fiscal year from amounts on
6842 hand for such purpose at the end of the fiscal year.

6843 **SECTION 95.** Section 37-61-5, Mississippi Code of 1972, is
6844 amended as follows:

6845 37-61-5. If in any year there should remain a balance in
6846 the * * * uniform per student funding formula funds of any school
6847 district on June 30 which amount is not to be used or is not
6848 needed in the payment of expenses for the preceding fiscal year
6849 properly payable out of such * * * uniform per student funding
6850 formula funds, then such balance on hand to the credit of
6851 such * * * uniform per student funding formula funds of the school
6852 district shall be carried forward as a part of such * * * uniform
6853 per student funding formula funds for the next succeeding fiscal
6854 year. The proper pro rata part of the amount so carried forward,
6855 to be determined by the percentage which the state * * * uniform
6856 per student funding formula funds * * * during the year bore to



6857 the entire amount * * * of the school district's uniform per
6858 student funding formula funds, shall be charged against and
6859 deducted from the amount which the school district is allotted
6860 from state * * * uniform per student funding formula funds for the
6861 succeeding fiscal year, in a manner prescribed by the State
6862 Auditor. The remainder of the amount so carried forward may be
6863 deducted from the amount which the school district is required to
6864 produce as its local minimum ad valorem tax effort for the support
6865 of the * * * uniform per student funding formula for the
6866 succeeding fiscal year * * *.

6867 **SECTION 96.** Section 37-61-7, Mississippi Code of 1972, is
6868 amended as follows:

6869 37-61-7. If at the end of any fiscal year there should
6870 remain a balance in the school district fund of any school
6871 district which is not needed and is not to be used for paying the
6872 expenses properly payable out of such district fund for the
6873 preceding fiscal year, such balance shall be carried forward as a
6874 part of the school district fund for the next fiscal year and used
6875 and expended in the manner otherwise provided by law. Nothing in
6876 this section shall be construed as applying to balances * * * of
6877 uniform per student funding formula funds of a school district,
6878 and balances remaining in such funds shall be governed by Section
6879 37-61-5.

6880 **SECTION 97.** Section 37-61-19, Mississippi Code of 1972, is
6881 amended as follows:



6882 37-61-19. It shall be the duty of the superintendents of
6883 schools and the school boards of all school districts to limit the
6884 expenditure of school funds during the fiscal year to the
6885 resources available. It shall be unlawful for any school district
6886 to budget expenditures from a fund in excess of the resources
6887 available within that fund. Furthermore, it shall be unlawful for
6888 any contract to be entered into or any obligation incurred or
6889 expenditure made in excess of the resources available for such
6890 fiscal year. Any member of the school board, superintendent of
6891 schools, or other school official, who shall knowingly enter into
6892 any contract, incur any obligation, or make any expenditure in
6893 excess of the amount available for the fiscal year shall be
6894 personally liable for the amount of such excess. However, no
6895 school board member, superintendent or other school official shall
6896 be personally liable (a) in the event of any reduction in * * *
6897 uniform per student funding formula payments by action of the
6898 Governor acting through the Department of Finance and
6899 Administration, or (b) for claims, damages, awards or judgments,
6900 on account of any wrongful or tortious act or omission or breach
6901 of implied term or condition of any warranty or contract;
6902 provided, however, that the foregoing immunity provisions shall
6903 not be a defense in cases of fraud, criminal action or an
6904 intentional breach of fiduciary obligations imposed by statute.

6905 **SECTION 98.** Section 37-61-29, Mississippi Code of 1972, is
6906 amended as follows:



6907 37-61-29. The State Department of Audit is hereby authorized
6908 and empowered to post-audit and investigate the financial affairs
6909 and all transactions involving the school funds of the * * *
6910 school district including the * * * uniform per student funding
6911 formula funds and supplementary district school funds, and to make
6912 separate and special audits thereof, as now provided by Sections
6913 7-7-201 through 7-7-215 * * *.

6914 **SECTION 99.** Section 37-61-33, Mississippi Code of 1972, is
6915 amended as follows:

6916 37-61-33. (1) There is created within the State Treasury a
6917 special fund to be designated the "Education Enhancement Fund"
6918 into which shall be deposited all the revenues collected pursuant
6919 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

6920 (2) Of the amount deposited into the Education Enhancement
6921 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
6922 appropriated each fiscal year to the State Department of Education
6923 to be distributed to all school districts. Such money shall be
6924 distributed to all school districts in the proportion that the
6925 average daily * * * membership of each school district bears to
6926 the average daily * * * membership of all school districts within
6927 the state for the following purposes:

6928 (a) Purchasing, erecting, repairing, equipping,
6929 remodeling and enlarging school buildings and related facilities,
6930 including gymnasiums, auditoriums, lunchrooms, vocational training
6931 buildings, libraries, teachers' homes, school barns,



6932 transportation vehicles (which shall include new and used
6933 transportation vehicles) and garages for transportation vehicles,
6934 and purchasing land therefor.

6935 (b) Establishing and equipping school athletic fields
6936 and necessary facilities connected therewith, and purchasing land
6937 therefor.

6938 (c) Providing necessary water, light, heating,
6939 air-conditioning and sewerage facilities for school buildings, and
6940 purchasing land therefor.

6941 (d) As a pledge to pay all or a portion of the debt
6942 service on debt issued by the school district under Sections
6943 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
6944 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
6945 and 37-41-81, or debt issued by boards of supervisors for
6946 agricultural high schools pursuant to Section 37-27-65, if such
6947 pledge is accomplished pursuant to a written contract or
6948 resolution approved and spread upon the minutes of an official
6949 meeting of the district's school board or board of supervisors.
6950 The annual grant to such district in any subsequent year during
6951 the term of the resolution or contract shall not be reduced below
6952 an amount equal to the district's grant amount for the year in
6953 which the contract or resolution was adopted. The intent of this
6954 provision is to allow school districts to irrevocably pledge a
6955 certain, constant stream of revenue as security for long-term
6956 obligations issued under the code sections enumerated in this



6957 paragraph or as otherwise allowed by law. It is the intent of the
6958 Legislature that the provisions of this paragraph shall be
6959 cumulative and supplemental to any existing funding programs or
6960 other authority conferred upon school districts or school boards.
6961 Debt of a district secured by a pledge of sales tax revenue
6962 pursuant to this paragraph shall not be subject to any debt
6963 limitation contained in the foregoing enumerated code sections.

6964 (3) The remainder of the money deposited into the Education
6965 Enhancement Fund shall be appropriated as follows:

6966 (a) To the State Department of Education as follows:

6967 (i) Sixteen and sixty-one one-hundredths percent
6968 (16.61%) to the cost of the * * * uniform per student funding
6969 formula determined under * * * Chapter 151, Title 37, Mississippi
6970 Code of 1972; of the funds generated by the percentage set forth
6971 in this section for the support of the * * * uniform per student
6972 funding formula, one and one hundred seventy-eight one-thousandths
6973 percent (1.178%) of the funds shall be appropriated to be used by
6974 the State Department of Education for the purchase of textbooks to
6975 be loaned under Sections 37-43-1 through 37-43-59 to approved
6976 nonpublic schools, as described in Section 37-43-1. The funds to
6977 be distributed to each nonpublic school shall be in the proportion
6978 that the average daily * * * membership of each nonpublic school
6979 bears to the total average daily * * * membership of all nonpublic
6980 schools;



6981 (ii) Seven and ninety-seven one-hundredths percent
6982 (7.97%) to assist the funding of transportation operations and
6983 maintenance * * *; and

6984 (iii) Nine and sixty-one one-hundredths percent
6985 (9.61%) for classroom supplies, instructional materials and
6986 equipment, including computers and computer software, to be
6987 distributed to all eligible teachers within the state through the
6988 use of procurement cards. Classroom supply funds shall not be
6989 expended for administrative purposes. On or before September 1 of
6990 each year, local school districts shall determine and submit to
6991 the State Department of Education the number of teachers eligible
6992 to receive an allocation for the current year. For purposes of
6993 this subparagraph, "teacher" means any employee of the school
6994 board of a school district, or the Mississippi School for the
6995 Arts, the Mississippi School for Math and Science, the Mississippi
6996 School for the Blind or the Mississippi School for the Deaf, who
6997 is required by law to obtain a teacher's license from the State
6998 Department of Education and who is assigned to an instructional
6999 area of work as defined by the department, but shall not include a
7000 federally funded teacher. It is the intent of the Legislature
7001 that all classroom teachers shall utilize these funds in a manner
7002 that addresses individual classroom needs and supports the overall
7003 goals of the school regarding supplies, instructional materials,
7004 equipment, computers or computer software under the provisions of
7005 this subparagraph, including the type, quantity and quality of



7006 such supplies, materials and equipment. Classroom supply funds
7007 allocated under this subparagraph shall supplement, not replace,
7008 other local and state funds available for the same purposes. The
7009 State Board of Education shall develop and promulgate rules and
7010 regulations for the administration of this subparagraph consistent
7011 with the above criteria, with particular emphasis on allowing the
7012 individual teachers to expend funds as they deem appropriate.
7013 Effective with the 2013-2014 school year, the local school board
7014 shall require each school to issue procurement cards provided by
7015 the Department of Finance and Administration under the provisions
7016 of Section 31-7-9(1)(c) for the use of teachers and necessary
7017 support personnel in making instructional supply fund expenditures
7018 under this section, consistent with the regulations of the
7019 Mississippi Department of Finance and Administration pursuant to
7020 Section 31-7-9. Such procurement cards shall be issued at the
7021 beginning of the school year and shall be issued in equal amounts
7022 per teacher determined by the total number of qualifying personnel
7023 and the current state appropriation for classroom supplies with
7024 the Education Enhancement Fund. Such cards will expire on a
7025 pre-determined date at the end of each school year. All
7026 unexpended amounts will be carried forward, combined with the
7027 following year's allocation of Education Enhancement Fund
7028 instructional supplies funds and reallocated for the following
7029 year;



7030 (b) Twenty-two and nine one-hundredths percent (22.09%)
7031 to the Board of Trustees of State Institutions of Higher Learning
7032 for the purpose of supporting institutions of higher learning; and

7033 (c) Fourteen and forty-one one-hundredths percent
7034 (14.41%) to the Mississippi Community College Board for the
7035 purpose of providing support to community and junior colleges.

7036 (4) The amount remaining in the Education Enhancement Fund
7037 after funds are distributed as provided in subsections (2) and (3)
7038 of this section shall be disbursed as follows:

7039 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
7040 be deposited into the Working Cash-Stabilization Reserve Fund
7041 created pursuant to Section 27-103-203(1), until the balance in
7042 such fund reaches the maximum balance of seven and one-half
7043 percent (7-1/2%) of the General Fund appropriations in the
7044 appropriate fiscal year. After the maximum balance in the Working
7045 Cash-Stabilization Reserve Fund is reached, such money shall
7046 remain in the Education Enhancement Fund to be appropriated in the
7047 manner provided for in paragraph (b) of this subsection.

7048 (b) The remainder shall be appropriated for other
7049 educational needs.

7050 (5) None of the funds appropriated pursuant to subsection
7051 (3)(a) of this section shall be used to reduce the state's General
7052 Fund appropriation * * * pursuant to * * * subsection (3)(a)(ii)
7053 of this section * * * in the amount of Thirty-six Million Seven
7054 Hundred Thousand Dollars (\$36,700,000.00) * * *.



7055 * * *

7056 (6) Any funds appropriated from the Education Enhancement
7057 Fund that are unexpended at the end of a fiscal year shall lapse
7058 into the Education Enhancement Fund, except as otherwise provided
7059 in subsection (3) (a) (iii) of this section.

7060 **SECTION 100.** Section 37-61-35, Mississippi Code of 1972, is
7061 amended as follows:

7062 37-61-35. There is hereby created a special fund in the
7063 State Treasury to be designated School Ad Valorem Tax Reduction
7064 Fund into which proceeds collected pursuant to Sections
7065 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with
7066 the 1994 state fiscal year, the entire amount of monies in such
7067 special fund shall be appropriated annually to the State
7068 Department of Education which shall distribute the appropriated
7069 amount to the various school districts in the proportion that the
7070 average daily * * * membership of each school district bears to
7071 the average daily * * * membership of all school districts within
7072 the state. On or before June 1, 1993, and on or before June 1 of
7073 each succeeding year, the State Department of Education shall
7074 notify each school district of the amount to which such district
7075 is entitled pursuant to this section.

7076 **SECTION 101.** Section 37-61-37, Mississippi Code of 1972, is
7077 amended as follows:

7078 37-61-37. There is established in the State Treasury a fund
7079 known as the "Mississippi Public Education Support Fund"



7080 (hereinafter referred to as "fund"). The fund shall consist of
7081 monies required to be deposited therein under Section 27-19-56.34,
7082 and such other monies as the Legislature may authorize or direct
7083 to be deposited into the fund. Monies in the fund, upon
7084 appropriation by the Legislature, may be expended by the
7085 Mississippi Department of Education for classroom supplies,
7086 instructional materials and equipment, including computers and
7087 computer software, to be distributed to all school districts in
7088 the proportion that the average daily * * * membership of each
7089 school district bears to the average daily * * * membership of all
7090 school districts within the state. Unexpended amounts remaining
7091 in the fund at the end of the fiscal year shall not lapse into the
7092 State General Fund, and any interest earned or investment earnings
7093 on amounts in the fund shall be deposited to the credit of the
7094 fund.

7095 **SECTION 102.** Section 37-131-7, Mississippi Code of 1972, is
7096 amended as follows:

7097 37-131-7. When any pupils shall attend any demonstration or
7098 practice school under the provisions of Section 37-131-3, such
7099 children shall be reported and accounted for the allocation
7100 of * * * uniform per student funding formula funds and state
7101 public school building funds just as though such children were
7102 attending the regular schools of the district in which they
7103 reside. For this purpose, reports shall be made to the school
7104 district involved by the demonstration or practice school of the



7105 number of pupils in average daily * * * membership, and the
7106 average daily * * * membership of such children shall thereupon be
7107 included in reports made to the State Board of Education * * * by
7108 the * * * school district * * *.

7109 Allocation of * * * uniform per student funding formula funds
7110 shall be made by the State Board of Education for such children
7111 just as though such children were attending the regular schools of
7112 the district. All * * * uniform per student funding formula
7113 funds * * * which accrue to any district as a result of such
7114 children who are in attendance at a demonstration or practice
7115 school shall be paid by the board of trustees of the municipal
7116 separate school district or by the county board of education to
7117 the demonstration or practice school, and shall be used to defray
7118 the cost and expense of maintaining, operating and conducting such
7119 demonstration or practice school.

7120 All state public school building funds which accrue as a
7121 result of such children in attendance at a demonstration or
7122 practice school shall be credited directly to such demonstration
7123 or practice school, and all of the provisions of Chapter 47 of
7124 this title shall be fully applicable thereto.

7125 **SECTION 103.** Section 37-131-9, Mississippi Code of 1972, is
7126 amended as follows:

7127 37-131-9. In addition to the amounts paid to the
7128 demonstration or practice school from * * * uniform per student
7129 funding formula funds, as provided in Section 37-131-7, the board



7130 of trustees of the school district involved may contract with the
7131 said demonstration or practice school for the payment of
7132 additional amounts thereto to defray expenses over and above those
7133 defrayed by * * * uniform per student funding formula funds, which
7134 additional amounts shall be paid from any funds available to the
7135 school district other than * * * uniform per student funding
7136 formula funds, whether produced by a supplemental district tax
7137 levy or otherwise.

7138 If the total funds paid to the demonstration or practice
7139 school by the school district are inadequate to defray the cost
7140 and expense of maintaining and operating such demonstration or
7141 practice school then the president or executive head of the
7142 institution may, subject to the approval of the Board of Trustees
7143 of State Institutions of Higher Learning, require the payment of
7144 additional fees or tuition in an amount to be fixed by the
7145 president or executive head of the institution, subject to the
7146 approval of the Board of Trustees of State Institutions of Higher
7147 Learning, which amount shall be paid by and collected from the
7148 student or his parents.

7149 Boards of trustees of school districts involved may designate
7150 an area within the jurisdiction of the board as an attendance
7151 center as provided by law, and may require students in such area
7152 to attend demonstration or practice schools, subject to a
7153 satisfactory contract between the school board and the president
7154 or executive head of the institution operating the demonstration



7155 or practice school. In such event, all fees and tuition must be
7156 borne by the school district and in no case shall the child or the
7157 parents of the child assigned to such demonstration or practice
7158 school be required to pay any fees or tuition.

7159 The president or executive head of the institution, subject
7160 to the approval of the Board of Trustees of State Institutions of
7161 Higher Learning, may also fix the amount of fees and tuition to be
7162 paid by students desiring to attend such demonstration or practice
7163 school in cases where there is no contract with the board of
7164 trustees of the school district in which the students reside
7165 therefor.

7166 All funds received by an institution, under the provisions of
7167 this section, shall be deposited in a special fund and shall be
7168 used and expended solely for the purpose of defraying and paying
7169 the cost and expense of operating, maintaining and conducting such
7170 teachers demonstration and practice school. Such funds may be
7171 supplemented by and used in connection with any other funds
7172 available to the institutions for such purpose whether made
7173 available by legislative appropriation or otherwise.

7174 **SECTION 104.** Section 37-131-11, Mississippi Code of 1972, is
7175 amended as follows:

7176 37-131-11. All demonstration or practice schools established
7177 under the provisions of Section 37-131-1 shall, as far as may be
7178 practicable, be subject to and governed by the same laws as other
7179 public schools of the State of Mississippi, and shall make all



7180 reports required by law to be made by public schools to the State
7181 Board of Education * * * at the same time and in the same manner
7182 as such reports are made by other public schools. However, for
7183 the purpose of the allocation of * * * uniform per student funding
7184 formula funds, the reports of children in average daily * * *
7185 membership shall be made to the school district involved by said
7186 demonstration or practice school, and a copy thereof shall be
7187 filed with the State Board of Education. The school district
7188 shall use said reports so filed with it in making its reports to
7189 the State Board of Education for the purpose of the allocation
7190 of * * * uniform per student funding formula funds but the average
7191 daily * * * membership of the pupils attending such demonstration
7192 or practice school shall be segregated and separated in such
7193 reports from the average daily * * * membership in the regular
7194 schools of the district.

7195 **SECTION 105.** Section 37-151-7.1, Mississippi Code of 1972,
7196 is amended as follows:

7197 37-151-7.1. (1) Before February 1 of each year, the tax
7198 assessor of each county shall file a report or reports with the
7199 State Department of Education which provide information essential
7200 to the department in determining the amount that each school
7201 district shall be required to provide toward the cost of the * * *
7202 Mississippi Uniform Per Student Funding Formula. A separate
7203 report must be filed for each school district or part of a school



7204 district situated in the county and must include the following
7205 information:

7206 (a) The total assessed valuation of nonexempt property
7207 for school purposes in the school district;

7208 (b) The assessed value of exempt property owned by
7209 homeowners aged sixty-five (65) or older or disabled, as defined
7210 in Section 27-33-67(2), in the school district;

7211 (c) The school district's tax loss from exemptions
7212 provided to applicants under the age of sixty-five (65) and not
7213 disabled, as defined in Section 27-33-67(1); and

7214 (d) The school district's homestead reimbursement
7215 revenues.

7216 (2) The State Department of Education shall prepare and make
7217 available to the tax assessor of each county a form for the
7218 reports required under this section.

7219 **SECTION 106.** Section 37-151-9, Mississippi Code of 1972, is
7220 amended as follows:

7221 37-151-9. (1) The State Board of Education and State
7222 Superintendent of Education shall establish within the State
7223 Department of Education a special unit at the division level
7224 called the Office of Educational Accountability. The Director of
7225 the Office of Educational Accountability shall hold a position
7226 comparable to a deputy superintendent and shall be appointed by
7227 the State Board of Education with the advice and consent of the
7228 Senate. He shall serve at the will and pleasure of the State



7229 Board of Education and may employ necessary professional,
7230 administrative and clerical staff. The Director of the Office of
7231 Educational Accountability shall provide all reports to the
7232 Legislature, Governor, Mississippi Commission on School
7233 Accreditation and State Board of Education and respond to any
7234 inquiries for information.

7235 (2) The Office of Educational Accountability is responsible
7236 for monitoring and reviewing programs developed under the
7237 Education Reform Act, the Mississippi Adequate Education Program
7238 Act of 1994, the Education Enhancement Fund, the Mississippi
7239 Uniform Per Student Funding Formula Act of 2018, and subsequent
7240 education initiatives, and shall provide information,
7241 recommendations and an annual assessment to the Legislature,
7242 Governor, Mississippi Commission on School Accreditation and the
7243 State Board of Education. * * * The annual assessment of
7244 education reform programs shall be performed by the Office of
7245 Educational Accountability by December 1 of each year. * * *

7246 (3) In addition, the Office of Educational Accountability
7247 shall have the following specific duties and responsibilities:

7248 (a) Developing and maintaining a system of
7249 communication with school district personnel;

7250 (b) Provide opportunities for public comment on the
7251 current functions of the State Department of Education's programs,
7252 needed public education services and innovative suggestions; and



7253 (c) Assess both positive and negative impact on school
7254 districts of new education programs, including but not limited to
7255 The Mississippi Report Card and alternative school programs.

7256 **SECTION 107.** Section 37-151-10, Mississippi Code of 1972, is
7257 amended as follows:

7258 37-151-10. (1) There is established a Center for Education
7259 Analysis which shall be an advisory group attached to the Public
7260 Education Forum of Mississippi. The Center for Education Analysis
7261 shall create a structure to systematically collect, compile and
7262 coordinate data that can be disseminated to business, legislative
7263 and education entities for decision-making purposes relating to
7264 public education. The Center for Education Analysis may enter
7265 into a contractual agreement with the Public Education Forum of
7266 Mississippi in order to place the center within the administrative
7267 framework of the Public Education Forum under the following
7268 conditions:

7269 (a) All new programs authorized in this section are
7270 subject to the availability of funds specifically appropriated
7271 therefor by the Legislature from the Education Enhancement Fund to
7272 the Public Education Forum for the support and maintenance of the
7273 programs of the Center for Education Analysis.

7274 (b) The Public Education Forum will provide a business
7275 framework to coordinate its recommendations and reports with the
7276 programs of the Center for Education Analysis.



7277 (c) The Public Education Forum shall employ a director
7278 for the Center for Education Analysis with appropriate
7279 qualifications. Any public funds expended pursuant to this
7280 section shall be audited by the Mississippi Department of Audit.

7281 There is created in the State Treasury a special fund to be
7282 known as the "Center for Education Analysis Fund." Monies may be
7283 expended out of such funds pursuant to appropriation by the
7284 Legislature, to implement the public education analysis program
7285 established under the provisions of this section. Disbursements
7286 from such fund shall be made only upon requisition of the Director
7287 for the Center for Education Analysis.

7288 (2) The Center for Education Analysis established in
7289 subsection (1) shall develop and submit to the Legislature and the
7290 Governor an annual report on the implementation of the * * *
7291 uniform per student funding formula and the Interim School
7292 District Capital Expenditure Fund program. * * * The report shall
7293 become a distinct part of the Mississippi Report Card
7294 describing * * * implementation of the * * * uniform per student
7295 funding formula. The annual report shall include the following:

7296 (a) A description of the amount of * * * Mississippi
7297 Uniform Per Student Funding Formula funds available to each school
7298 district * * *;

7299 (b) A description of each school district's capital
7300 expenditure plan, including:



7301 (i) A listing of the school district facilities to
7302 be constructed, purchased, repaired, renovated, remodeled or
7303 enlarged, with designation of the nature of each such project as
7304 new construction, retrofitting/renovation, or site work and/or
7305 preparation;

7306 (ii) For each completed capital improvement
7307 project and upon the completion of any approved capital
7308 expenditure plan, a listing by individual project of:

7309 (A) The total dimensions of each
7310 construction, renovation or site preparation project;

7311 (B) The total project cost in dollars;

7312 (C) The project cost per square foot of newly
7313 constructed space or, in the case of renovation, per square foot
7314 of the principal structure affected by such renovation;

7315 (D) The total cost of all furniture and
7316 equipment per project;

7317 (E) The total amount of nonconstruction fees
7318 per project;

7319 (F) The total of other costs associated with
7320 the project not otherwise included in items (A) through (E) above;
7321 and

7322 (G) The number of classrooms created and/or
7323 affected by the project;

7324 (iii) A listing of all school district State Aid
7325 Capital Improvement Bonds secured by Mississippi Adequate



7326 Education Program funds issued by school districts and the capital
7327 improvements funded through such bond issue;

7328 (iv) A description of any other local bond issue
7329 proceeds combined with such funds for capital improvement
7330 purposes; and

7331 (v) Any other appropriate information relating to
7332 capital improvements by school districts as determined by the
7333 State Board of Education;

7334 (c) An annual assessment of the impact of additional or
7335 less funding under the * * * Mississippi Uniform Per Student
7336 Funding Formula on * * * school districts with less than a * * *
7337 "C" designation under the state accreditation system; and

7338 (d) An annual assessment of the impact of teacher
7339 recruitment incentives on the employment of licensed teachers in
7340 critical teacher shortage geographic areas * * *.

7341 **SECTION 108.** Section 37-151-87, Mississippi Code of 1972, is
7342 amended as follows:

7343 37-151-87. No school district shall pay any teacher less
7344 than the state minimum salary. * * * However, * * * school
7345 districts are authorized to reduce the state minimum salary by a
7346 pro rata daily amount in order to comply with the school district
7347 employee furlough provisions of Section 37-7-308. From and after
7348 July 1, 2012, no school district shall receive any funds under the
7349 provisions of this chapter for any school year during which the
7350 aggregate amount of local supplement * * * is reduced below such



7351 amount for the previous year. However, (a) where there has been a
7352 reduction in * * * uniform per student funding formula allocations
7353 for such district in such year, (b) where there has been a
7354 reduction in the amount of federal funds to such district below
7355 the previous year, or (c) where there has been a reduction in ad
7356 valorem taxes to such school district for the 1986-1987 school
7357 year below the amount for the previous year due to the exemption
7358 of nuclear generating plants from ad valorem taxation pursuant to
7359 Section 27-35-309, * * * the aggregate amount of local supplement
7360 in such district may be reduced in the discretion of the local
7361 school board without loss of funds under this chapter. No school
7362 district may receive any funds under the provisions of this
7363 chapter for any school year if the aggregate amount of support
7364 from ad valorem taxation shall be reduced during such school year
7365 below such amount for the previous year; however, where there is a
7366 loss in * * * uniform per student funding formula allocations, or
7367 where there is or heretofore has been a decrease in the total
7368 assessed value of taxable property within a school district, the
7369 aggregate amount of such support may be reduced proportionately.
7370 Nothing herein contained shall prohibit any school district from
7371 adopting or continuing a program or plan whereby teachers are paid
7372 varying salaries according to the teaching ability, classroom
7373 performance and other similar standards.

7374 For purposes of this section, the term "local supplement"
7375 means the additional amount paid to an individual teacher over and



7376 above the salary schedule prescribed in Section 37-19-7 for the
7377 performance of regular teaching duties by that teacher.

7378 **SECTION 109.** Section 37-151-89, Mississippi Code of 1972, is
7379 amended as follows:

7380 37-151-89. The minimum base pay for all classroom teachers
7381 may be increased by the district from any funds available to
7382 it * * *.

7383 **SECTION 110.** Section 37-151-91, Mississippi Code of 1972, is
7384 amended as follows:

7385 37-151-91. The school boards of all school districts may
7386 establish salary schedules based on training, experience and other
7387 such factors as may be incorporated therein, including student
7388 progress and performance as developed by the State Board of
7389 Education, paying teachers greater amounts than the scale
7390 provided * * * in Section 37-19-7, but no teacher may be paid less
7391 than the amount based upon the minimum scale of pay provided
7392 in * * * Section 37-19-7, * * * and all supplements paid from
7393 local funds shall be based upon the salary schedules so
7394 established. The school boards may call upon the State Department
7395 of Education for aid and assistance in formulating and
7396 establishing such salary schedules, and it shall be the duty of
7397 the State Department of Education, when so called upon, to render
7398 such aid and assistance. The amount actually paid to each teacher
7399 shall be based upon and determined by the type of * * * license
7400 held by such teacher.



7401 **SECTION 111.** Section 37-151-93, Mississippi Code of 1972, is
7402 amended as follows:

7403 37-151-93. (1) Legally transferred students going from one
7404 school district to another shall be counted for * * * uniform per
7405 student funding formula allotments by the school district wherein
7406 the pupils attend school * * *. The school boards of the school
7407 districts which approve the transfer of a student under the
7408 provisions of Section 37-15-31 shall enter into an agreement and
7409 contract for the payment or nonpayment of any portion of their
7410 local maintenance funds which they deem fair and equitable in
7411 support of any transferred student. Except as provided in
7412 subsection (2) of this section, local maintenance funds shall be
7413 transferred only to the extent specified in the agreement and
7414 contract entered into by the affected school districts. The terms
7415 of any local maintenance fund payment transfer contract shall be
7416 spread upon the minutes of both of the affected school district
7417 school boards. The school district accepting any transfer
7418 students shall be authorized to accept tuition from such students
7419 under the provisions of Section 37-15-31(1) and such agreement may
7420 remain in effect for any length of time designated in the
7421 contract. The terms of such student transfer contracts and the
7422 amounts of any tuition charged any transfer student shall be
7423 spread upon the minutes of both of the affected school boards. No
7424 school district accepting any transfer students under the
7425 provisions of Section 37-15-31(2), which provides for the transfer



7426 of certain school district employee dependents, shall be
7427 authorized to charge such transfer students any tuition fees.

7428 (2) Local maintenance funds shall be paid by the home school
7429 district to the transferee school district for students granted
7430 transfers under the provisions of Sections 37-15-29(3) and
7431 37-15-31(3), * * * not to exceed the * * * student base amount, as
7432 defined in Section * * * 37-151-203, multiplied by the number of
7433 such legally transferred students.

7434 **SECTION 112.** Section 37-151-95, Mississippi Code of 1972, is
7435 amended as follows:

7436 37-151-95. * * * Uniform per student funding formula funds
7437 shall * * * cover one hundred percent (100%) of the cost of the
7438 State and School Employees' Life and Health Insurance Plan created
7439 under Article 7, Chapter 15, Title 25, Mississippi Code of 1972,
7440 for all district employees who work no less than twenty (20) hours
7441 during each week and regular nonstudent school bus drivers
7442 employed by the district.

7443 Where the use of federal funding is allowable to defray, in
7444 full or in part, the cost of participation in the insurance plan
7445 by district employees who work no less than twenty (20) hours
7446 during each week and regular nonstudent school bus drivers, whose
7447 salaries are paid, in full or in part, by federal funds, the * * *
7448 use of uniform per student funding formula funds as required under
7449 this section shall be reduced to the extent of the federal
7450 funding. Where the use of federal funds is allowable but not



7451 available, it is the intent of the Legislature that school
7452 districts contribute the cost of participation for such employees
7453 from local funds, except that parent fees for child nutrition
7454 programs shall not be increased to cover such cost.

7455 The State Department of Education, in accordance with rules
7456 and regulations established by the State Board of Education, may
7457 withhold a school district's * * * uniform per student funding
7458 formula funds for failure of the district to timely report
7459 student, fiscal and personnel data necessary to meet state and/or
7460 federal requirements. The rules and regulations promulgated by
7461 the State Board of Education shall require the withholding
7462 of * * * uniform per student funding formula funds for those
7463 districts that fail to remit premiums, interest penalties and/or
7464 late charges under the State and School Employees' Life and Health
7465 Insurance Plan. Noncompliance with such rules and regulations
7466 shall result in a violation of compulsory accreditation standards
7467 as established by the State Board of Education and Commission on
7468 School Accreditation.

7469 **SECTION 113.** Section 37-151-97, Mississippi Code of 1972, is
7470 amended as follows:

7471 37-151-97. The State Department of Education shall develop
7472 an annual reporting process to inform the Legislature, local
7473 district personnel and the general public as to the ongoing and
7474 future plans for the state's educational programs. The annual
7475 reporting process will include those vital statistics that are



7476 commonly reported by schools and districts and that can provide
7477 clear demographic, strategic and educational information to
7478 constituencies such as, but not limited to, the following
7479 information:

7480 (a) Student enrollment * * * and attendance * * *
7481 reported in the aggregate and specifically for each student
7482 population that is subject to weighting under the uniform per
7483 student funding formula, and drop-out and graduation data;

7484 (b) Overall student and district achievement;

7485 (c) Budget, administrative costs and other pertinent
7486 fiscal information, including:

7487 (i) The receipts and disbursements of all school
7488 funds handled by the board;

7489 (ii) Reports of expenditures for public schools,
7490 which, upon request must be made available on an individual
7491 district basis by the State Department of Education;

7492 1. Total Student Expenditures:

7493 a. Instruction (1000s);

7494 b. Other Student Instructional

7495 Expenditures (2100s, 2200s);

7496 2. General Administration (2300s and 2500s);

7497 3. School Administration (2400s);

7498 4. Other Expenditures (2600s, 2700s, 2800s,

7499 3100s, 3200s); and



7500 5. Nonoperational Expenditures (4000s, 5000s,
7501 6000s);

7502 (iii) The number of school districts, school
7503 teachers employed, school administrators employed, pupils taught
7504 and the attendance record of pupils therein;

7505 (iv) County and district levies for each school
7506 district and agricultural high school;

7507 (v) The condition of vocational education, a list
7508 of schools to which federal and state aid has been given, and a
7509 detailed statement of the expenditures of federal funds and the
7510 state funds that may be provided, and the ranking of subjects
7511 taught as compared with the state's needs.

7512 (d) Other as directed by the State Board of Education.

7513 Further, the reporting process will include an annual report
7514 developed specifically to relate the mission and goals of the
7515 State Board of Education, state superintendent and departments.
7516 This document will become the method through which the strategic
7517 planning and management process of the department is articulated
7518 to the public. It will explain and inform the public of the major
7519 initiatives of the department and clearly identify rationale for
7520 program development and/or elimination. The report will establish
7521 benchmarks, future plans and discuss the effectiveness of
7522 educational programs.

7523 In addition to the information specified herein, the State
7524 Board of Education shall have full and plenary authority and power



7525 to require the furnishing of such further, additional and
7526 supplementary information as it may deem necessary for the purpose
7527 of determining the cost of the * * * uniform per student funding
7528 formula in such school district for the succeeding fiscal year,
7529 the amount of the * * * uniform per student funding formula funds
7530 to be allotted to each school district for the succeeding fiscal
7531 year, and for any other purpose authorized by law or deemed
7532 necessary by said State Board of Education.

7533 It shall be the duty of the State Department of Education to
7534 prescribe the forms for the reports provided for in this section.

7535 **SECTION 114.** Section 37-151-99, Mississippi Code of 1972, is
7536 amended as follows:

7537 37-151-99. Based upon the information obtained pursuant to
7538 Section 37-151-97 and upon such other and further information as
7539 provided by law, the State Department of Education shall, on or
7540 before June 1 of each year, or as soon thereafter as is practical,
7541 furnish each school board the preliminary estimate of the amount
7542 each will receive from * * * the * * * uniform per student funding
7543 formula for the succeeding scholastic year, and at the same time
7544 shall furnish each such school board with a tentative estimate of
7545 the cost of the * * * uniform per student funding formula in the
7546 school district for such succeeding fiscal year.

7547 **SECTION 115.** Section 37-151-101, Mississippi Code of 1972,
7548 is amended as follows:



7549 37-151-101. It shall be the duty of the State Department of
7550 Education to file with the State Treasurer and the State Fiscal
7551 Officer such data and information as may be required to enable the
7552 said State Treasurer and State Fiscal Officer to distribute
7553 the * * * uniform per student funding formula funds by electronic
7554 funds transfer to the several school districts and charter schools
7555 at the time required and provided under the provisions of this
7556 chapter. Such data and information so filed shall show in detail
7557 the amount of funds to which each school district and charter
7558 school is entitled * * * under the uniform per student funding
7559 formula. Such data and information so filed may be revised from
7560 time to time as necessitated by law. At the time provided by law,
7561 the State Treasurer and the State Fiscal Officer shall distribute
7562 to the several school districts and charter schools the amounts to
7563 which they are entitled * * * under the uniform per student
7564 funding formula as provided by this chapter. Such distribution
7565 shall be made by electronic funds transfer to the depositories of
7566 the several school districts and charter schools designated in
7567 writing to the State Treasurer based upon the data and information
7568 supplied by the State Department of Education for such
7569 distribution. In such instances, the State Treasurer shall submit
7570 a request for an electronic funds transfer to the State Fiscal
7571 Officer, which shall set forth the purpose, amount and payees, and
7572 shall be in such form as may be approved by the State Fiscal
7573 Officer so as to provide the necessary information as would be



7574 required for a requisition and issuance of a warrant. A copy of
7575 the record of said electronic funds transfers shall be transmitted
7576 by the school district and charter school depositories to the
7577 Treasurer, who shall file duplicates with the State Fiscal
7578 Officer. The Treasurer and State Fiscal Officer shall jointly
7579 promulgate regulations for the utilization of electronic funds
7580 transfers to school districts and charter schools.

7581 **SECTION 116.** Section 37-151-103, Mississippi Code of 1972,
7582 is amended as follows:

7583 37-151-103. (1) Funds due each school district and charter
7584 school under * * * the * * * Mississippi Uniform Per Student
7585 Funding Formula shall be paid in the following manner: Two (2)
7586 business days prior to the last working day of each month there
7587 shall be paid to each school district and charter school, by
7588 electronic funds transfer, one-twelfth (1/12) of the funds to
7589 which the district or charter school is entitled from funds
7590 appropriated for the * * * Mississippi Uniform Per Student Funding
7591 Formula. However, in December those payments shall be made on
7592 December 15th or the next business day after that date. All
7593 school districts shall process a single monthly payroll for
7594 licensed employees and may process a single monthly or a
7595 semimonthly payroll for nonlicensed employees, in the discretion
7596 of the local school board, with electronic settlement of payroll
7597 checks secured through direct deposit of net pay for all school
7598 district employees. In addition, the State Department of



7599 Education may pay school districts and charter schools * * * under
7600 the * * * Mississippi Uniform Per Student Funding Formula on a
7601 date earlier than provided for by this section if it is determined
7602 that it is in the best interest of school districts and charter
7603 schools to do so.

7604 * * * However, * * * if the cash balance in the State
7605 General Fund is not adequate on the due date to pay the amounts
7606 due to all school districts and charter schools in the state as
7607 determined by the State Superintendent of Public Education, the
7608 State Fiscal Officer shall not transfer said funds payable to any
7609 school district or districts or charter schools until money is
7610 available to pay the amount due to all districts and charter
7611 schools.

7612 * * *

7613 (* * * 2) In the event of an inordinately large number of
7614 absentees in any school district or charter school as a result of
7615 epidemic, natural disaster, or any concerted activity discouraging
7616 school attendance, then in such event school attendance for the
7617 purposes of determining average daily * * * membership for
7618 the * * * uniform per student funding formula shall be based upon
7619 the average daily * * * membership for the preceding school year
7620 for such school district or charter school.

7621 **SECTION 117.** Section 37-151-105, Mississippi Code of 1972,
7622 is amended as follows:



7623 37-151-105. The State Board of Education shall have the
7624 authority to make such regulations not inconsistent with law which
7625 it deems necessary for the administration of this chapter. The
7626 State Board of Education, if it deems such practice necessary, may
7627 use reports of the first six (6) months of school for the purpose
7628 of determining average daily * * * membership.

7629 **SECTION 118.** Section 37-151-107, Mississippi Code of 1972,
7630 is amended as follows:

7631 37-151-107. Any superintendent of education, member of the
7632 local school board of any school district, superintendent,
7633 principal, teacher, carrier, bus driver or member or employee of
7634 the State Department of Education or State Board of Education, or
7635 any other person, who shall willfully violate any of the
7636 provisions of this chapter, or who shall willfully make any false
7637 report, list or record, or who shall willfully make use of any
7638 false report, list or record, concerning the number of school
7639 children in average daily * * * membership shall be guilty of a
7640 misdemeanor and upon conviction shall be punished by imprisonment
7641 in the county jail for a period not to exceed sixty (60) days or
7642 by a fine of not less than One Hundred Dollars (\$100.00), nor more
7643 than Three Hundred Dollars (\$300.00), or by both such fine and
7644 imprisonment, in the discretion of the court. In addition, any
7645 such person shall be civilly liable for all amounts of public
7646 funds which are illegally, unlawfully or wrongfully expended or
7647 paid out by virtue of or pursuant to such false report, list or



7648 record, and upon conviction or adjudication of civil liability
7649 hereunder, such person shall forfeit his license to teach for a
7650 period of three (3) years, if such person is the holder of such a
7651 license. Any suit to recover such funds illegally, unlawfully or
7652 wrongfully expended or paid out may be brought in the name of the
7653 State of Mississippi by the Attorney General or the proper
7654 district attorney or county attorney, and, in the event such suit
7655 be brought against a person who is under bond, the sureties upon
7656 such bond shall likewise be liable for such amount illegally,
7657 unlawfully or wrongfully expended or paid out.

7658 **SECTION 119.** Section 37-173-9, Mississippi Code of 1972, is
7659 amended as follows:

7660 37-173-9. (1) (a) The parent or legal guardian is not
7661 required to accept the offer of enrolling in another public school
7662 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
7663 to a nonpublic school. However, if the parent or legal guardian
7664 chooses the public school option, the student may continue
7665 attending a public school chosen by the parent or legal guardian
7666 until the student completes Grade 12.

7667 (b) If the parent or legal guardian chooses a public
7668 school within the district, the school district shall provide
7669 transportation to the public school selected by the parent or
7670 legal guardian. However, if the parent or legal guardian chooses
7671 a public school in another district, the parent or legal guardian
7672 is responsible to provide transportation to the school of choice.



7673 (2) Each local school district shall make an initial
7674 determination of whether a student diagnosed with dyslexia
7675 qualifies under the Individuals with Disabilities Education Act
7676 (IDEA) to receive services and funding under the provisions of the
7677 IDEA before proceeding to the development of a 504 Plan for each
7678 dyslexic student eligible for educational services or equipment,
7679 or both, under Sections 37-23-1 through 37-23-157. If a student's
7680 diagnosis of dyslexia results in a determination that the
7681 disability is not a disability which would qualify the student as
7682 eligible under the IDEA, then in developing the written 504 Plan
7683 for each dyslexia student, there shall be a presumption that
7684 proficiency in spelling, reading and writing are essential for the
7685 student to achieve appropriate educational progress. Each local
7686 school district shall develop interventions and strategies to
7687 address the needs of those students diagnosed with dyslexia which
7688 provide the necessary accommodations to enable the student to
7689 achieve appropriate educational progress. The interventions and
7690 strategies developed shall include, but not be limited to, the use
7691 of the 3-Tier Instructional Model and the utilization of
7692 provisions of the IDEA and Section 504 to address those needs.

7693 Furthermore, these provisions do not prohibit a parent or
7694 legal guardian of a student diagnosed with dyslexia, at any time,
7695 from choosing the option of a Mississippi Dyslexia Therapy
7696 Scholarship which would allow the student to attend another public
7697 school or nonpublic special purpose school.



7698 (3) If the parent or legal guardian chooses the nonpublic
7699 school option and the student is accepted by the nonpublic school
7700 pending the availability of a space for the student, the parent or
7701 legal guardian of the student must notify the department thirty
7702 (30) days before the first scholarship payment and before entering
7703 the nonpublic school in order to be eligible for the scholarship
7704 when a space becomes available for the student in the nonpublic
7705 school.

7706 (4) The parent or legal guardian of a student may choose, as
7707 an alternative, to enroll the student in and transport the student
7708 to a public school in an adjacent school district which has
7709 available space and has a program with dyslexia services that
7710 provide daily dyslexia therapy sessions delivered by a department
7711 licensed dyslexia therapist, and that school district shall accept
7712 the student and report the student for purposes of the district's
7713 funding under the Mississippi * * * Uniform Per Student Funding
7714 Formula.

7715 **SECTION 120.** Section 37-173-13, Mississippi Code of 1972, is
7716 amended as follows:

7717 37-173-13. (1) The maximum scholarship granted per eligible
7718 student with dyslexia shall be an amount equivalent to the * * *
7719 student base amount under the Mississippi Uniform Per Student
7720 Funding Formula.

7721 (2) (a) The nonpublic school under this program shall
7722 report to the Mississippi Department of Education the number of



7723 students with dyslexia who are enrolled in nonpublic schools on
7724 the Mississippi Dyslexia Therapy Scholarships as of September 30
7725 of each year in order to determine funding for the subsequent
7726 year. Funds may not be transferred from any funding provided to
7727 the Mississippi School for the Deaf and the Blind for program
7728 participants who are eligible under Section 37-173-5.

7729 (b) The Mississippi Department of Education will
7730 disburse payments to nonpublic schools under this program in
7731 twelve (12) substantially equal installments. The initial payment
7732 shall be made after department verification of admission
7733 acceptance, and subsequent payments shall be made upon
7734 verification of continued enrollment and attendance at the
7735 nonpublic school.

7736 **SECTION 121.** Section 37-175-13, Mississippi Code of 1972, is
7737 amended as follows:

7738 37-175-13. (1) The maximum scholarship granted per eligible
7739 student with speech-language impairment shall be an amount
7740 equivalent to the * * * student base amount under the Mississippi
7741 Uniform Per Student Funding Formula.

7742 (2) (a) Any nonpublic school under this program shall
7743 report to the State Department of Education the number of students
7744 with speech-language impairment who are enrolled in nonpublic
7745 schools on the Mississippi Speech-Language Therapy Scholarships as
7746 of September 30 of each year in order to determine funding for the
7747 subsequent year. Funds may not be transferred from any funding



7748 provided to the Mississippi School for the Deaf and the Blind for
7749 program participants who are eligible under Section 37-175-5.

7750 (b) The State Department of Education shall make
7751 payments to nonpublic schools for each student at the nonpublic
7752 school equal to the state share of the * * * uniform per student
7753 funding formula payments for each student in average daily * * *
7754 membership at the school district from which the student
7755 transferred. In calculating the local contribution for purposes
7756 of determining the state share of the * * * uniform per student
7757 funding formula payments, the department shall deduct the pro rata
7758 local contribution of the school district in which the student
7759 resides, to be determined as provided in Section * * *
7760 37-151-227(1).

7761 (c) Payments made pursuant to this subsection by the
7762 State Department of Education must be made at the same time and in
7763 the same manner as * * * uniform per student funding formula
7764 payments are made to school districts under Sections 37-151-101
7765 and 37-151-103. Amounts payable to a nonpublic school must be
7766 determined by the State Department of Education.

7767 (3) If the parent opts to remove a child from a public
7768 school to a nonpublic special purpose school and to receive a
7769 scholarship under this chapter, then transportation shall be
7770 provided at the parent's or guardian's expense.

7771 **SECTION 122.** Section 37-179-3, Mississippi Code of 1972, is
7772 amended as follows:



7773 37-179-3. (1) A district which is an applicant to be
7774 designated as a district of innovation under Section 37-179-1
7775 shall:

7776 (a) Establish goals and performance targets for the
7777 district of innovation proposal, which may include:

7778 (i) Reducing achievement gaps among groups of
7779 public school students by expanding learning experiences for
7780 students who are identified as academically low-achieving;

7781 (ii) Increasing pupil learning through the
7782 implementation of high, rigorous standards for pupil performance;

7783 (iii) Increasing the participation of students in
7784 various curriculum components and instructional components within
7785 selected schools to enhance at each grade level;

7786 (iv) Increasing the number of students who are
7787 college and career-ready;

7788 (v) Motivating students at different grade levels
7789 by offering more curriculum choices and student learning
7790 opportunities to parents and students within the district;

7791 (b) Identify changes needed in the district and schools
7792 to lead to better prepared students for success in life and work;

7793 (c) Have a district wide plan of innovation that
7794 describes and justifies which schools and innovative practices
7795 will be incorporated;



7796 (d) Provide documentation of community, educator,
7797 parental, and the local board's support of the proposed
7798 innovations;

7799 (e) Provide detailed information regarding the
7800 rationale of requests for waivers from Title 37, Mississippi Code
7801 of 1972, which relate to the elementary and secondary education of
7802 public school students, and administrative regulations, and
7803 exemptions for selected schools regarding waivers of local school
7804 board policies;

7805 (f) Document the fiscal and human resources the board
7806 will provide throughout the term of the implementation of the
7807 innovations within its plan; and

7808 (g) Provide other materials as required by the
7809 department in compliance with the board's administrative
7810 regulations and application procedures.

7811 (2) The district and all schools participating in a
7812 district's innovation plan shall:

7813 (a) Ensure the same health, safety, civil rights, and
7814 disability rights requirements as are applied to all public
7815 schools;

7816 (b) Ensure students meet compulsory attendance
7817 requirements under Sections 37-13-91 and 37-13-92;

7818 (c) Ensure that high school course offerings meet or
7819 exceed the minimum required under Sections 37-16-7 and 37-3-49,



7820 for high school graduation or meet early graduation requirements
7821 that may be enacted by the Mississippi Legislature;

7822 (d) Ensure the student performance standards meet or
7823 exceed those adopted by the State Board of Education as required
7824 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
7825 with the statewide assessment system specified in Chapter 16,
7826 Title 37, Mississippi Code of 1972;

7827 (e) Adhere to the same financial audits, audit
7828 procedures, and audit requirements as are applied under Section
7829 7-7-211(e);

7830 (f) Require state and criminal background checks for
7831 staff and volunteers as required of all public school employees
7832 and volunteers within the public schools and specified in Section
7833 37-9-17;

7834 (g) Comply with open records and open meeting
7835 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

7836 (h) Comply with purchasing requirements and limitations
7837 under Chapter 39, Title 37, Mississippi Code of 1972;

7838 (i) Provide overall instructional time that is
7839 equivalent to or greater than that required under Sections 37-1-11
7840 and 37-13-67, but which may include on-site instruction, distance
7841 learning, online courses, and work-based learning on
7842 nontraditional school days or hours; and

7843 (j) Provide data to the department as deemed necessary
7844 to generate school and district reports.



7845 (3) (a) Only schools that choose to be designated as
7846 schools of innovation shall be included in a district's
7847 application;

7848 (b) As used in this paragraph, "eligible employees"
7849 means employees that are regularly employed at the school and
7850 those employees whose primary job duties will be affected by the
7851 plan; and

7852 (c) Notwithstanding the provisions of paragraph (a) of
7853 this subsection, a local school board may require a school that
7854 has been identified as a persistently low-achieving school under
7855 provisions of Section 37-17-6 to participate in the district's
7856 plan of innovation.

7857 (4) Notwithstanding any statutes to the contrary, the board
7858 may approve the requests of districts of innovation to:

7859 (a) Use capital outlay funds for operational costs;

7860 (b) Hire persons for classified positions in
7861 nontraditional school and district assignments who have bachelors
7862 and advanced degrees from postsecondary education institutions
7863 accredited by a regional accrediting association (Southern
7864 Association of Colleges and Schools) or by an organization
7865 affiliated with the National Commission on Accrediting;

7866 (c) Employ teachers on extended employment contracts or
7867 extra duty contracts and compensate them on a salary schedule
7868 other than the single salary schedule;



7869 (d) Extend the school days as is appropriate within the
7870 district with compensation for the employees as determined
7871 locally;

7872 (e) Establish alternative education programs and
7873 services that are delivered in nontraditional hours and which may
7874 be jointly provided in cooperation with another school district or
7875 consortia of districts;

7876 (f) Establish online classes within the district for
7877 delivering alternative classes in a blended environment to meet
7878 high school graduation requirements;

7879 (g) Use a flexible school calendar;

7880 (h) Convert existing schools into schools of
7881 innovation; and

7882 (i) Modify the formula under * * * Chapter 151, Title
7883 37, Mississippi Code of 1972, for distributing * * * uniform per
7884 student funding formula funds for students in average daily * * *
7885 membership in nontraditional programming time, including
7886 alternative programs and virtual programs. Funds granted to a
7887 district shall not exceed those that would have otherwise been
7888 distributed based on average daily * * * membership during regular
7889 instructional days.

7890 **SECTION 123.** Section 37-181-7, Mississippi Code of 1972, is
7891 amended as follows:

7892 37-181-7. (1) The ESA program created in this chapter shall
7893 be limited to five hundred (500) students in the school year



7894 2015-2016, with new enrollment limited to five hundred (500)
7895 additional students each year thereafter. Subject to
7896 appropriation from the General Fund, each student's ESA shall be
7897 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school
7898 year 2015-2016. For each subsequent year, this amount shall
7899 increase or decrease by the same proportion as the * * * student
7900 base amount under Section * * * 37-151-207 is increased or
7901 decreased.

7902 (2) Subject to appropriation, eligible students shall be
7903 approved for participation in the program as follows:

7904 (a) Until participation in the program reaches fifty
7905 percent (50%) of the annual enrollment limits in subsection (1) of
7906 this section, students shall be approved on a first-come,
7907 first-served basis, with applications being reviewed on a rolling
7908 basis;

7909 (b) After participation reaches fifty percent (50%) of
7910 the annual enrollment limits in subsection (1) of this section,
7911 the department shall set annual application deadlines for the
7912 remaining number of available ESAs and begin to maintain a waiting
7913 list of eligible students. If the number of eligible students who
7914 apply for the program exceeds the remaining number of ESAs
7915 available, the department shall fill the available spaces using a
7916 random selection process that gives preference to students with an
7917 active Individualized Education Program (IEP); and



7918 (c) Participating students who remain eligible for the
7919 program are automatically approved for participation for the
7920 following year and are not subject to the random selection
7921 process.

7922 (3) No funds for an ESA may be expended from the * * *
7923 Mississippi Uniform Per Student Funding Formula, nor shall any
7924 school district be required to provide funding for an ESA.

7925 **SECTION 124.** Section 41-79-5, Mississippi Code of 1972, is
7926 amended as follows:

7927 41-79-5. (1) There is hereby established within the State
7928 Department of Health a school nurse intervention program,
7929 available to all public school districts in the state.

7930 (2) By the school year 1998-1999, each public school
7931 district shall have employed a school nurse, to be known as a
7932 Health Service Coordinator, pursuant to the school nurse
7933 intervention program prescribed under this section. The school
7934 nurse intervention program shall offer any of the following
7935 specific preventive services, and other additional services
7936 appropriate to each grade level and the age and maturity of the
7937 pupils:

7938 (a) Reproductive health education and referral to
7939 prevent teen pregnancy and sexually transmitted diseases, which
7940 education shall include abstinence;

7941 (b) Child abuse and neglect identification;



7942 (c) Hearing and vision screening to detect problems
7943 which can lead to serious sensory losses and behavioral and
7944 academic problems;

7945 (d) Alcohol, tobacco and drug abuse education to reduce
7946 abuse of these substances;

7947 (e) Scoliosis screening to detect this condition so
7948 that costly and painful surgery and lifelong disability can be
7949 prevented;

7950 (f) Coordination of services for handicapped children
7951 to ensure that these children receive appropriate medical
7952 assistance and are able to remain in public school;

7953 (g) Nutrition education and counseling to prevent
7954 obesity and/or other eating disorders which may lead to
7955 life-threatening conditions, for example, hypertension;

7956 (h) Early detection and treatment of head lice to
7957 prevent the spread of the parasite and to reduce absenteeism;

7958 (i) Emergency treatment of injury and illness to
7959 include controlling bleeding, managing fractures, bruises or
7960 contusions and cardiopulmonary resuscitation (CPR);

7961 (j) Applying appropriate theory as the basis for
7962 decision making in nursing practice;

7963 (k) Establishing and maintaining a comprehensive school
7964 health program;

7965 (l) Developing individualized health plans;



7966 (m) Assessing, planning, implementing and evaluating
7967 programs and other school health activities, in collaboration with
7968 other professionals;

7969 (n) Providing health education to assist students,
7970 families and groups to achieve optimal levels of wellness;

7971 (o) Participating in peer review and other means of
7972 evaluation to assure quality of nursing care provided for students
7973 and assuming responsibility for continuing education and
7974 professional development for self while contributing to the
7975 professional growth of others;

7976 (p) Participating with other key members of the
7977 community responsible for assessing, planning, implementing and
7978 evaluating school health services and community services that
7979 include the broad continuum or promotion of primary, secondary and
7980 tertiary prevention; and

7981 (q) Contributing to nursing and school health through
7982 innovations in theory and practice and participation in research.

7983 (3) Public school nurses shall be specifically prohibited
7984 from providing abortion counseling to any student or referring any
7985 student to abortion counseling or abortion clinics. Any violation
7986 of this subsection shall disqualify the school district employing
7987 such public school nurse from receiving any state administered
7988 funds under this section.

7989 (4) Repealed.



7990 (5) Beginning with the 1997-1998 school year, to the extent
7991 that federal or state funds are available therefor and pursuant to
7992 appropriation therefor by the Legislature, in addition to the
7993 school nurse intervention program funds administered under
7994 subsection (4), the State Department of Health shall establish and
7995 implement a Prevention of Teen Pregnancy Pilot Program to be
7996 located in the public school districts with the highest numbers of
7997 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
7998 the following education services directly through public school
7999 nurses in the pilot school districts: health education sessions
8000 in local schools, where contracted for or invited to provide,
8001 which target issues including reproductive health, teen pregnancy
8002 prevention and sexually transmitted diseases, including syphilis,
8003 HIV and AIDS. When these services are provided by a school nurse,
8004 training and counseling on abstinence shall be included.

8005 (6) In addition to the school nurse intervention program
8006 funds administered under subsection (4) and the Teen Pregnancy
8007 Pilot Program funds administered under subsection (5), to the
8008 extent that federal or state funds are available therefor and
8009 pursuant to appropriation therefor by the Legislature, the State
8010 Department of Health shall establish and implement an Abstinence
8011 Education Pilot Program to provide abstinence education,
8012 mentoring, counseling and adult supervision to promote abstinence
8013 from sexual activity, with a focus on those groups which are most
8014 likely to bear children out of wedlock. Such abstinence education



8015 services shall be provided by the State Department of Health
8016 through its clinics, public health nurses, school nurses and
8017 through contracts with rural and community health centers in order
8018 to reach a larger number of targeted clients. For purposes of
8019 this subsection, the term "abstinence education" means an
8020 educational or motivational program which:

8021 (a) Has as its exclusive purpose, teaching the social,
8022 psychological and health gains to be realized by abstaining from
8023 sexual activity;

8024 (b) Teaches abstinence from sexual activity outside
8025 marriage as the expected standard for all school-age children;

8026 (c) Teaches that abstinence from sexual activity is the
8027 only certain way to avoid out-of-wedlock pregnancy, sexually
8028 transmitted diseases and other associated health problems;

8029 (d) Teaches that a mutually faithful monogamous
8030 relationship in context of marriage is the expected standard of
8031 human sexual activity;

8032 (e) Teaches that sexual activity outside of the context
8033 of marriage is likely to have harmful psychological and physical
8034 effects;

8035 (f) Teaches that bearing children out of wedlock is
8036 likely to have harmful consequences for the child, the child's
8037 parents and society;



8038 (g) Teaches young people how to reject sexual advances
8039 and how alcohol and drug use increase vulnerability to sexual
8040 advances; and

8041 (h) Teaches the importance of attaining
8042 self-sufficiency before engaging in sexual activity.

8043 (7) * * * Pursuant to appropriation therefor by the
8044 Legislature, in addition to other funds allotted under the * * *
8045 uniform per student funding formula, each school district shall be
8046 allotted an additional * * * amount for the purpose of employing
8047 qualified public school nurses in such school district, which in
8048 no event shall be less than one (1) * * * nurse per school
8049 district, for such purpose. In the event the Legislature provides
8050 less funds than the total state funds needed for the public school
8051 nurse allotment, those school districts with fewer * * * nurses
8052 per the number of students in average daily membership shall be
8053 the first funded for such purpose, to the extent of funds
8054 available.

8055 (8) Prior to the 1998-1999 school year, nursing staff
8056 assigned to the program shall be employed through the local county
8057 health department and shall be subject to the supervision of the
8058 State Department of Health with input from local school officials.
8059 Local county health departments may contract with any
8060 comprehensive private primary health care facilities within their
8061 county to employ and utilize additional nursing staff. Beginning
8062 with the 1998-1999 school year, nursing staff assigned to the



8063 program shall be employed by the local school district and shall
8064 be designated as "health service coordinators," and shall be
8065 required to possess a bachelor's degree in nursing as a minimum
8066 qualification.

8067 (9) Upon each student's enrollment, the parent or guardian
8068 shall be provided with information regarding the scope of the
8069 school nurse intervention program. The parent or guardian may
8070 provide the school administration with a written statement
8071 refusing all or any part of the nursing service. No child shall
8072 be required to undergo hearing and vision or scoliosis screening
8073 or any other physical examination or tests whose parent objects
8074 thereto on the grounds such screening, physical examination or
8075 tests are contrary to his sincerely held religious beliefs.

8076 (10) A consent form for reproductive health education shall
8077 be sent to the parent or guardian of each student upon his
8078 enrollment. If a response from the parent or guardian is not
8079 received within seven (7) days after the consent form is sent, the
8080 school shall send a letter to the student's home notifying the
8081 parent or guardian of the consent form. If the parent or guardian
8082 fails to respond to the letter within ten (10) days after it is
8083 sent, then the school principal shall be authorized to allow the
8084 student to receive reproductive health education. Reproductive
8085 health education shall include the teaching of total abstinence
8086 from premarital sex and, wherever practicable, reproductive health
8087 education should be taught in classes divided according to gender.



8088 All materials used in the reproductive health education program
8089 shall be placed in a convenient and easily accessible location for
8090 parental inspection. School nurses shall not dispense birth
8091 control pills or contraceptive devices in the school. Dispensing
8092 of such shall be the responsibility of the State Department of
8093 Health on a referral basis only.

8094 (11) No provision of this section shall be construed as
8095 prohibiting local school districts from accepting financial
8096 assistance of any type from the State of Mississippi or any other
8097 governmental entity, or any contribution, donation, gift, decree
8098 or bequest from any source which may be utilized for the
8099 maintenance or implementation of a school nurse intervention
8100 program in a public school system of this state.

8101 **SECTION 125.** Section 43-17-5, Mississippi Code of 1972, is
8102 amended as follows:

8103 43-17-5. (1) The amount of Temporary Assistance for Needy
8104 Families (TANF) benefits which may be granted for any dependent
8105 child and a needy caretaker relative shall be determined by the
8106 county department with due regard to the resources and necessary
8107 expenditures of the family and the conditions existing in each
8108 case, and in accordance with the rules and regulations made by the
8109 Department of Human Services which shall not be less than the
8110 Standard of Need in effect for 1988, and shall be sufficient when
8111 added to all other income (except that any income specified in the
8112 federal Social Security Act, as amended, may be disregarded) and



8113 support available to the child to provide such child with a
8114 reasonable subsistence compatible with decency and health. The
8115 first family member in the dependent child's budget may receive an
8116 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
8117 the second family member in the dependent child's budget may
8118 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
8119 month; and each additional family member in the dependent child's
8120 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
8121 month. The maximum for any individual family member in the
8122 dependent child's budget may be exceeded for foster or medical
8123 care or in cases of children with an intellectual disability or a
8124 physical disability. TANF benefits granted shall be specifically
8125 limited only (a) to children existing or conceived at the time the
8126 caretaker relative initially applies and qualifies for such
8127 assistance, unless this limitation is specifically waived by the
8128 department, or (b) to a child born following a
8129 twelve-consecutive-month period of discontinued benefits by the
8130 caretaker relative.

8131 (2) TANF benefits in Mississippi shall be provided to the
8132 recipient family by an online electronic benefits transfer system.

8133 (3) The Department of Human Services shall deny TANF
8134 benefits to the following categories of individuals, except for
8135 individuals and families specifically exempt or excluded for good
8136 cause as allowed by federal statute or regulation:



8137 (a) Families without a minor child residing with the
8138 custodial parent or other adult caretaker relative of the child;

8139 (b) Families which include an adult who has received
8140 TANF assistance for sixty (60) months after the commencement of
8141 the Mississippi TANF program, whether or not such period of time
8142 is consecutive;

8143 (c) Families not assigning to the state any rights a
8144 family member may have, on behalf of the family member or of any
8145 other person for whom the family member has applied for or is
8146 receiving such assistance, to support from any other person, as
8147 required by law;

8148 (d) Families who fail to cooperate in establishing
8149 paternity or obtaining child support, as required by law;

8150 (e) Any individual who has not attained eighteen (18)
8151 years of age, is not married to the head of household, has a minor
8152 child at least twelve (12) weeks of age in his or her care, and
8153 has not successfully completed a high school education or its
8154 equivalent, if such individual does not participate in educational
8155 activities directed toward the attainment of a high school diploma
8156 or its equivalent, or an alternative educational or training
8157 program approved by the department;

8158 (f) Any individual who has not attained eighteen (18)
8159 years of age, is not married, has a minor child in his or her
8160 care, and does not reside in a place or residence maintained by a



8161 parent, legal guardian or other adult relative or the individual
8162 as such parent's, guardian's or adult relative's own home;

8163 (g) Any minor child who has been, or is expected by a
8164 parent or other caretaker relative of the child to be, absent from
8165 the home for a period of more than thirty (30) days;

8166 (h) Any individual who is a parent or other caretaker
8167 relative of a minor child who fails to notify the department of
8168 the absence of the minor child from the home for the thirty-day
8169 period specified in paragraph (g), by the end of the five-day
8170 period that begins with the date that it becomes clear to the
8171 individual that the minor child will be absent for the thirty-day
8172 period;

8173 (i) Any individual who fails to comply with the
8174 provisions of the Employability Development Plan signed by the
8175 individual which prescribe those activities designed to help the
8176 individual become and remain employed, or to participate
8177 satisfactorily in the assigned work activity, as authorized under
8178 subsection (6) (c) and (d), or who does not engage in applicant job
8179 search activities within the thirty-day period for TANF
8180 application approval after receiving the advice and consultation
8181 of eligibility workers and/or caseworkers of the department
8182 providing a detailed description of available job search venues in
8183 the individual's county of residence or the surrounding counties;

8184 (j) A parent or caretaker relative who has not engaged
8185 in an allowable work activity once the department determines the



8186 parent or caretaker relative is ready to engage in work, or once
8187 the parent or caretaker relative has received TANF assistance
8188 under the program for twenty-four (24) months, whether or not
8189 consecutive, whichever is earlier;

8190 (k) Any individual who is fleeing to avoid prosecution,
8191 or custody or confinement after conviction, under the laws of the
8192 jurisdiction from which the individual flees, for a crime, or an
8193 attempt to commit a crime, which is a felony under the laws of the
8194 place from which the individual flees, or who is violating a
8195 condition of probation or parole imposed under federal or state
8196 law;

8197 (l) Aliens who are not qualified under federal law;

8198 (m) For a period of ten (10) years following
8199 conviction, individuals convicted in federal or state court of
8200 having made a fraudulent statement or representation with respect
8201 to the individual's place of residence in order to receive TANF,
8202 food stamps or Supplemental Security Income (SSI) assistance under
8203 Title XVI or Title XIX simultaneously from two (2) or more states;

8204 (n) Individuals who are recipients of federal
8205 Supplemental Security Income (SSI) assistance; and

8206 (o) Individuals who are eighteen (18) years of age or
8207 older who are not in compliance with the drug testing and
8208 substance use disorder treatment requirements of Section 43-17-6.

8209 (4) (a) Any person who is otherwise eligible for TANF
8210 benefits, including custodial and noncustodial parents, shall be



8211 required to attend school and meet the monthly attendance
8212 requirement as provided in this subsection if all of the following
8213 apply:

8214 (i) The person is under age twenty (20);

8215 (ii) The person has not graduated from a public or
8216 private high school or obtained a High School Equivalency Diploma
8217 equivalent;

8218 (iii) The person is physically able to attend
8219 school and is not excused from attending school; and

8220 (iv) If the person is a parent or caretaker
8221 relative with whom a dependent child is living, child care is
8222 available for the child.

8223 The monthly attendance requirement under this subsection
8224 shall be attendance at the school in which the person is enrolled
8225 for each day during a month that the school conducts classes in
8226 which the person is enrolled, with not more than two (2) absences
8227 during the month for reasons other than the reasons listed in
8228 paragraph (e)(iv) of this subsection. Persons who fail to meet
8229 participation requirements in this subsection shall be subject to
8230 sanctions as provided in paragraph (f) of this subsection.

8231 (b) As used in this subsection, "school" means any one
8232 (1) of the following:

8233 (i) A school as defined in Section 37-13-91(2);

8234 (ii) A vocational, technical and adult education
8235 program; or



8236 (iii) A course of study meeting the standards
8237 established by the State Department of Education for the granting
8238 of a declaration of equivalency of high school graduation.

8239 (c) If any compulsory-school-age child, as defined in
8240 Section 37-13-91(2), to which TANF eligibility requirements apply
8241 is not in compliance with the compulsory school attendance
8242 requirements of Section 37-13-91(6), the superintendent of schools
8243 of the school district in which the child is enrolled or eligible
8244 to attend shall notify the county department of human services of
8245 the child's noncompliance. The Department of Human Services shall
8246 review school attendance information as provided under this
8247 paragraph at all initial eligibility determinations and upon
8248 subsequent report of unsatisfactory attendance.

8249 (d) The signature of a person on an application for
8250 TANF benefits constitutes permission for the release of school
8251 attendance records for that person or for any child residing with
8252 that person. The department shall request information from the
8253 child's school district about the child's attendance in the school
8254 district's most recently completed semester of attendance. If
8255 information about the child's previous school attendance is not
8256 available or cannot be verified, the department shall require the
8257 child to meet the monthly attendance requirement for one (1)
8258 semester or until the information is obtained. The department
8259 shall use the attendance information provided by a school district
8260 to verify attendance for a child. The department shall review



8261 with the parent or caretaker relative a child's claim that he or
8262 she has a good cause for not attending school.

8263 A school district shall provide information to the department
8264 about the attendance of a child who is enrolled in a public school
8265 in the district within five (5) working days of the receipt of a
8266 written request for that information from the department. The
8267 school district shall define how many hours of attendance count as
8268 a full day and shall provide that information, upon request, to
8269 the department. In reporting attendance, the school district may
8270 add partial days' absence together to constitute a full day's
8271 absence.

8272 If a school district fails to provide to the department the
8273 information about the school attendance of any child within
8274 fifteen (15) working days after a written request, the department
8275 shall notify the Department of Audit within three (3) working days
8276 of the school district's failure to comply with that requirement.
8277 The Department of Audit shall begin audit proceedings within five
8278 (5) working days of notification by the Department of Human
8279 Services to determine the school district's compliance with the
8280 requirements of this subsection (4). If the Department of Audit
8281 finds that the school district is not in compliance with the
8282 requirements of this subsection, the school district shall be
8283 penalized as follows: The Department of Audit shall notify the
8284 State Department of Education of the school district's
8285 noncompliance, and the Department of Education shall reduce the



8286 calculation of the school district's average daily * * *
8287 membership that is used to determine the allocation of * * *
8288 Mississippi Uniform Per Student Funding Formula funds by the
8289 number of children for which the district has failed to provide to
8290 the Department of Human Services the required information about
8291 the school attendance of those children. The reduction in the
8292 calculation of the school district's * * * average daily
8293 membership under this paragraph shall be effective for a period of
8294 one (1) year.

8295 (e) A child who is required to attend school to meet
8296 the requirements under this subsection shall comply except when
8297 there is good cause, which shall be demonstrated by any of the
8298 following circumstances:

8299 (i) The minor parent is the caretaker of a child
8300 less than twelve (12) weeks old; or

8301 (ii) The department determines that child care
8302 services are necessary for the minor parent to attend school and
8303 there is no child care available; or

8304 (iii) The child is prohibited by the school
8305 district from attending school and an expulsion is pending. This
8306 exemption no longer applies once the teenager has been expelled;
8307 however, a teenager who has been expelled and is making
8308 satisfactory progress towards obtaining a High School Equivalency
8309 Diploma equivalent shall be eligible for TANF benefits; or



8310 (iv) The child failed to attend school for one or
8311 more of the following reasons:

8312 1. Illness, injury or incapacity of the child
8313 or the minor parent's child;

8314 2. Court-required appearances or temporary
8315 incarceration;

8316 3. Medical or dental appointments for the
8317 child or minor parent's child;

8318 4. Death of a close relative;

8319 5. Observance of a religious holiday;

8320 6. Family emergency;

8321 7. Breakdown in transportation;

8322 8. Suspension; or

8323 9. Any other circumstance beyond the control
8324 of the child, as defined in regulations of the department.

8325 (f) Upon determination that a child has failed without
8326 good cause to attend school as required, the department shall
8327 provide written notice to the parent or caretaker relative
8328 (whoever is the primary recipient of the TANF benefits) that
8329 specifies:

8330 (i) That the family will be sanctioned in the next
8331 possible payment month because the child who is required to attend
8332 school has failed to meet the attendance requirement of this
8333 subsection;



8334 (ii) The beginning date of the sanction, and the
8335 child to whom the sanction applies;

8336 (iii) The right of the child's parents or
8337 caretaker relative (whoever is the primary recipient of the TANF
8338 benefits) to request a fair hearing under this subsection.

8339 The child's parent or caretaker relative (whoever is the
8340 primary recipient of the TANF benefits) may request a fair hearing
8341 on the department's determination that the child has not been
8342 attending school. If the child's parents or caretaker relative
8343 does not request a fair hearing under this subsection, or if,
8344 after a fair hearing has been held, the hearing officer finds that
8345 the child without good cause has failed to meet the monthly
8346 attendance requirement, the department shall discontinue or deny
8347 TANF benefits to the child thirteen (13) years old, or older, in
8348 the next possible payment month. The department shall discontinue
8349 or deny twenty-five percent (25%) of the family grant when a child
8350 six (6) through twelve (12) years of age without good cause has
8351 failed to meet the monthly attendance requirement. Both the child
8352 and family sanction may apply when children in both age groups
8353 fail to meet the attendance requirement without good cause. A
8354 sanction applied under this subsection shall be effective for one
8355 (1) month for each month that the child failed to meet the monthly
8356 attendance requirement. In the case of a dropout, the sanction
8357 shall remain in force until the parent or caretaker relative
8358 provides written proof from the school district that the child has



8359 reenrolled and met the monthly attendance requirement for one (1)
8360 calendar month. Any month in which school is in session for at
8361 least ten (10) days during the month may be used to meet the
8362 attendance requirement under this subsection. This includes
8363 attendance at summer school. The sanction shall be removed the
8364 next possible payment month.

8365 (5) All parents or caretaker relatives shall have their
8366 dependent children receive vaccinations and booster vaccinations
8367 against those diseases specified by the State Health Officer under
8368 Section 41-23-37 in accordance with the vaccination and booster
8369 vaccination schedule prescribed by the State Health Officer for
8370 children of that age, in order for the parents or caretaker
8371 relatives to be eligible or remain eligible to receive TANF
8372 benefits. Proof of having received such vaccinations and booster
8373 vaccinations shall be given by presenting the certificates of
8374 vaccination issued by any health care provider licensed to
8375 administer vaccinations, and submitted on forms specified by the
8376 State Board of Health. If the parents without good cause do not
8377 have their dependent children receive the vaccinations and booster
8378 vaccinations as required by this subsection and they fail to
8379 comply after thirty (30) days' notice, the department shall
8380 sanction the family's TANF benefits by twenty-five percent (25%)
8381 for the next payment month and each subsequent payment month until
8382 the requirements of this subsection are met.



8383 (6) (a) If the parent or caretaker relative applying for
8384 TANF assistance is work eligible, as determined by the Department
8385 of Human Services, the person shall be required to engage in an
8386 allowable work activity once the department determines the parent
8387 or caretaker relative is determined work eligible, or once the
8388 parent or caretaker relative has received TANF assistance under
8389 the program for twenty-four (24) months, whether or not
8390 consecutive, whichever is earlier. No TANF benefits shall be
8391 given to any person to whom this section applies who fails without
8392 good cause to comply with the Employability Development Plan
8393 prepared by the department for the person, or who has refused to
8394 accept a referral or offer of employment, training or education in
8395 which he or she is able to engage, subject to the penalties
8396 prescribed in paragraph (e) of this subsection. A person shall be
8397 deemed to have refused to accept a referral or offer of
8398 employment, training or education if he or she:

8399 (i) Willfully fails to report for an interview
8400 with respect to employment when requested to do so by the
8401 department; or

8402 (ii) Willfully fails to report to the department
8403 the result of a referral to employment; or

8404 (iii) Willfully fails to report for allowable work
8405 activities as prescribed in paragraphs (c) and (d) of this
8406 subsection.



8407 (b) The Department of Human Services shall operate a
8408 statewide work program for TANF recipients to provide work
8409 activities and supportive services to enable families to become
8410 self-sufficient and improve their competitive position in the
8411 workforce in accordance with the requirements of the federal
8412 Personal Responsibility and Work Opportunity Reconciliation Act of
8413 1996 (Public Law 104-193), as amended, and the regulations
8414 promulgated thereunder, and the Deficit Reduction Act of 2005
8415 (Public Law 109-171), as amended. Within sixty (60) days after
8416 the initial application for TANF benefits, the TANF recipient must
8417 participate in a job search skills training workshop or a job
8418 readiness program, which shall include resume writing, job search
8419 skills, employability skills and, if available at no charge, the
8420 General Aptitude Test Battery or its equivalent. All adults who
8421 are not specifically exempt shall be referred by the department
8422 for allowable work activities. An adult may be exempt from the
8423 mandatory work activity requirement for the following reasons:

8424 (i) Incapacity;

8425 (ii) Temporary illness or injury, verified by
8426 physician's certificate;

8427 (iii) Is in the third trimester of pregnancy, and
8428 there are complications verified by the certificate of a
8429 physician, nurse practitioner, physician assistant, or any other
8430 licensed health care professional practicing under a protocol with
8431 a licensed physician;



8432 (iv) Caretaker of a child under twelve (12)
8433 months, for not more than twelve (12) months of the sixty-month
8434 maximum benefit period;

8435 (v) Caretaker of an ill or incapacitated person,
8436 as verified by physician's certificate;

8437 (vi) Age, if over sixty (60) or under eighteen
8438 (18) years of age;

8439 (vii) Receiving treatment for substance abuse, if
8440 the person is in compliance with the substance abuse treatment
8441 plan;

8442 (viii) In a two-parent family, the caretaker of a
8443 severely disabled child, as verified by a physician's certificate;
8444 or

8445 (ix) History of having been a victim of domestic
8446 violence, which has been reported as required by state law and is
8447 substantiated by police reports or court records, and being at
8448 risk of further domestic violence, shall be exempt for a period as
8449 deemed necessary by the department but not to exceed a total of
8450 twelve (12) months, which need not be consecutive, in the
8451 sixty-month maximum benefit period. For the purposes of this
8452 subparagraph (ix), "domestic violence" means that an individual
8453 has been subjected to:

8454 1. Physical acts that resulted in, or
8455 threatened to result in, physical injury to the individual;

8456 2. Sexual abuse;



8457 3. Sexual activity involving a dependent
8458 child;

8459 4. Being forced as the caretaker relative of
8460 a dependent child to engage in nonconsensual sexual acts or
8461 activities;

8462 5. Threats of, or attempts at, physical or
8463 sexual abuse;

8464 6. Mental abuse; or

8465 7. Neglect or deprivation of medical care.

8466 (c) For all families, all adults who are not
8467 specifically exempt shall be required to participate in work
8468 activities for at least the minimum average number of hours per
8469 week specified by federal law or regulation, not fewer than twenty
8470 (20) hours per week (thirty-five (35) hours per week for
8471 two-parent families) of which are attributable to the following
8472 allowable work activities:

8473 (i) Unsubsidized employment;

8474 (ii) Subsidized private employment;

8475 (iii) Subsidized public employment;

8476 (iv) Work experience (including work associated
8477 with the refurbishing of publicly assisted housing), if sufficient
8478 private employment is not available;

8479 (v) On-the-job training;

8480 (vi) Job search and job readiness assistance

8481 consistent with federal TANF regulations;



8482 (vii) Community service programs;
8483 (viii) Vocational educational training (not to
8484 exceed twelve (12) months with respect to any individual);
8485 (ix) The provision of child care services to an
8486 individual who is participating in a community service program;
8487 (x) Satisfactory attendance at high school or in a
8488 course of study leading to a high school equivalency certificate,
8489 for heads of household under age twenty (20) who have not
8490 completed high school or received such certificate;
8491 (xi) Education directly related to employment, for
8492 heads of household under age twenty (20) who have not completed
8493 high school or received such equivalency certificate.
8494 (d) The following are allowable work activities which
8495 may be attributable to hours in excess of the minimum specified
8496 in * * * paragraph (c) of this subsection:
8497 (i) Job skills training directly related to
8498 employment;
8499 (ii) Education directly related to employment for
8500 individuals who have not completed high school or received a high
8501 school equivalency certificate;
8502 (iii) Satisfactory attendance at high school or in
8503 a course of study leading to a high school equivalency, for
8504 individuals who have not completed high school or received such
8505 equivalency certificate;



8506 (iv) Job search and job readiness assistance
8507 consistent with federal TANF regulations.

8508 (e) If any adult or caretaker relative refuses to
8509 participate in allowable work activity as required under this
8510 subsection (6), the following full family TANF benefit penalty
8511 will apply, subject to due process to include notification,
8512 conciliation and a hearing if requested by the recipient:

8513 (i) For the first violation, the department shall
8514 terminate the TANF assistance otherwise payable to the family for
8515 a two-month period or until the person has complied with the
8516 required work activity, whichever is longer;

8517 (ii) For the second violation, the department
8518 shall terminate the TANF assistance otherwise payable to the
8519 family for a six-month period or until the person has complied
8520 with the required work activity, whichever is longer;

8521 (iii) For the third violation, the department
8522 shall terminate the TANF assistance otherwise payable to the
8523 family for a twelve-month period or until the person has complied
8524 with the required work activity, whichever is longer;

8525 (iv) For the fourth violation, the person shall be
8526 permanently disqualified.

8527 For a two-parent family, unless prohibited by state or
8528 federal law, Medicaid assistance shall be terminated only for the
8529 person whose failure to participate in allowable work activity
8530 caused the family's TANF assistance to be sanctioned under



8531 this * * * paragraph (e), unless an individual is pregnant, but
8532 shall not be terminated for any other person in the family who is
8533 meeting that person's applicable work requirement or who is not
8534 required to work. Minor children shall continue to be eligible
8535 for Medicaid benefits regardless of the disqualification of their
8536 parent or caretaker relative for TANF assistance under this
8537 subsection (6), unless prohibited by state or federal law.

8538 (f) Any person enrolled in a two-year or four-year
8539 college program who meets the eligibility requirements to receive
8540 TANF benefits, and who is meeting the applicable work requirements
8541 and all other applicable requirements of the TANF program, shall
8542 continue to be eligible for TANF benefits while enrolled in the
8543 college program for as long as the person meets the requirements
8544 of the TANF program, unless prohibited by federal law.

8545 (g) No adult in a work activity required under this
8546 subsection (6) shall be employed or assigned (i) when any other
8547 individual is on layoff from the same or any substantially
8548 equivalent job within six (6) months before the date of the TANF
8549 recipient's employment or assignment; or (ii) if the employer has
8550 terminated the employment of any regular employee or otherwise
8551 caused an involuntary reduction of its workforce in order to fill
8552 the vacancy so created with an adult receiving TANF assistance.
8553 The Mississippi Department of Employment Security, established
8554 under Section 71-5-101, shall appoint one or more impartial
8555 hearing officers to hear and decide claims by employees of



8556 violations of this paragraph (g). The hearing officer shall hear
8557 all the evidence with respect to any claim made hereunder and such
8558 additional evidence as he may require and shall make a
8559 determination and the reason therefor. The claimant shall be
8560 promptly notified of the decision of the hearing officer and the
8561 reason therefor. Within ten (10) days after the decision of the
8562 hearing officer has become final, any party aggrieved thereby may
8563 secure judicial review thereof by commencing an action, in the
8564 circuit court of the county in which the claimant resides, against
8565 the department for the review of such decision, in which action
8566 any other party to the proceeding before the hearing officer shall
8567 be made a defendant. Any such appeal shall be on the record which
8568 shall be certified to the court by the department in the manner
8569 provided in Section 71-5-531, and the jurisdiction of the court
8570 shall be confined to questions of law which shall render its
8571 decision as provided in that section.

8572 (7) The Department of Human Services may provide child care
8573 for eligible participants who require such care so that they may
8574 accept employment or remain employed. The department may also
8575 provide child care for those participating in the TANF program
8576 when it is determined that they are satisfactorily involved in
8577 education, training or other allowable work activities. The
8578 department may contract with Head Start agencies to provide child
8579 care services to TANF recipients. The department may also arrange
8580 for child care by use of contract or vouchers, provide vouchers in



8581 advance to a caretaker relative, reimburse a child care provider,
8582 or use any other arrangement deemed appropriate by the department,
8583 and may establish different reimbursement rates for child care
8584 services depending on the category of the facility or home. Any
8585 center-based or group home child care facility under this
8586 subsection shall be licensed by the State Department of Health
8587 pursuant to law. When child care is being provided in the child's
8588 own home, in the home of a relative of the child, or in any other
8589 unlicensed setting, the provision of such child care may be
8590 monitored on a random basis by the Department of Human Services or
8591 the State Department of Health. Transitional child care
8592 assistance may be continued if it is necessary for parents to
8593 maintain employment once support has ended, unless prohibited
8594 under state or federal law. Transitional child care assistance
8595 may be provided for up to twenty-four (24) months after the last
8596 month during which the family was eligible for TANF assistance, if
8597 federal funds are available for such child care assistance.

8598 (8) The Department of Human Services may provide
8599 transportation or provide reasonable reimbursement for
8600 transportation expenses that are necessary for individuals to be
8601 able to participate in allowable work activity under the TANF
8602 program.

8603 (9) Medicaid assistance shall be provided to a family of
8604 TANF program participants for up to twenty-four (24) consecutive
8605 calendar months following the month in which the participating



8606 family would be ineligible for TANF benefits because of increased
8607 income, expiration of earned income disregards, or increased hours
8608 of employment of the caretaker relative; however, Medicaid
8609 assistance for more than twelve (12) months may be provided only
8610 if a federal waiver is obtained to provide such assistance for
8611 more than twelve (12) months and federal and state funds are
8612 available to provide such assistance.

8613 (10) The department shall require applicants for and
8614 recipients of public assistance from the department to sign a
8615 personal responsibility contract that will require the applicant
8616 or recipient to acknowledge his or her responsibilities to the
8617 state.

8618 (11) The department shall enter into an agreement with the
8619 State Personnel Board and other state agencies that will allow
8620 those TANF participants who qualify for vacant jobs within state
8621 agencies to be placed in state jobs. State agencies participating
8622 in the TANF work program shall receive any and all benefits
8623 received by employers in the private sector for hiring TANF
8624 recipients. This subsection (11) shall be effective only if the
8625 state obtains any necessary federal waiver or approval and if
8626 federal funds are available therefor.

8627 (12) Any unspent TANF funds remaining from the prior fiscal
8628 year may be expended for any TANF allowable activities.

8629 (13) The Mississippi Department of Human Services shall
8630 provide TANF applicants information and referral to programs that



8631 provide information about birth control, prenatal health care,
8632 abstinence education, marriage education, family preservation and
8633 fatherhood.

8634 (14) No new TANF program requirement or restriction
8635 affecting a person's eligibility for TANF assistance, or allowable
8636 work activity, which is not mandated by federal law or regulation
8637 may be implemented by the Department of Human Services after July
8638 1, 2004, unless such is specifically authorized by an amendment to
8639 this section by the Legislature.

8640 **SECTION 126.** Section 65-26-9, Mississippi Code of 1972, is
8641 amended as follows:

8642 65-26-9. (1) There is hereby created in the State Treasury
8643 a special fund to be known as the Tennessee-Tombigbee Waterway
8644 Bridge Bond Retirement Fund. All revenues pledged for the payment
8645 of the principal of and interest on the bonds authorized to be
8646 issued by this chapter shall be deposited into the bond retirement
8647 fund. Expenditures from the bond retirement fund shall be made
8648 only in accordance with this section.

8649 (2) Subject to the provisions of subsection (3) of this
8650 section, amounts on deposit in the bond retirement fund and not
8651 immediately required for the making of any payments therefrom
8652 shall be invested in interest-bearing certificates of deposit in
8653 accordance with the provisions of Section 27-105-33, except
8654 interest so earned shall be credited to the bond retirement fund.



8655 (3) (a) There is hereby established within the bond
8656 retirement fund two (2) separate accounts as follows: (i) the
8657 "Tennessee-Tombigbee General Account"; and (ii) the
8658 "Tennessee-Tombigbee Principal and Interest Account."

8659 (b) (i) All amounts held in the bond retirement fund
8660 on April 23, 1986, and all amounts thereafter deposited in the
8661 bond retirement fund, shall be credited to the Tennessee-Tombigbee
8662 General Account.

8663 (ii) Until such time as the transfer of funds from
8664 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8665 Principal and Interest Account occurs as provided in paragraph
8666 (b)(iii) of this subsection, amounts in the general account shall
8667 be applied to the following purposes and in the following order of
8668 priority: first, to the extent required, to the payment, the
8669 principal of, redemption premium, if any, and interest on general
8670 obligation bonds; second, to the extent required, to the General
8671 Fund of the state to reimburse the state for expenditures in
8672 excess of twenty-five percent (25%) of the total costs of the
8673 principal and interest on bonds issued under authority of
8674 subsection (1) of Section 65-26-15 and for all expenditures for
8675 costs of the principal of and interest on bonds issued under
8676 authority of subsection (2) of Section 65-26-15; and third, to the
8677 extent required, if any, to the bridge construction fund created
8678 in Section 65-26-25 to make current payments to meet contractual
8679 obligations for bridge construction.



8680 (iii) Upon certification of the State Treasurer,
8681 filed with and approved by the State Bond Commission, that the
8682 amount on deposit in the Tennessee-Tombigbee General Account,
8683 together with earnings on investments to accrue to it, is equal to
8684 or greater than the aggregate of the entire principal, redemption
8685 premium, if any, and interest due and to become due, until the
8686 final maturity date or earlier scheduled redemption date thereof,
8687 on all general obligation bonds outstanding as of the date of such
8688 certification, then the State Treasurer shall transfer from the
8689 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8690 Principal and Interest Account an amount equal to the entire
8691 principal, redemption premium, if any, and interest due and to
8692 become due, until the final maturity date or scheduled redemption
8693 date thereof, on all general obligation bonds outstanding as of
8694 the date of such transfer. The State of Mississippi hereby
8695 covenants with the holders from time to time of general obligation
8696 bonds that amounts deposited in the Tennessee-Tombigbee Principal
8697 and Interest Account will be applied solely to the payment of the
8698 principal of, redemption premium, if any, and interest on general
8699 obligation bonds.

8700 (iv) After the date of the transfer from the
8701 general account to the principal and interest account contemplated
8702 by paragraph (b)(iii) of this subsection, amounts from time to
8703 time on deposit in the Tennessee-Tombigbee General Account shall
8704 be applied monthly to the following purposes and in the following



8705 order of priority: first, to the extent required, to the payment
8706 of the principal of, redemption premium, if any, and interest on
8707 general obligation bonds issued under this chapter; second, to the
8708 extent required, to the General Fund of the state to reimburse the
8709 state for expenditures in excess of twenty-five percent (25%) of
8710 the total costs of the principal and interest on bonds issued
8711 under authority of subsection (1) of Section 65-26-15 and for all
8712 expenditures for costs of the principal of and interest on bonds
8713 issued under authority of subsection (2) of Section 65-26-15; and
8714 third, to the extent required, if any, to the bridge construction
8715 fund created in Section 65-26-25 to make current payments to meet
8716 contractual obligations for bridge construction.

8717 (4) It is the intent of the Legislature that all outstanding
8718 general obligation bonds issued under this chapter shall be
8719 retired by the State Bond Commission on the earliest scheduled
8720 redemption date thereof, provided that there are sufficient funds
8721 in the bond retirement fund together with earnings on investments
8722 to accrue to it. When the principal of, redemption premium, if
8723 any, and interest on all such outstanding general obligation bonds
8724 are paid in full, then any amounts remaining in the bond
8725 retirement fund, or separate accounts therein, together with
8726 earnings on investments to accrue to it, shall be apportioned and
8727 paid as follows:

8728 (a) Three Million Five Hundred Thousand Dollars
8729 (\$3,500,000.00) of such funds shall be paid into the appropriate



8730 fund for use by the Yellow Creek State Inland Port Authority for
8731 equipment or facilities necessary to the operation of the port.

8732 (b) Three Million Five Hundred Thousand Dollars
8733 (\$3,500,000.00) shall be paid into the State General Fund.

8734 (c) Seven Million Five Hundred Thousand Dollars
8735 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven
8736 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
8737 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
8738 placed by the county in a special trust fund, the principal of
8739 which shall remain inviolate and the interest on which shall be
8740 expended solely for improvement of elementary and secondary
8741 education in Tishomingo County and distributed among the school
8742 districts therein based on the average daily * * * membership in
8743 each, and (ii) Five Million Dollars (\$5,000,000.00) shall be
8744 placed in the county general fund and may be expended for general
8745 county purposes.

8746 (d) The balance of such funds shall be paid to the
8747 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
8748 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
8749 funds shall be paid to such counties in the proportion that each
8750 county's contribution to the bridge bond fund bears to the total
8751 contribution from all twelve (12) counties; however, no county
8752 shall be paid more than Five Million Dollars (\$5,000,000.00) under
8753 this paragraph (d). Such funds shall be deposited by the county
8754 into a special account to be expended solely for economic



8755 development purposes. No expenditure of funds from the special
8756 account shall be made unless the amount to be expended from the
8757 special account is matched by other county funds in an amount
8758 equal to fifteen percent (15%) of the special account funds to be
8759 expended and until the Mississippi * * * Development Authority,
8760 upon application by the board of supervisors, has certified that
8761 the proposed expenditure is for economic development purposes and
8762 has approved the expenditure for such purposes; provided, however,
8763 the fifteen percent (15%) match hereinabove imposed shall not be
8764 required when the proposed expenditure for economic development
8765 purposes is on land owned or leased by the federal, state, county
8766 or municipal government.

8767 **SECTION 127.** Section 37-13-153, Mississippi Code of 1972,
8768 which required state funding for home economics teachers to be
8769 included as a line item in the education appropriations bills for
8770 fiscal years 1995, 1996 and 1997, is repealed.

8771 **SECTION 128.** Sections 37-151-1, 37-151-5, 37-151-6,
8772 37-151-7, 37-151-8, 37-151-77, 37-151-79, 37-151-81, 37-151-83 and
8773 37-151-85, Mississippi Code of 1972, which define certain terms
8774 and establish the formula to be used in determining the annual
8775 allocation of funds to each school district under the Mississippi
8776 Adequate Education Program (MAEP), are repealed.

8777 **SECTION 129.** Section 37-152-1, Mississippi Code of 1972,
8778 which creates the Commission on Restructuring the Mississippi
8779 Adequate Education Program (MAEP), is repealed.



8780 **SECTION 130.** This act shall take effect and be in force from
8781 and after its passage.

