

**AMENDMENT PROPOSED TO**

**HOUSE BILL NO. 957**

**BY COMMITTEE**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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) "Base amount" or "student base amount" means the  
119 student base funding level that is established in the funding



120 formula as the estimated cost of educating an average student with  
121 no special needs.

122 (b) "Charter school" means a public school that is  
123 established and operating under the terms of a charter contract  
124 between the school's governing board and the Mississippi Charter  
125 School Authorizer Board.

126 (c) "Department" means the State Department of  
127 Education.

128 (d) "English Language Learner" or "ELL" means a student  
129 identified in accordance with federal law as entitled to English  
130 as a second language or bilingual services on the basis of the  
131 student's English language proficiency.

132 (e) "Gifted student" means a student identified as  
133 eligible to participate in a gifted education program for the  
134 instruction of intellectually gifted children, as defined and  
135 provided for in Sections 37-23-171 through 37-23-181.

136 (f) "Low-income students" means a definite number of  
137 students in a school district which is calculated solely by  
138 multiplying the average of the last three (3) years' estimates of  
139 the school-age poverty rate, as published annually as a percentage  
140 for that school district by the United States Census Bureau in the  
141 Small Area Income and Poverty Estimates (SAIPE), times the student  
142 enrollment of the school district.

143 (g) "Mississippi Uniform Per Student Funding Formula,"  
144 "uniform per student funding formula," "funding formula" or



145 "formula" means the formula used to determine annual operating  
146 funding for public schools on a uniform per student basis, as  
147 prescribed in this article.

148 (h) "School district" means any type of school district  
149 in the State of Mississippi and includes agricultural high  
150 schools.

151 (i) "Sparse school district" means a school district in  
152 which there are fewer than four (4) students per square mile when  
153 the total number of students in the district's enrollment is  
154 divided by the number of square miles in the territory comprising  
155 the school district.

156 (j) "Special education program" means a program that  
157 provides services for exceptional children, as defined and  
158 authorized by Chapter 23, Title 37, Mississippi Code of 1972.

159 (k) "Student enrollment" means the figure that results  
160 when the total aggregate student enrollment during the period  
161 counted is divided by the number of days during the period counted  
162 upon which both teachers and students are in regular attendance  
163 for scheduled classroom instruction. However, if a local school  
164 board adopts a class schedule that operates throughout the year  
165 for any or all schools in the district, average daily membership  
166 must be computed by the State Department of Education so that the  
167 resulting average daily membership will not be higher or lower  
168 than if the local school board had not adopted such schedule.

169 .



170 (l) "Superintendent" means the administrative head of a  
171 school district.

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

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

180 **SECTION 3.** The following shall be codified as Section  
181 37-151-205, Mississippi Code of 1972:

182 37-151-205. (1) Beginning with the 2019 fiscal year, the  
183 annual computation of the total amount of operational funding,  
184 both state and local, for the cost of educating students enrolled  
185 in the public schools in the State of Mississippi is determined in  
186 accordance with the Mississippi Uniform Per Student Funding  
187 Formula established under this article.

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

191 Multiply the school district's student enrollment, as  
192 determined under Section 37-151-221, times the applicable grade  
193 level per student allocations established under Section  
194 37-151-209, and add to this product any additional amounts to



195 which the district is entitled for low-income students under  
196 Section 37-151-211, English Language Learners under Section  
197 37-151-213, students in special education programs under Section  
198 37-151-215, students in gifted education programs under Section  
199 37-151-217 and students in a sparse school district under Section  
200 37-151-219.

201 (3) The following additional education programs shall be  
202 funded outside of the funding formula pursuant to line item  
203 appropriation by the Legislature:

- 204 (a) Early Learning Collaborative programs;
- 205 (b) Reading intervention programs under the  
206 Literacy-Based Promotion Act;
- 207 (c) University-based transportation programs;
- 208 (d) Bus driver training programs;
- 209 (e) Extended school year programs;
- 210 (f) University-based programs;
- 211 (g) Section 504 programs;
- 212 (h) Nonpublic school textbooks;
- 213 (i) Dyslexia therapy scholarship programs;
- 214 (j) School Recognition Program established in Section  
215 37-19-10.

216 Additional education programs may be funded outside of the  
217 funding formula pursuant to line item appropriation in the  
218 discretion of the Legislature.



219           **SECTION 4.** The following shall be codified as Section  
220 37-151-207, Mississippi Code of 1972:

221           37-151-207. Beginning with the 2019 fiscal year, the student  
222 base amount is Four Thousand Eight Hundred Dollars (\$4,800.00) per  
223 student. The base amount may be revised in subsequent years in  
224 accordance with provisions for periodic review and revision of the  
225 funding formula pursuant to Section 37-151-223.

226           **SECTION 5.** The following shall be codified as Section  
227 37-151-209, Mississippi Code of 1972:

228           37-151-209. (1) The student counts at certain grade levels  
229 must be weighted to provide an amount per student differing from  
230 the base amount in accordance with the following schedule:

231	<b>Grade Level</b>	<b>Weighting</b>	<b>FY2019 and Subsequent</b>
232			<b>Fiscal Years Per Student</b>
233			<b>Allocation</b>
234	Pre-kindergarten 3	0.00	\$0.00
235	Pre-kindergarten 4	0.00	\$0.00
236	Kindergarten	1.00	\$4,800.00
237	Grades 1-3	1.00	\$4,800.00
238	Grades 4-8	1.00	\$4,800.00
239	Grades 9-12	1.30	\$6,240.00

240           (2) The per student allocation established for students in  
241 Grades 9 through 12 is for each student under the age of  
242 twenty-one (21) years who is counted in a school district's or  
243 charter school's student enrollment and is for the fiscal support



244 of all programs in those grades, including, but not limited to:  
245 college and career readiness programs; specific college  
246 preparedness initiatives such as advanced placement courses,  
247 International Baccalaureate programs and other  
248 college-credit-bearing course offerings; science, technology,  
249 engineering and math course offerings; college guidance and  
250 advising systems; specific career track programs; vocational or  
251 technical education programs; and alternative school programs.

252         **SECTION 6.** The following shall be codified as Section  
253 37-151-211, Mississippi Code of 1972:

254         37-151-211. (1) In addition to the grade level allocations  
255 established under Section 37-151-209 and supplemental allocations  
256 required under Sections 37-151-213 through 37-151-219, a  
257 supplemental allocation must be provided to each school district  
258 and charter school on the basis of the count of students in  
259 enrollment who are identified as low-income students. The  
260 supplemental allocation for each low-income student in enrollment  
261 must be calculated by applying a weight equal to twenty-five  
262 percent (25%) to the student base amount prescribed under Section  
263 37-151-207.

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

267         **SECTION 7.** The following shall be codified as Section  
268 37-151-213, Mississippi Code of 1972:



269           37-151-213. (1) In addition to the grade level allocations  
270 established under Section 37-151-209 and supplemental allocations  
271 required under Sections 37-151-211 and 37-151-215 through  
272 37-151-219, a supplemental allocation must be provided to each  
273 school district and charter school on the basis of the count of  
274 students in enrollment who are identified as English Language  
275 Learners. The supplemental allocation for each English Language  
276 Learner in enrollment must be calculated by applying a weight  
277 equal to twenty percent (20%) to the student base amount  
278 prescribed under Section 37-151-207.

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

282           (3) The State Department of Education shall require each  
283 school district to submit an annual report to the department  
284 relating to the education of English Language Learners. The  
285 report must include the following:

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

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

291                   (c) Detailed information relating to expenditures of  
292 each English Language Learner program and service in the school



293 district and the source of funding (federal, state or local) for  
294 those programs and services; and

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

297 (4) Before January 1 of each year, the State Department of  
298 Education shall submit a detailed report to the Education and  
299 Appropriations Committees of the House of Representatives and  
300 Senate on the status of English Language Learners in the public  
301 schools. The report must include data demonstrating the progress  
302 that is being made through programs and services aimed at  
303 improving English language mastery in non-English-proficient  
304 students and an assessment of the sufficiency of the supplemental  
305 allocation for those programs and services, along with any  
306 recommendations for adjustments to the weight prescribed under  
307 this section for English Language Learners.

308 **SECTION 8.** The following shall be codified as Section  
309 37-151-215, Mississippi Code of 1972:

310 37-151-215. (1) In addition to the grade level allocations  
311 established under Section 37-151-209 and supplemental allocations  
312 required under Sections 37-151-211, 37-151-213, 37-151-217 and  
313 37-151-219, a supplemental allocation must be provided to each  
314 school district and charter school on the basis of the count of  
315 students in enrollment who are identified as entitled to and  
316 receiving services in a special education program.



317           (2) The supplemental allocation required under this section  
318 must be calculated by applying a weight to the student base amount  
319 prescribed under Section 37-151-207 for each student in enrollment  
320 who is entitled to and receiving special education services as  
321 follows:

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

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

330           (c) Tier III: For each student diagnosed with visual  
331 impairment, deaf-blindness, multiple disabilities, or traumatic  
332 brain injury, a weight equal to one hundred seventy percent (170%)  
333 of the student base amount.

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

339           (4) The weightings prescribed under this section for  
340 students in special education must be applied cumulatively in the



341 counts of students who fall into more than one (1) of the funding  
342 formula weighting categories prescribed under other sections.

343 (5) As soon as practical following the effective date of  
344 this act, and each year thereafter, the State Department of  
345 Education shall review the disability tiers established under this  
346 section to ensure that the various diagnoses and weightings are  
347 matched and classified appropriately. The department shall verify  
348 that the distribution of weights meets the Maintenance of Effort  
349 (MOE) requirements of the Individuals with Disabilities Act (IDEA)  
350 and that the total funding by the state dedicated to special  
351 education is sufficient to meet annual MOE requirements. The  
352 department also shall determine if the diagnoses are categorized  
353 appropriately based on the average costs of educating students in  
354 the state who are in special education programs. Before September  
355 1, the department shall submit an annual report to the Education  
356 and Appropriations Committees of the House of Representatives and  
357 Senate recommending any revisions that are necessary in order for  
358 the state to comply with federal requirements under IDEA or which  
359 may be desirable to improve the delivery and funding of special  
360 education services throughout the state.

361 **SECTION 9.** The following shall be codified as Section  
362 37-151-217, Mississippi Code of 1972:

363 37-151-217. (1) In addition to the grade level allocations  
364 established under Section 37-151-209 and supplemental allocations  
365 required under Sections 37-151-211 through 37-151-215 and



366 37-151-219, a supplemental allocation must be provided to each  
367 school district and charter school on the basis of the count of  
368 students in enrollment who are identified as gifted students. The  
369 supplemental allocation per each gifted student in enrollment must  
370 be calculated by applying a weight equal to twenty-five percent  
371 (25%) to the student base amount prescribed under Section  
372 37-151-207.

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

376 (3) Before January 1 of each year, the State Department of  
377 Education shall submit a detailed report to the Education and  
378 Appropriations Committees of the House of Representatives and  
379 Senate on the status of gifted student education programs, as  
380 defined and provided for in Sections 37-23-171 through 37-23-181.  
381 The report must include data demonstrating the progress that is  
382 being made through programs and services provided to  
383 intellectually gifted students and an assessment of the  
384 sufficiency of the supplemental allocation for those programs and  
385 services, along with any recommendations for adjustments to the  
386 weight prescribed under this section for gifted students.

387 **SECTION 10.** The following shall be codified as Section  
388 37-151-219, Mississippi Code of 1972:

389 37-151-219. (1) In addition to the grade level allocations  
390 established under Section 37-151-209 and supplemental allocations



391 required under Sections 37-151-211 through 37-151-217, a  
392 supplemental allocation must be provided to each school district  
393 identified as a sparse school district by the State Department of  
394 Education. The supplemental allocation must be calculated by  
395 applying a weight, for each student in enrollment in the sparse  
396 school district, equal to ten percent (10%) of the student base  
397 amount prescribed under Section 37-151-207.

398 (2) The weighting for students in a sparse school district  
399 must be applied cumulatively in the counts of students who fall  
400 into more than one (1) of the funding formula weighting  
401 categories.

402 **SECTION 11.** The following shall be codified as Section  
403 37-151-221, Mississippi Code of 1972:

404 37-151-221. (1) Funding pursuant to the Mississippi Uniform  
405 Per Student Funding Formula must be based on the total estimated  
406 costs for the number of students projected to be in enrollment in  
407 kindergarten through Grade 12 in Mississippi public schools during  
408 the fiscal year for which an appropriation is made. In order for  
409 the State Department of Education to calculate the student  
410 enrollment, each school district shall submit student enrollment  
411 and attendance data to the department in the manner required by  
412 the rules and regulations adopted by the State Board of Education  
413 under subsection (5) of this section. For fiscal year 2019, the  
414 projected change in student enrollment from the 2017-2018 school  
415 year for each school district equals the average annual change in



416 enrollment in that school district for the three (3) fiscal years  
417 immediately preceding fiscal year 2019. Beginning with fiscal  
418 year 2020, in each school district in which the student enrollment  
419 for the fiscal year for which funds are being appropriated is  
420 projected to be lower than the immediately preceding fiscal year,  
421 the allocation of funds under the formula must be based on the  
422 average of the May and October student numbers in that district;  
423 however, in each school district in which the student enrollment  
424 for the fiscal year for which funds are being appropriated is  
425 projected to be higher than the immediately preceding fiscal year,  
426 the allocation of funds under the formula must be based on the  
427 October student numbers in that district.

428 (2) The State Auditor shall make, or require to be made, an  
429 audit of student enrollment and attendance figures on one (1) day  
430 when both teachers and students are in regular attendance for  
431 scheduled classroom instruction during each of the following  
432 weeks:

- 433 (a) The first week of October;
- 434 (b) The third week of January; and
- 435 (c) The first week of May.

436 Each audit conducted by the State Auditor must include data  
437 for specific student populations that are subject to weighting  
438 under the Mississippi Uniform Per Student Funding Formula as well  
439 as the aggregate amount of students in the school district in  
440 which an audit is being conducted. The State Auditor is not



441 required to audit student enrollment and attendance figures in all  
442 local school districts during these time periods but must make a  
443 concerted effort to conduct audits in as many local districts as  
444 practicable. Advance notice may not be given to a school when an  
445 audit is scheduled to be conducted; however, an audit may be  
446 postponed due to extraordinary circumstances such as a natural  
447 disaster or fire.

448 (3) If the average of the October and January figures  
449 determined by the audits conducted pursuant to subsection (2)  
450 reflects that the number of students in actual attendance is below  
451 the number reported by the school district to the State Department  
452 of Education for the month of October and for the month of  
453 January, the State Auditor must certify its finding to the  
454 department. If the average number of students calculated by the  
455 examiners is more than seven percent (7%) lower than the school  
456 district's reported enrollment, the State Department of Education  
457 must use a student number for the next succeeding fiscal year  
458 which equals the average number found by the examiners less an  
459 amount that is the same percentage as the difference in the  
460 average of the examiner's actual findings and the school  
461 district's reported enrollment. The department shall use the  
462 resulting figure in determining the funds to be allocated to the  
463 school district during the succeeding school year.

464 (4) A school district's student enrollment must include any  
465 student enrolled in a dual enrollment-dual credit program as



466 defined and provided for in Section 37-15-38. The State  
467 Department of Education shall make payments for dual  
468 enrollment-dual credit programs to the home school district in  
469 which the student is enrolled, in accordance with regulations  
470 promulgated by the State Board of Education. All state funding  
471 under the formula must cease upon completion of high school  
472 graduation requirements.

473 (5) The State Board of Education shall promulgate such rules  
474 and regulations as may be necessary for the counting and reporting  
475 of student enrollment and attendance numbers by school districts  
476 to the department in a manner that enables the provisions of this  
477 article to be carried out. The rules and regulations must require  
478 school districts to submit data that includes, at a minimum,  
479 numbers for specific student populations that are subject to  
480 weighting under the Mississippi Uniform Per Student Funding  
481 Formula as well as the aggregate amount of students in attendance  
482 when each calculation is made.

483 **SECTION 12.** The following shall be codified as Section  
484 37-151-223, Mississippi Code of 1972:

485 37-151-223. (1) Except as otherwise provided in subsection  
486 (2) of this section, the Legislature, in consultation with  
487 representatives of the State Board of Education and the  
488 Mississippi Charter School Authorizer Board, shall review this  
489 formula no later than three (3) years after July 1, 2018, and once  
490 every three (3) years subsequently. Revisions must be based upon



491 information and data, including a study of the actual costs of  
492 education in the State of Mississippi, consideration of  
493 performance incentives created by the formula in practice,  
494 research in education and education finance, and public comment.

495 (2) Before January 1, 2021, and every two (2) years  
496 thereafter, the State Board of Education shall submit to the  
497 Legislature a report that reviews the formula and includes  
498 recommendations for revisions to the formula based upon a study of  
499 the actual costs of education in the State of Mississippi,  
500 research in education and education finance, and public comment.  
501 The study of actual costs of education pursuant to this subsection  
502 must include, but need not be limited to, the following:

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

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

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

508 (d) Improved measures of change in the cost of  
509 education; and

510 (e) A review of the costs associated with serving  
511 low-income students and of how low-income students are identified.

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



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

518 **SECTION 13.** The following shall be codified as Section  
519 37-151-225, Mississippi Code of 1972:

520 37-151-225. Allocations to school districts made by the  
521 State Department of Education on the basis of the count of  
522 students in certain grade levels and in student categories  
523 established for the purpose of applying various weights under this  
524 act are intended only to generate total appropriation amounts on a  
525 per student basis. Except as otherwise required by state or  
526 federal law or by rules, regulations, policies or orders of the  
527 State Board of Education and the State Department of Education, a  
528 school district may exercise full autonomy in the spending of all  
529 funds allocated under the formula to the district so long as funds  
530 are expended in the manner determined by the school board to best  
531 meet the needs of the student population of the local school  
532 district.

533 **SECTION 14.** The following shall be codified as Section  
534 37-151-227, Mississippi Code of 1972:

535 37-151-227. (1) (a) The State Department of Education,  
536 pursuant to Section 37-57-1(2), shall determine the amount that  
537 each school district must provide toward the cost of the uniform  
538 per student funding formula and shall certify that amount to the  
539 district. The local contribution amount in a school district in  
540 which there is located one or more charter schools is an amount



541 determined as follows: using the uniform per student funding  
542 formula twenty-eight (28) mill value, or the twenty-seven percent  
543 (27%) cap amount (whichever is less), an average per student  
544 amount will be calculated. This average per student amount shall  
545 be multiplied times the number of students enrolled in the charter  
546 school in that school district. The sum is the amount of the  
547 charter school's local contribution to the funding formula.

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

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

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

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

559 (iv) The school district's homestead reimbursement  
560 revenues.

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



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

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

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

571 (2) (a) Except as otherwise provided in subsection (3), the  
572 required state effort in support of the Uniform Per Student  
573 Funding Formula for each school district and charter school is  
574 determined by subtracting the sum of the required local  
575 contribution, as set forth in subsection (1)(a) of this section,  
576 and the other local revenue sources set forth in subsection (1)(c)  
577 of this section, which total amount may not exceed twenty-seven  
578 percent (27%) of the total projected funding formula cost, from  
579 the total projected Uniform Per Student Funding Formula Cost, as  
580 determined under this article, for the school district or charter  
581 school.

582 (b) If the school board of any school district  
583 determines that it is not economically feasible or practicable to  
584 operate any school within the district for the full one hundred  
585 eighty (180) days required for a school term of a scholastic year  
586 under Section 37-13-63, due to an enemy attack, a man-made,  
587 technological or natural disaster in which the Governor has  
588 declared a disaster emergency under the laws of this state or the  
589 President of the United States has declared an emergency or major



590 disaster to exist in this state, the school board may notify the  
591 State Department of Education of such disaster and submit a plan  
592 for altering the school term. If the State Board of Education  
593 finds the disaster to be the cause of the school not operating for  
594 the contemplated school term and that the school is in a school  
595 district covered by the Governor's or President's disaster  
596 declaration, it may permit the schools in that district to be  
597 operated for less than one hundred eighty (180) days and, in such  
598 case, the State Department of Education may not reduce the state  
599 contributions to the funding formula for that district because of  
600 the failure to operate those schools for one hundred eighty (180)  
601 days.

602 (3) (a) Notwithstanding the provisions of subsection (2) (a)  
603 of this section or any other provision of this article, the state  
604 allocation in support of the Uniform Per Student Funding Formula  
605 for a school district or charter school for fiscal year 2019 and  
606 fiscal year 2020 may not be less than an amount equal to the  
607 amount of state funds received by that school district or charter  
608 school under the Mississippi Adequate Education Program in fiscal  
609 year 2018, plus any increase in state effort attributable to an  
610 increase in the school district's student enrollment in fiscal  
611 year 2019 and fiscal year 2020.

612 (b) Notwithstanding the provisions of subsection (2) (a)  
613 of this section or any other provision of this article, the state  
614 allocation in support of the Uniform Per Student Funding Formula



615 for a school district or charter school for fiscal year 2021,  
616 fiscal year 2022, fiscal year 2023, fiscal year 2024 and fiscal  
617 year 2025 may not be less than an amount equal to ninety-seven  
618 percent (97%), nor greater than an amount equal to one hundred  
619 three percent (103%), of the state funds received by that school  
620 district or charter school under the Uniform Per Student Funding  
621 Formula in the immediately preceding fiscal year; however, the  
622 limitations prescribed in this paragraph do not apply to the  
623 extent of any portion of such a decrease or increase, as the case  
624 may be, in the required state effort for a school district which  
625 is attributable solely to a projected change in the school  
626 district's student enrollment in the year for which funds are  
627 being allocated.

628 (c) This subsection (3) shall stand repealed on July 1,  
629 2025.

630 **SECTION 15.** The following shall be codified as Section  
631 37-151-229, Mississippi Code of 1972:

632 37-151-229. (1) To qualify for state funds under this  
633 article, a school district may not exceed a student-teacher ratio,  
634 based on the district's enrollment, of 27:1 in Grades 1, 2, 3 and  
635 4; for kindergarten and Grades 5 through 12, the student-teacher  
636 ratio must be determined in accordance with appropriate  
637 accreditation standards developed by the Mississippi Commission on  
638 School Accreditation. However, any local district may apply to  
639 the State Board of Education for approval of a waiver to this



640 section by submitting and justifying an alternative educational  
641 program to serve the needs of enrollment. The State Board of  
642 Education must approve or disapprove of the waiver no later than  
643 forty-five (45) days after receipt of the application.

644 (2) If a school district violates this section, the state  
645 allocation for the next succeeding fiscal year to that school  
646 district must be reduced by the percentage variance that the  
647 actual student-teacher ratios in the school district has to the  
648 required student-teacher ratios mandated in this section.

649 (3) Notwithstanding the provisions of this section, the  
650 State Board of Education may waive the student-teacher  
651 requirements specified in this section upon a finding that a good  
652 faith effort is being made by a school district to comply with the  
653 ratio provisions but, due to a lack of classroom space which is  
654 beyond the district's control, it is physically impossible for the  
655 district to comply, and the cost of temporary classroom space  
656 cannot be justified.

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

662 **SECTION 16.** The following shall be codified as Section  
663 37-151-231, Mississippi Code of 1972:



664           37-151-231. The State Department of Education shall revise  
665 the Accounting Manual for Mississippi Public School Districts to  
666 improve financial reporting at the school, district and state  
667 level in order to facilitate a transparent system that fairly and  
668 accurately represents the amounts being spent and delivered to  
669 Mississippi's students under the Uniform Per Student Funding  
670 Formula on an annual basis. The department shall develop an  
671 additional series of codes for the accounting manual which must be  
672 used by school districts in reporting spending in a manner that  
673 enables the attribution of funds spent to the student subgroups,  
674 by demographics, and/or school buildings that benefitted from  
675 those funds.

676           **SECTION 17.** The following shall be codified as Section  
677 37-151-233, Mississippi Code of 1972:

678           37-151-233. (1) The State Department of Education shall  
679 develop and implement a fiscal transparency system that compares  
680 financial investment under the Mississippi Uniform Per Student  
681 Funding Formula for each school district with student academic  
682 growth in the district on an annual basis. The transparency  
683 system also must enable school district outcomes to be compared  
684 with the outcomes of peer districts at both the school and student  
685 subgroup levels and must be detailed sufficiently to allow a  
686 determination to be made on whether funding allocated for students  
687 with specific cost considerations is sufficient to elicit intended  
688 academic outcomes. For the purposes of this section, "peer



689 districts" are those school districts identified by the State  
690 Department of Education as districts having comparable numbers and  
691 demographics of students.

692 (2) The State Department of Education shall make available  
693 information relating to spending and outcomes, as collected  
694 through the transparency system implemented pursuant to subsection  
695 (1), on the department's website. The information must be in a  
696 searchable format that allows users to search for any school or  
697 district in the state and to generate a report on the details of  
698 spending and outcomes by student subgroup. In addition, the  
699 information must be presented in such a manner that allows  
700 information for a particular school or school district to be  
701 compared with other similar schools or school districts throughout  
702 the state.

703 **SECTION 18.** The following shall be codified as Section  
704 37-151-235, Mississippi Code of 1972:

705 37-151-235. (1) The State Department of Education shall  
706 develop and implement a financial rating model for the purpose of  
707 reviewing the general financial health of school districts in the  
708 state as well as the fiscal output, or return on investment, on an  
709 annual basis. The assessment of a school district's general  
710 fiscal health under the financial rating model must include a  
711 review of the following:

- 712 (a) The district's annual financial audit;
- 713 (b) The ratio of annual expenditures to revenue;



714 (c) The district's maintenance of short- and long-term  
715 debt;  
716 (d) Annual federal funds lapse;  
717 (e) Debt-to-operating expenses ratios; and  
718 (f) Such other indicators of financial stewardship as  
719 determined by the department.

720 The assessment of a school district's fiscal output may  
721 include both student-focused analyses and nonstudent outcomes,  
722 including, but not limited to, a review of professional  
723 development spending compared to annual growth on teacher  
724 evaluations and the cost of facility maintenance and small capital  
725 repairs compared to teacher workplace satisfaction polls.

726 (2) The department shall implement a weighting system as  
727 part of the financial rating model under which different portions  
728 of a school district's assessment are weighted appropriately. The  
729 various weights must be combined to form a single score for the  
730 school district, which score must be in such format that allows  
731 the score to be compared to scores earned by other school  
732 districts identified as peer school districts by the department.  
733 School districts having poor outcomes, as determined by the  
734 department, must be encouraged to achieve more efficient spending  
735 in accordance with the following:

736 (a) In the first year that a school district earns a  
737 very low score, as defined by the department, the department shall



738 submit a written warning to the school district regarding the  
739 school district's financial assessment.

740 (b) In the second consecutive year that a school  
741 district receives a very low score, the department shall assign a  
742 higher-performing peer district to offer technical assistance to  
743 the school district and to review practices and make  
744 recommendations for improving the quality and cost-effectiveness  
745 of programs in the low-performing district.

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

750 (d) In the fourth consecutive year that school district  
751 receives a very low score, the State Board of Education shall take  
752 such steps as may be necessary to request the Governor to declare  
753 a state of emergency in the district, as authorized under Section  
754 37-17-6.

755 **SECTION 19.** The following shall be codified as Section  
756 37-151-237, Mississippi Code of 1972:

757 37-151-237. (1) The State Department of Education shall  
758 conduct a comprehensive review of all rules, regulations, orders  
759 and policies of the department and State Board of Education to  
760 identify all accreditation standards established by rule,  
761 regulation, order or policy which create a fiscal impact on school  
762 districts and to determine if such standards are critical to



763 student success. The department shall examine those rules,  
764 regulations, orders and policies to assess whether compliance with  
765 the administrative requirements causes a fiscal impact that has  
766 the effect of earmarking state funds before those funds are  
767 allocated to a school district and forcing inefficient spending  
768 while restricting innovation by the district. The study must  
769 identify those areas in which school districts are required to  
770 follow a prescribed or assumed investment of resources rather than  
771 be held to an expected outcome, including, but not limited to:  
772 student-to-teacher ratios; teacher-to-administrator ratios; and  
773 teacher salary schedules. The department also shall examine any  
774 rules, regulations, orders or policies that prohibit or restrict  
775 the use of state funds or the use of local funds for certain  
776 expenditures to ascertain whether those provisions are necessary  
777 or desirable under the student-centered Mississippi Uniform Per  
778 Student Funding Formula. Based upon the results of the review,  
779 the State Board of Education or the department shall consider  
780 making any necessary or desirable revisions to any rule,  
781 regulation, order or policy deemed inconsistent with the intent of  
782 the funding formula.

783 (2) Before October 1, 2019, the State Department of  
784 Education shall submit a report to the Joint Legislative Study  
785 Committee on Statutory Education Accreditation Standards created  
786 under Section 20 of this act on the rules, regulations, orders and  
787 policies being considered for revision by the department or State



788 Board of Education, along with the reasons for those revisions,  
789 and including any recommended legislation for statutory revisions  
790 deemed necessary or desirable by the department or board in  
791 furthering the intent of the funding formula.

792         **SECTION 20.** (1) There is created the Joint Legislative  
793 Study Committee on Statutory Education Accreditation Standards.  
794 The purpose of the committee is to identify all accreditation  
795 standards established by state law which create a fiscal impact on  
796 school districts and to determine if such standards are critical  
797 to student success. The committee shall conduct a comprehensive  
798 review of those laws to assess whether compliance with the  
799 statutory requirements causes a fiscal impact that has the effect  
800 of earmarking state funds before those funds are allocated to a  
801 school district and forcing inefficient spending while restricting  
802 innovation by the district. The study must identify those areas  
803 in which school districts are required to follow a prescribed or  
804 assumed investment of resources rather than be held to an expected  
805 outcome, including, but not limited to: student-to-teacher  
806 ratios; teacher-to-administrator ratios; and teacher salary  
807 schedules. The committee also shall examine those statutes that  
808 prohibit or restrict the use of state funds or the use of local  
809 funds for certain expenditures to ascertain whether those  
810 provisions are necessary or desirable under the student-centered  
811 Mississippi Uniform Per Student Funding Formula.



812           (2) Upon completing its review of statutory accreditation  
813 requirements pursuant to subsection (1), the study committee, in  
814 consultation with the State Department of Education, shall  
815 research the desirability and feasibility of creating and  
816 implementing an accountability system of earned autonomy under  
817 which the highest performing and highest academic growth school  
818 districts are granted independence from certain administrative and  
819 statutory requirements. The study committee shall consider  
820 establishing different tiers of flexibility that may be exercised  
821 in high performing districts that exceed either growth or  
822 performance goals established by the State Department of Education  
823 and shall determine if the earned autonomy should be implemented  
824 as a stand alone accountability system or as a separate component  
825 of any new fiscal accountability model which may be established as  
826 a result of the study committee's recommendations.

827           (3) The Joint Legislative Study Committee on Statutory  
828 Education Accreditation Standards is comprised of the following  
829 members:

- 830           (a) The Chairman of the House Education Committee;
- 831           (b) The Chairman of the Senate Education Committee;
- 832           (c) The Chairman of the House Appropriations Committee;
- 833           (d) The Chairman of the Senate Appropriations  
834 Committee;
- 835           (e) Two (2) members of the House Education Committee  
836 appointed by the Speaker of the House of Representatives;



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

839 (g) Two (2) members of the House Appropriations  
840 Committee appointed by the Speaker of the House of  
841 Representatives; and

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

844 The committee shall convene no later than thirty (30) days  
845 after the effective date of this act. The Speaker of the House of  
846 Representatives and the Lieutenant Governor shall each designate a  
847 member of the committee from their respective chambers to serve as  
848 joint chairmen of the committee.

849 (4) For attending meetings of the committee, each member  
850 must be paid from the contingent expense fund of the member's  
851 respective house per diem in the amount authorized by Section  
852 25-3-69 and a mileage allowance and expense allowance in the  
853 amount authorized under Section 5-1-47. However, no per diem,  
854 mileage allowance or expense allowance for attending meetings of  
855 the committee may be paid while the Legislature is in session, and  
856 no per diem, mileage allowance or expense allowance may be paid  
857 without prior approval of the proper committee in the member's  
858 respective house.

859 (5) The study committee shall cause to be prepared and  
860 introduced any legislation deemed necessary or desirable based  
861 upon its findings and determinations during the 2019 or 2020, or



862 both, Regular Session of the Legislature. Upon making its final  
863 recommendations, the Joint Legislative Study Committee on  
864 Statutory Education Accreditation Standards shall be dissolved.

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

866 **SECTION 21.** The following shall be codified as Section  
867 37-151-239, Mississippi Code of 1972:

868 37-151-239. (1) The State Board of Education shall  
869 establish a study committee for the purpose of studying and making  
870 recommendations relating to the use of a service-based, or  
871 Individualized Education Program (IEP)-based, funding model in  
872 order to improve the funding of special education throughout the  
873 state.

874 (2) The State Superintendent of Public Education shall  
875 appoint members to serve on the study committee. Members of the  
876 committee must be representative of the state's population and  
877 involved in, or concerned with, the education of children eligible  
878 for special education services. The committee must be comprised  
879 of no less than the following members:

880 (a) The State Director of the Office of Special  
881 Education within the State Department of Education;

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



885           (c) A district-level director of special education  
886 services from the administrative offices of one or more school  
887 districts;

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

890           (e) Special education teachers representing various  
891 school districts;

892           (f) School-level support staff who assist with students  
893 receiving special education services representing various school  
894 districts;

895           (g) Parents of students receiving special education  
896 services in various school districts;

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

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

903           In making appointments to the committee, the superintendent  
904 shall select persons from rural and urban school districts  
905 throughout the state which vary in size and demographics in order  
906 to ensure that the diverse interests of different school districts  
907 are represented on the committee.

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



909           (a) Analyze the current system utilized by the state  
910 relating to the reporting of special education students and  
911 services by school districts and the state calculation and  
912 budgeting for those students and services in order to determine if  
913 the system is the most accurate and efficient means to fund  
914 special education;

915           (b) Study IEP-based funding models incorporating  
916 consideration of both diagnoses and services which have been  
917 successfully implemented in the funding of special education in  
918 other states;

919           (c) Determine the feasibility and suitability of  
920 transitioning to an IEP-based funding system in the State of  
921 Mississippi, with consideration given to the resources and time  
922 needed to implement an IEP-based funding program thoughtfully and  
923 requisite changes to the State's Performance Plan and Maintenance  
924 of Effort (MOE) baseline funding under the Individuals with  
925 Disabilities Education Act (IDEA); and

926           (d) Prepare and submit a report to the Education and  
927 Appropriations Committees of the House of Representatives and  
928 Senate on its findings and recommendations before December 1,  
929 2018.

930           **SECTION 22.** The following shall be codified as Section  
931 37-151-241, Mississippi code of 1972:

932           37-151-241. (1) There is established the Early Learning  
933 Funding Continuum Study Committee. The committee shall study and



934 make recommendations relating to the establishment of an early  
935 learning funding continuum by expanding pre-kindergarten funding  
936 and providing additional funding for students in early grades  
937 through an appropriate weight in the funding formula.

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

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

942 (b) The Director of the Early Childhood Office within  
943 the State Department of Education;

944 (c) An employee of the State Department of Education  
945 who has a thorough knowledge and understanding of the Mississippi  
946 Uniform Per Student Funding Formula and early childhood and  
947 elementary education programs that are funded separately from the  
948 formula;

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

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

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



959 (g) The director of the Division of Early Childhood  
960 Care and Development within the Mississippi Department of Human  
961 Services;

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

967 (i) Such other persons who have experience and  
968 expertise in the funding and delivery of public and private  
969 prekindergarten and elementary education programs, selected and  
970 appointed by the State Superintendent of Public Education.

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

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

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

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



984 (c) Study methods for providing supplemental funding  
985 for students in the early grades which create connectivity between  
986 prekindergarten and grade school and promote early academic  
987 success; and

988 (d) Prepare and submit a report to the Education and  
989 Appropriations Committees of the House of Representatives and  
990 Senate on its findings and recommendations before December 1,  
991 2018.

992 (4) Appointments to the committee must be made within thirty  
993 (30) days after the effective date of this act. A majority of the  
994 members of the committee shall constitute a quorum. Members of  
995 the committee may not be compensated for the performance of their  
996 duties under this section. Any incidental costs associated with  
997 conducting the study must be paid by the State Department of  
998 Education.

999 (5) The State Department of Education shall provide such  
1000 facilities and clerical and administrative support to the Early  
1001 Learning Funding Continuum Study Committee as may be necessary to  
1002 enable the committee to properly perform its duties.

1003 (6) Upon presentation of its report to the Legislature, the  
1004 Early Learning Funding Continuum Study Committee shall be  
1005 dissolved.

1006 **SECTION 23.** Section 1-3-26, Mississippi Code of 1972, is  
1007 amended as follows:



1008 1-3-26. Wherever the phrase "minimum education program,"  
1009 "minimum program," \* \* \* "minimum foundation program,"  
1010 "Mississippi Adequate Education Program," "adequate education  
1011 program" or "MAEP" shall appear in the laws of this state, it  
1012 shall be construed to mean the \* \* \* "Mississippi Uniform Per  
1013 Student Funding Formula" created under \* \* \* Chapter 151, Title  
1014 37, Mississippi Code of 1972.

1015 **SECTION 24.** Section 7-7-211, Mississippi Code of 1972, is  
1016 amended as follows:

1017 7-7-211. The department shall have the power and it shall be  
1018 its duty:

1019 (a) To identify and define for all public offices of  
1020 the state and its subdivisions generally accepted accounting  
1021 principles or other accounting principles as promulgated by  
1022 nationally recognized professional organizations and to consult  
1023 with the State Fiscal Officer in the prescription and  
1024 implementation of accounting rules and regulations;

1025 (b) To provide best practices, for all public offices  
1026 of regional and local subdivisions of the state, systems of  
1027 accounting, budgeting and reporting financial facts relating to  
1028 said offices in conformity with legal requirements and with  
1029 generally accepted accounting principles or other accounting  
1030 principles as promulgated by nationally recognized professional  
1031 organizations; to assist such subdivisions in need of assistance  
1032 in the installation of such systems; to revise such systems when



1033 deemed necessary, and to report to the Legislature at periodic  
1034 times the extent to which each office is maintaining such systems,  
1035 along with such recommendations to the Legislature for improvement  
1036 as seem desirable;

1037 (c) To study and analyze existing managerial policies,  
1038 methods, procedures, duties and services of the various state  
1039 departments and institutions upon written request of the Governor,  
1040 the Legislature or any committee or other body empowered by the  
1041 Legislature to make such request to determine whether and where  
1042 operations can be eliminated, combined, simplified and improved;

1043 (d) To postaudit each year and, when deemed necessary,  
1044 preaudit and investigate the financial affairs of the departments,  
1045 institutions, boards, commissions, or other agencies of state  
1046 government, as part of the publication of a comprehensive annual  
1047 financial report for the State of Mississippi, or as deemed  
1048 necessary by the State Auditor. In complying with the  
1049 requirements of this paragraph, the department shall have the  
1050 authority to conduct all necessary audit procedures on an interim  
1051 and year-end basis;

1052 (e) To postaudit and, when deemed necessary, preaudit  
1053 and investigate separately the financial affairs of (i) the  
1054 offices, boards and commissions of county governments and any  
1055 departments and institutions thereof and therein; (ii) public  
1056 school districts, departments of education and junior college  
1057 districts; and (iii) any other local offices or agencies which



1058 share revenues derived from taxes or fees imposed by the State  
1059 Legislature or receive grants from revenues collected by  
1060 governmental divisions of the state; the cost of such audits,  
1061 investigations or other services to be paid as follows: Such part  
1062 shall be paid by the state from appropriations made by the  
1063 Legislature for the operation of the State Department of Audit as  
1064 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour  
1065 for the services of each staff person engaged in performing the  
1066 audit or other service plus the actual cost of any independent  
1067 specialist firm contracted by the State Auditor to assist in the  
1068 performance of the audit, which sum shall be paid by the county,  
1069 district, department, institution or other agency audited out of  
1070 its general fund or any other available funds from which such  
1071 payment is not prohibited by law. Costs paid for independent  
1072 specialists or firms contracted by the State Auditor shall be paid  
1073 by the audited entity through the State Auditor to the specialist  
1074 or firm conducting the postaudit.

1075       Each school district in the state shall have its financial  
1076 records audited annually, at the end of each fiscal year, either  
1077 by the State Auditor or by a certified public accountant approved  
1078 by the State Auditor. Beginning with the audits of fiscal year  
1079 2010 activity, no certified public accountant shall be selected to  
1080 perform the annual audit of a school district who has audited that  
1081 district for three (3) or more consecutive years previously.  
1082 Certified public accountants shall be selected in a manner



1083 determined by the State Auditor. The school district shall have  
1084 the responsibility to pay for the audit, including the review by  
1085 the State Auditor of audits performed by certified public  
1086 accountants;

1087 (f) To postaudit and, when deemed necessary, preaudit  
1088 and investigate the financial affairs of the levee boards;  
1089 agencies created by the Legislature or by executive order of the  
1090 Governor; profit or nonprofit business entities administering  
1091 programs financed by funds flowing through the State Treasury or  
1092 through any of the agencies of the state, or its subdivisions; and  
1093 all other public bodies supported by funds derived in part or  
1094 wholly from public funds, except municipalities which annually  
1095 submit an audit prepared by a qualified certified public  
1096 accountant using methods and procedures prescribed by the  
1097 department;

1098 (g) To make written demand, when necessary, for the  
1099 recovery of any amounts representing public funds improperly  
1100 withheld, misappropriated and/or otherwise illegally expended by  
1101 an officer, employee or administrative body of any state, county  
1102 or other public office, and/or for the recovery of the value of  
1103 any public property disposed of in an unlawful manner by a public  
1104 officer, employee or administrative body, such demands to be made  
1105 (i) upon the person or persons liable for such amounts and upon  
1106 the surety on official bond thereof, and/or (ii) upon any  
1107 individual, partnership, corporation or association to whom the



1108 illegal expenditure was made or with whom the unlawful disposition  
1109 of public property was made, if such individual, partnership,  
1110 corporation or association knew or had reason to know through the  
1111 exercising of reasonable diligence that the expenditure was  
1112 illegal or the disposition unlawful. Such demand shall be  
1113 premised on competent evidence, which shall include at least one  
1114 (1) of the following: (i) sworn statements, (ii) written  
1115 documentation, (iii) physical evidence, or (iv) reports and  
1116 findings of government or other law enforcement agencies. Other  
1117 provisions notwithstanding, a demand letter issued pursuant to  
1118 this paragraph shall remain confidential by the State Auditor  
1119 until the individual against whom the demand letter is being filed  
1120 has been served with a copy of such demand letter. If, however,  
1121 such individual cannot be notified within fifteen (15) days using  
1122 reasonable means and due diligence, such notification shall be  
1123 made to the individual's bonding company, if he or she is bonded.  
1124 Each such demand shall be paid into the proper treasury of the  
1125 state, county or other public body through the office of the  
1126 department in the amount demanded within thirty (30) days from the  
1127 date thereof, together with interest thereon in the sum of one  
1128 percent (1%) per month from the date such amount or amounts were  
1129 improperly withheld, misappropriated and/or otherwise illegally  
1130 expended. In the event, however, such person or persons or such  
1131 surety shall refuse, neglect or otherwise fail to pay the amount  
1132 demanded and the interest due thereon within the allotted thirty



1133 (30) days, the State Auditor shall have the authority and it shall  
1134 be his duty to institute suit, and the Attorney General shall  
1135 prosecute the same in any court of the state to the end that there  
1136 shall be recovered the total of such amounts from the person or  
1137 persons and surety on official bond named therein; and the amounts  
1138 so recovered shall be paid into the proper treasury of the state,  
1139 county or other public body through the State Auditor. In any  
1140 case where written demand is issued to a surety on the official  
1141 bond of such person or persons and the surety refuses, neglects or  
1142 otherwise fails within one hundred twenty (120) days to either pay  
1143 the amount demanded and the interest due thereon or to give the  
1144 State Auditor a written response with specific reasons for  
1145 nonpayment, then the surety shall be subject to a civil penalty in  
1146 an amount of twelve percent (12%) of the bond, not to exceed Ten  
1147 Thousand Dollars (\$10,000.00), to be deposited into the State  
1148 General Fund;

1149 (h) To investigate any alleged or suspected violation  
1150 of the laws of the state by any officer or employee of the state,  
1151 county or other public office in the purchase, sale or the use of  
1152 any supplies, services, equipment or other property belonging  
1153 thereto; and in such investigation to do any and all things  
1154 necessary to procure evidence sufficient either to prove or  
1155 disprove the existence of such alleged or suspected violations.  
1156 The Department of Investigation of the State Department of Audit  
1157 may investigate, for the purpose of prosecution, any suspected



1158 criminal violation of the provisions of this chapter. For the  
1159 purpose of administration and enforcement of this chapter, the  
1160 enforcement employees of the Department of Investigation of the  
1161 State Department of Audit have the powers of a law enforcement  
1162 officer of this state, and shall be empowered to make arrests and  
1163 to serve and execute search warrants and other valid legal process  
1164 anywhere within the State of Mississippi. All enforcement  
1165 employees of the Department of Investigation of the State  
1166 Department of Audit hired on or after July 1, 1993, shall be  
1167 required to complete the Law Enforcement Officers Training Program  
1168 and shall meet the standards of the program;

1169 (i) To issue subpoenas, with the approval of, and  
1170 returnable to, a judge of a chancery or circuit court, in termtime  
1171 or in vacation, to examine the records, documents or other  
1172 evidence of persons, firms, corporations or any other entities  
1173 insofar as such records, documents or other evidence relate to  
1174 dealings with any state, county or other public entity. The  
1175 circuit or chancery judge must serve the county in which the  
1176 records, documents or other evidence is located; or where all or  
1177 part of the transaction or transactions occurred which are the  
1178 subject of the subpoena;

1179 (j) In any instances in which the State Auditor is or  
1180 shall be authorized or required to examine or audit, whether  
1181 preaudit or postaudit, any books, ledgers, accounts or other  
1182 records of the affairs of any public hospital owned or owned and



1183 operated by one or more political subdivisions or parts thereof or  
1184 any combination thereof, or any school district, including  
1185 activity funds thereof, it shall be sufficient compliance  
1186 therewith, in the discretion of the State Auditor, that such  
1187 examination or audit be made from the report of any audit or other  
1188 examination certified by a certified public accountant and  
1189 prepared by or under the supervision of such certified public  
1190 accountant. Such audits shall be made in accordance with  
1191 generally accepted standards of auditing, with the use of an audit  
1192 program prepared by the State Auditor, and final reports of such  
1193 audits shall conform to the format prescribed by the State  
1194 Auditor. All files, working papers, notes, correspondence and all  
1195 other data compiled during the course of the audit shall be  
1196 available, without cost, to the State Auditor for examination and  
1197 abstracting during the normal business hours of any business day.  
1198 The expense of such certified reports shall be borne by the  
1199 respective hospital, or any available school district funds \* \* \*,  
1200 subject to examination or audit. The State Auditor shall not be  
1201 bound by such certified reports and may, in his or their  
1202 discretion, conduct such examination or audit from the books,  
1203 ledgers, accounts or other records involved as may be appropriate  
1204 and authorized by law;

1205 (k) The State Auditor shall have the authority to  
1206 contract with qualified public accounting firms to perform  
1207 selected audits required in paragraphs (d), (e), (f) and (j) of



1208 this section, if funds are made available for such contracts by  
1209 the Legislature, or if funds are available from the governmental  
1210 entity covered by paragraphs (d), (e), (f) and (j). Such audits  
1211 shall be made in accordance with generally accepted standards of  
1212 auditing. All files, working papers, notes, correspondence and  
1213 all other data compiled during the course of the audit shall be  
1214 available, without cost, to the State Auditor for examination and  
1215 abstracting during the normal business hours of any business day;

1216           (1) The State Auditor shall have the authority to  
1217 establish training courses and programs for the personnel of the  
1218 various state and local governmental entities under the  
1219 jurisdiction of the Office of the State Auditor. The training  
1220 courses and programs shall include, but not be limited to, topics  
1221 on internal control of funds, property and equipment control and  
1222 inventory, governmental accounting and financial reporting, and  
1223 internal auditing. The State Auditor is authorized to charge a  
1224 fee from the participants of these courses and programs, which fee  
1225 shall be deposited into the Department of Audit Special Fund.  
1226 State and local governmental entities are authorized to pay such  
1227 fee and any travel expenses out of their general funds or any  
1228 other available funds from which such payment is not prohibited by  
1229 law;

1230           (m) Upon written request by the Governor or any member  
1231 of the State Legislature, the State Auditor may audit any state



1232 funds and/or state and federal funds received by any nonprofit  
1233 corporation incorporated under the laws of this state;

1234 (n) To conduct performance audits of personal or  
1235 professional service contracts by state agencies on a random  
1236 sampling basis, or upon request of the State Personal Service  
1237 Contract Review Board under Section 25-9-120(3); and

1238 (o) At the discretion of the State Auditor, the Auditor  
1239 may conduct risk assessments, as well as performance and  
1240 compliance audits based on Generally Accepted Government Auditing  
1241 Standards (GAGAS) of any state-funded economic development program  
1242 authorized under Title 57, Mississippi Code of 1972. After risk  
1243 assessments or program audits, the State Auditor may conduct  
1244 audits of those projects deemed high-risk, specifically as they  
1245 identify any potential wrongdoing or noncompliance based on  
1246 objectives of the economic development program. The Auditor is  
1247 granted authority to gather, audit and review data and information  
1248 from the Mississippi Development Authority or any of its agents,  
1249 the Department of Revenue, and when necessary under this  
1250 paragraph, the recipient business or businesses or any other  
1251 private, public or nonprofit entity with information relevant to  
1252 the audit project. The maximum amount the State Auditor may bill  
1253 the oversight agency under this paragraph in any fiscal year is  
1254 One Hundred Thousand Dollars (\$100,000.00), based on reasonable  
1255 and necessary expenses.



1256           **SECTION 25.** Section 19-9-157, Mississippi Code of 1972, is  
1257 amended as follows:

1258           19-9-157. The board of supervisors of the situs county, upon  
1259 receipt of the payments pursuant to Section 19-9-151 less the  
1260 payment made according to Section 19-9-153, shall pay all such  
1261 funds in excess of Five Million Five Hundred Thousand Dollars  
1262 (\$5,500,000.00) to the governing authorities of the public school  
1263 districts in such county in the proportion that the \* \* \* student  
1264 enrollment for the preceding scholastic year of each school  
1265 district bears to the total \* \* \* student enrollment of the county  
1266 for the preceding scholastic year. Such funds may be expended  
1267 only for the purposes of capital improvements to school facilities  
1268 and only after plans therefor have been submitted to and approved  
1269 by the \* \* \* State Board of Education. The governing authorities  
1270 of such school districts may borrow money in anticipation of  
1271 receipt of payments pursuant to this section and the levying  
1272 authority for the school district may issue negotiable notes  
1273 therefor, for the purposes set forth herein. Such loan shall be  
1274 repaid from the payments received under this section by the  
1275 governing authorities of the public school district. However, no  
1276 public school districts within the situs county shall be entitled  
1277 to any payments after January 1, 1990.

1278           **SECTION 26.** Section 19-9-171, Mississippi Code of 1972, is  
1279 amended as follows:



1280           19-9-171. The revenue from ad valorem taxes for school  
1281 district purposes that are levied upon liquefied natural gas  
1282 terminals or improvements thereto constructed after July 1, 2007,  
1283 crude oil refineries constructed after July 1, 2007, and  
1284 expansions or improvements to existing crude oil refineries  
1285 constructed after July 1, 2007, shall be distributed to all public  
1286 school districts in the county in which the facilities are located  
1287 in the proportion that the \* \* \* student enrollment of each school  
1288 district bears to the total \* \* \* student enrollment of all school  
1289 districts in the county. The county or municipal tax collector,  
1290 as the case may be, shall pay such tax collections, except for  
1291 taxes collected for the payment of the principal of and interest  
1292 on school bonds or notes and except for taxes collected to defray  
1293 collection costs, into the appropriate school depository and  
1294 report to the school board of the appropriate school district at  
1295 the same time and in the same manner as the tax collector makes  
1296 his payments and reports of other taxes collected by him.

1297           **SECTION 27.** Section 25-4-29, Mississippi Code of 1972, is  
1298 amended as follows:

1299           25-4-29. (1) Required statements hereunder shall be filed  
1300 as follows:

1301                   (a) Every incumbent public official required by  
1302 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a  
1303 statement of economic interest shall file such statement with the



1304 commission on or before May 1 of each year that such official  
1305 holds office, regardless of duration;

1306 (b) Candidates for office required to file a statement  
1307 hereunder shall file such statement within fifteen (15) days after  
1308 the deadline for qualification for that public office;

1309 (c) Persons who are required to file a statement  
1310 because of appointment to fill a vacancy in an office or required  
1311 to file under Section 25-4-25(d) and (e) shall file such statement  
1312 within thirty (30) days of their appointment;

1313 (d) No person by reason of successful candidacy or  
1314 assuming additional offices shall be required to file more than  
1315 one (1) statement of economic interest in any calendar year,  
1316 except such official shall notify the commission as soon as  
1317 practicable of additional offices not previously reported; and

1318 (e) The commission may, on an individual case basis,  
1319 provide for additional time to file a statement upon a showing  
1320 that compliance with a filing date set out under paragraph (a),  
1321 (b), (c) or (d) above would work an unreasonable hardship.

1322 (2) Any person who fails to file a statement of economic  
1323 interest within thirty (30) days of the date the statement is due  
1324 shall be deemed delinquent by the commission. The commission  
1325 shall give written notice of the delinquency to the person by  
1326 United States mail or by personal service of process. If within  
1327 fifteen (15) days of receiving written notice of delinquency the  
1328 delinquent filer has not filed the statement of economic interest,



1329 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total  
1330 fine of One Thousand Dollars (\$1,000.00), shall be assessed  
1331 against the delinquent filer for each day thereafter in which the  
1332 statement of economic interest is not properly filed. The  
1333 commission shall enroll such assessment as a civil judgment with  
1334 the circuit clerk in the delinquent filer's county of residence.  
1335 The commission may enforce the judgment for the benefit of the  
1336 State General Fund for the support of the \* \* \* Mississippi  
1337 Uniform Per Student Funding Formula in the same manner as is  
1338 prescribed for other civil judgments.

1339 **SECTION 28.** Section 27-25-706, Mississippi Code of 1972, is  
1340 amended as follows:

1341 27-25-706. The board of supervisors of any county in the  
1342 State of Mississippi bordering on the Pearl River and having a  
1343 population according to the 1970 census of not less than forty  
1344 thousand (40,000) and not more than fifty thousand (50,000), and  
1345 through which Interstate Highway 20 runs, and wherein there is  
1346 being constructed or has been constructed a plant for the  
1347 extracting of sulphur from natural gas, and the board of  
1348 supervisors of any county in the State of Mississippi bordering on  
1349 the Pearl River and having a population according to the 1970  
1350 census of not less than nineteen thousand (19,000) and not more  
1351 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and  
1352 Mississippi Highway 28 intersect and wherein there is being  
1353 constructed or has been constructed a plant for the extracting of



1354 sulphur from natural gas, are hereby authorized and empowered, in  
1355 their discretion, to pledge all or any part of the county's share  
1356 of the severance tax on gas extracted, handled or processed  
1357 through such extraction plant, as additional security for the  
1358 payment of bonds issued for the purpose of constructing,  
1359 reconstructing, overlaying and/or repairing, an access road or  
1360 roads or publicly owned railroads to and from such sulphur  
1361 extraction plant. The amount so pledged for the payment of the  
1362 principal of and the interest on such bonds shall be deducted and  
1363 set aside by such board of supervisors prior to the distribution  
1364 of such severance taxes in the manner provided by law, and only  
1365 the amount of such severance taxes remaining after such deduction  
1366 shall be subject to such distribution. The board of supervisors  
1367 in such counties may pledge only up to fifty percent (50%) of such  
1368 severance taxes as their respective county may receive to retire  
1369 the bonds and interest pursuant to the authority of this section.  
1370 The required local contribution of said counties to the cost of  
1371 the \* \* \* uniform per student funding formula shall not be reduced  
1372 nor shall the obligation of the state under \* \* \* the funding  
1373 formula to said counties be increased because of the passage of  
1374 this section.

1375 Such bonds shall be issued under the provisions of Sections  
1376 19-9-1 through Section 19-9-19.

1377 **SECTION 29.** Section 27-33-3, Mississippi Code of 1972, is  
1378 amended as follows:



1379           27-33-3. In order to recognize and give effect to the  
1380 principle of tax-free homes as a public policy in Mississippi, to  
1381 encourage home building and ownership, and to give additional  
1382 security to family groups, it is hereby declared that homes  
1383 legally assessed on the land roll, owned and actually occupied as  
1384 a home by bona fide residents of this state, who are heads of  
1385 families, shall be exempt from the ad valorem taxes herein  
1386 enumerated, on not in excess of Seven Thousand Five Hundred  
1387 Dollars (\$7,500.00) of the assessed value including an area of  
1388 land not in excess of that specified hereinafter in this article.  
1389 The exemption from taxes shall be limited to the following:

1390           (a) All homeowners who are heads of families and who  
1391 qualify under the provisions of this article shall be exempt from  
1392 taxes levied in 1983 and payable in 1984 and from taxes levied in  
1393 1984 and payable in 1985 as follows:

1394           (i) The ad valorem taxes levied by counties  
1395 pursuant to Section 27-39-329. Amounts so exempted shall not be  
1396 reimbursed by the state.

1397           (ii) Ad valorem taxes levied for maintenance and  
1398 current expenses by or for a county as authorized by Section  
1399 27-39-303, but the levy for such purpose in any year for which  
1400 reimbursement is to be made shall not exceed the millage levied  
1401 for such purpose for the 1984 fiscal year; or a levy for county  
1402 roads or a road district as authorized by Section 27-39-305; or a  
1403 levy for constructing and maintaining all bridges and culverts as



1404 authorized by Section 65-15-7, but the levy for either or both of  
1405 such purposes for which reimbursement is to be made shall not in  
1406 any event exceed seven (7) mills in any year; the \* \* \* levy for  
1407 the support of the \* \* \* uniform per student funding formula to  
1408 produce the minimum local ad valorem tax effort required \* \* \* of  
1409 a school district by Section 37-57-1, and the supplementary school  
1410 district tax levy for the support and maintenance of \* \* \* schools  
1411 as authorized by Section 37-57-105; provided, however, that the  
1412 total of the levies made under said Sections 37-57-1 and  
1413 37-57-105, which shall be exempt under this article, shall be  
1414 limited to twenty (20) mills for any affected property area, and  
1415 in the event the total of such levies should exceed twenty (20)  
1416 mills for any affected property area, the excess shall not be  
1417 exempt under this article, and in such case, the levy for the  
1418 support of the \* \* \* uniform per student funding formula shall  
1419 have priority as an exempt levy;

1420 (iii) Ad valorem taxes levied for the support and  
1421 maintenance of agricultural high schools within the limits and as  
1422 authorized by Section 37-27-3, and ad valorem taxes levied for the  
1423 support of community or junior colleges within the limits and as  
1424 authorized by subsection (2) of Section 37-29-141; provided,  
1425 however, that the exemption from taxation and reimbursement for  
1426 tax loss for agricultural high schools and community or junior  
1427 colleges, or any combination of same, shall not exceed three (3)  
1428 mills in any one (1) year for any one (1) county;



1429 (iv) Ad valorem taxes levied for the support of  
1430 the \* \* \* uniform per student funding formula in a municipal  
1431 separate school district to produce the minimum local ad valorem  
1432 tax effort required of such municipal separate school district as  
1433 authorized by Section \* \* \* 37-57-1, and the supplementary tax  
1434 levy for the support and maintenance of the schools of a municipal  
1435 separate school district as authorized by Section 37-57-105;  
1436 provided, however, the total of the levies made under said  
1437 Sections \* \* \* 37-57-1 and 37-57-105 which shall be exempt under  
1438 this article shall be limited to fifteen (15) mills for any  
1439 affected property area, except in those special municipal separate  
1440 school districts as provided by Sections 37-7-701 through  
1441 37-7-743, the total of the levies made under Sections 37-7-739 and  
1442 37-57-105 for such special municipal separate school district  
1443 which shall be exempt under this article shall not exceed twenty  
1444 (20) mills, and in the event the total of such levies should  
1445 exceed fifteen (15) mills for any affected property area, or  
1446 twenty (20) mills in the case of a special municipal separate  
1447 school district, the excess shall not be exempt under this  
1448 article, and, in such case, the levy for the support of the \* \* \*  
1449 uniform per student funding formula in the municipal separate  
1450 school district shall have priority as an exempt levy;

1451 (v) In the event any law referred to in this  
1452 section is amended so as to authorize an increase in the tax levy  
1453 for any purposes, such increase in the levy shall be applied to



1454 and taxes collected from the property owners on the entire  
1455 assessed value of exempted homes; and the tax loss resulting from  
1456 such increase shall not be reimbursed under the provisions of the  
1457 Homestead Exemption Law, unless such law clearly specifies that  
1458 the exempted assessed value of homes is exempt from such increase;

1459 (vi) Ad valorem taxes levied under Sections  
1460 65-15-7 and 65-15-21 shall be used solely for purposes levied.

1461 (b) Those homeowners who qualify for the exemptions  
1462 provided for in subsection (a) of this section and who have  
1463 reached the age of sixty-five (65) years on or before January 1 of  
1464 the year for which the exemption is claimed; and  
1465 service-connected, totally disabled American veterans who were  
1466 honorably discharged from military service, upon presentation of  
1467 proper proof of eligibility shall be exempt from any and all ad  
1468 valorem taxes, including the forest acreage tax authorized by  
1469 Section 49-19-115, on homesteads not in excess of Seven Thousand  
1470 Five Hundred Dollars (\$7,500.00) of assessed value thereof;  
1471 provided, however, that property owned jointly by husband and wife  
1472 and property owned in fee simple by either spouse shall be  
1473 eligible for this exemption in full if either spouse fulfills the  
1474 age or disability requirement. On all other jointly owned  
1475 property the amount of the allowable exemption shall be determined  
1476 on the basis of each individual joint owner's qualifications and  
1477 pro rata share of the property.



1478           (c) Those homeowners who qualify for the exemptions  
1479 provided for in subsection (a) of this section and who would be  
1480 classified as disabled under the Federal Social Security Act (42  
1481 USCS Section 416(i)), upon presentation of proper proof of  
1482 eligibility shall be exempt from any and all ad valorem taxes,  
1483 including the forest acreage tax authorized by Section 49-19-115,  
1484 on homesteads not in excess of Seven Thousand Five Hundred Dollars  
1485 (\$7,500.00) of assessed value thereof; provided, however, that  
1486 property owned jointly by husband and wife and property owned in  
1487 fee simple by either spouse shall be eligible for this exemption  
1488 in full if either spouse fulfills the disability requirement. On  
1489 all other jointly owned property, the amount of the allowable  
1490 exemption shall be determined on the basis of each individual  
1491 joint owner's qualifications and pro rata share of the property.

1492           (d) Homeowners who qualify for exemption under  
1493 subsection (c) of this section will not be included in the  
1494 limitations of Section 27-33-59(e).

1495           Reimbursement by the State of Mississippi to the various  
1496 taxing units for the tax losses incurred because of the additional  
1497 exemptions provided for under these subsections shall be made in  
1498 accordance with the procedures outlined in Section 27-33-41.

1499           This section shall not apply to claims for homestead  
1500 exemptions filed in any calendar year subsequent to the 1984  
1501 calendar year.



1502           **SECTION 30.** Section 27-39-317, Mississippi Code of 1972, is  
1503 amended as follows:

1504           27-39-317. The board of supervisors of each county shall, at  
1505 its regular meeting in September of each year, levy the county ad  
1506 valorem taxes for the fiscal year, and shall, by order, fix the  
1507 tax rate, or levy, for the county, for the road districts, if any,  
1508 and for the school districts, if any, and for any other taxing  
1509 districts; and the rates, or levies, for the county and for any  
1510 district shall be expressed in mills or a decimal fraction of a  
1511 mill. Said tax rates, or levies, shall determine the ad valorem  
1512 taxes to be collected upon each dollar of valuation, upon the  
1513 assessment rolls of the county, including the assessment of motor  
1514 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of  
1515 1958, Section 27-51-1 et seq., for county taxes; and upon each  
1516 dollar of valuation for the respective districts, as shown upon  
1517 the assessment rolls of the county, including the assessment of  
1518 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law  
1519 of 1958, Section 27-51-1 et seq.; except as to such values as  
1520 shall be exempt, in whole or in part, from certain tax rates or  
1521 levies. If the rate or levy for the county is an increase from  
1522 the previous fiscal year, then the proposed rate or levy shall be  
1523 advertised in accordance with Section 27-39-203. If the board of  
1524 supervisors of any county shall not levy the county taxes and the  
1525 district taxes at its regular September meeting, the board shall  
1526 levy the same on or before September 15 at an adjourned or special



1527 meeting, or thereafter, provided, however, that if such levy be  
1528 not made on or before the fifteenth day of September then the tax  
1529 collector or Department of Revenue may issue road and bridge  
1530 privilege tax license plates for motor vehicles as defined in the  
1531 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,  
1532 without collecting or requiring proof of payment of county ad  
1533 valorem taxes, and may continue to so issue such plates until such  
1534 levy is duly certified to him, and for twenty-four (24) hours  
1535 thereafter.

1536 Notwithstanding the requirements of this section, in the  
1537 event the Department of Revenue orders the county to make an  
1538 adjustment to the tax roll pursuant to Section 27-35-113, the  
1539 county shall have a period of thirty (30) days from the date of  
1540 the commission's final determination to adjust the millage in  
1541 order to collect the same dollar amount of taxes as originally  
1542 levied by the board.

1543 In making the levy of taxes, the board of supervisors shall  
1544 specify, in its order, the levy for each purpose, as follows:

1545 (a) For general county purposes (current expense and  
1546 maintenance taxes), as authorized by Section 27-39-303.

1547 (b) For roads and bridges, as authorized by Section  
1548 27-39-305.

1549 (c) For schools, including the \* \* \* uniform per  
1550 student funding formula levy and the levy for each school district  
1551 including special municipal separate school districts, but not



1552 including other municipal separate school districts, and for an  
1553 agricultural high school, county high school or community or  
1554 junior college (current expense and maintenance taxes), as  
1555 authorized by Chapter 57, Title 37, Mississippi Code of 1972, and  
1556 any other applicable statute. The levy for schools shall apply to  
1557 the assessed value of property in the respective school districts,  
1558 including special municipal separate school districts, but not  
1559 including other municipal separate school districts, and a  
1560 distinct and separate levy shall be made for each school district,  
1561 and the purpose for each levy shall be stated.

1562 (d) For road bonds and the interest thereon, separately  
1563 for countywide bonds and for the bonds of each road district.

1564 (e) For school bonds and the interest thereon,  
1565 separately for countywide bonds and for the bonds of each school  
1566 district.

1567 (f) For countywide bonds, and the interest thereon,  
1568 other than for road bonds and school bonds.

1569 (g) For loans, notes or any other obligation, and the  
1570 interest thereon, if permitted by the law.

1571 (h) For any other purpose for which a levy is lawfully  
1572 made.

1573 The order shall state all of the purposes for which the  
1574 general county levy is made, using the administrative items  
1575 suggested by the State Department of Audit \* \* \* under the county  
1576 budget law in its uniform system of accounts for counties, but the



1577 rate or levy for any item or purpose need not be shown; and if a  
1578 countywide levy is made for any general or special purpose under  
1579 the provisions of any law other than Section 27-39-303, each such  
1580 levy shall be separately stated.

1581         During the month of February of each year, if the order or  
1582 resolution of the board of trustees of any school district of said  
1583 county or partly in said county, is filed with it requesting the  
1584 levying of ad valorem taxes for the support and maintenance of  
1585 such school district for the following fiscal year, then the board  
1586 of supervisors of every such county in the state shall notify, in  
1587 writing, within thirty (30) days, the county superintendent of  
1588 education of such county, the levy or levies it intends to make  
1589 for the support and maintenance of such school districts of such  
1590 county at its regular meeting in September following, and the  
1591 county superintendent of education and the trustees of all such  
1592 school districts shall be authorized to use such expressed  
1593 intention of the board of supervisors in computing the support and  
1594 maintenance budget or budgets of such school district or districts  
1595 for the ensuing fiscal school year.

1596         **SECTION 31.** Section 29-3-47, Mississippi Code of 1972, is  
1597 amended as follows:

1598         29-3-47. For its services the State Forestry Commission  
1599 shall be entitled to receive its actual expenses incurred in the  
1600 discharge of the duties herein imposed. In order to provide funds  
1601 with which to pay for the general supervision and sale of forest



1602 products, fifteen percent (15%) of all receipts from the sales of  
1603 forest products shall be placed by the board in a Forestry Escrow  
1604 Fund and reserved to pay for work performed by the State Forestry  
1605 Commission. Such payments shall be equal to the actual expenses  
1606 incurred by the commission as substantiated by itemized bills  
1607 presented to the board.

1608 Money in the Forestry Escrow Fund may be used to pay for any  
1609 forestry work authorized during the period of the agreement and  
1610 shall not be subject to lapse by reason of county budget  
1611 limitations.

1612 In each school district having need of tree planting and  
1613 timber stand improvement, the board of education is authorized to  
1614 place additional amounts in the Forestry Escrow Fund to reimburse  
1615 the State Forestry Commission for actual expenses incurred in  
1616 performing this work, or to pay for any work done under private  
1617 contract under the supervision of said commission. Such  
1618 additional amounts may be made available from forest products  
1619 sales receipts, funds borrowed from the sixteenth section  
1620 principal fund as is provided for in Section 29-3-113, or any  
1621 other funds available to the board of education excluding \* \* \*  
1622 uniform per student funding formula funds. Expenditures from the  
1623 Forestry Escrow Fund for tree planting, timber stand improvement,  
1624 and other forestry work will be limited to payment for work  
1625 recommended by the Forestry Commission and agreed to by the board  
1626 of education.



1627           When it becomes evident that the amount of money in the  
1628 Forestry Escrow Fund is in excess of the amount necessary to  
1629 accomplish the work needed to achieve the goals set by the board  
1630 of education and the Forestry Commission, the State Forestry  
1631 Commission shall advise said board to release any part of such  
1632 funds as will not be needed, which may then be spent for any  
1633 purpose authorized by law.

1634           **SECTION 32.** Section 29-3-49, Mississippi Code of 1972, is  
1635 amended as follows:

1636           29-3-49. It shall be the duty of the State Forestry  
1637 Commission, in the manner provided in Section 29-3-45, to enter  
1638 into agreements for timber improvement purposes with the board of  
1639 education upon the request of the board. The contract shall  
1640 provide for the carrying out of a long-term program of timber  
1641 improvement, including any or all of the following: The deadening  
1642 of undesirable hardwoods, the planting of trees, the cutting and  
1643 maintaining of fire lanes, and the establishment of marked  
1644 boundaries on all lands classified as forest lands in the  
1645 agreements, which provide for the reimbursement of all current  
1646 costs incurred by the State Forestry Commission and the carrying  
1647 out of the duties required by such agreements. In the  
1648 alternative, the commission, in its discretion, may have the  
1649 option to contract with a private contractor, subject to the  
1650 approval of the board, to perform this work under the supervision  
1651 of the commission. Payment of the reimbursements as hereinabove



1652 set forth to the Forestry Commission, or of compensation due under  
1653 any such contract with private contractors shall be made upon  
1654 presentation of itemized bills by the commission or the private  
1655 contractors, as the case may be, and may be made out of any  
1656 sixteenth section funds to the credit of, or accruing to, any  
1657 school district in which such work shall be done, or out of any  
1658 other funds available to such district, excluding \* \* \* uniform  
1659 per student funding formula funds.

1660           **SECTION 33.** Section 29-3-113, Mississippi Code of 1972, is  
1661 amended as follows:

1662           29-3-113. The principal fund shall be a permanent township  
1663 fund which shall consist of funds heretofore or hereafter derived  
1664 from certain uses or for certain resources of school trust lands  
1665 which shall be invested and, except as otherwise provided in this  
1666 section, only the interest and income derived from such funds  
1667 shall be expendable by the school district.

1668           The principal fund shall consist of:

1669           (a) Funds received for easements and rights-of-way  
1670 pursuant to Section 29-3-91;

1671           (b) Funds received for sales of lieu land pursuant to  
1672 Sections 29-3-15 through 29-3-25;

1673           (c) Funds received from any permanent damage to the  
1674 school trust land;

1675           (d) Funds received from the sale of nonrenewable  
1676 resources, including, but not limited to, the sale of sand,



1677 gravel, dirt, clays and royalties received from the sale of  
1678 mineral ores, coal, oil and gas;

1679 (e) Funds received from the sale of buildings pursuant  
1680 to Section 29-3-77;

1681 (f) Funds received from the sale of timber; and

1682 (g) Funds received pursuant to Section 29-3-23(2).

1683 It shall be the duty of the Board of Education to keep the  
1684 principal fund invested in any direct obligation issued by or  
1685 guaranteed in full as to principal and interest by the United  
1686 States of America or in certificates of deposit issued by a  
1687 qualified depository of the State of Mississippi as approved by  
1688 the State Treasurer. The certificates of deposit may bear  
1689 interest at any rate per annum which may be mutually agreed upon  
1690 but in no case shall said rate be less than that paid on passbook  
1691 savings.

1692 The Board of Education is authorized to invest the funds in  
1693 interest bearing deposits or other obligations of the types  
1694 described in Section 27-105-33 or in any other type investment in  
1695 which any other political subdivision of the State of Mississippi  
1696 may invest, except that one hundred percent (100%) of the funds  
1697 are authorized to be invested. For the purposes of investment,  
1698 the principal fund of each township may be combined into one or  
1699 more district accounts; however, the docket book of the county  
1700 superintendent shall at all times reflect the proper source of  
1701 such funds. Provided that funds received from the sale of timber



1702 shall be placed in a separate principal fund account, and may be  
1703 expended for any of the purposes authorized by law.

1704         The Board of Education shall have authority to borrow such  
1705 funds at a rate of interest not less than four percent (4%) per  
1706 annum and for a term not exceeding twenty (20) years, for the  
1707 erection, equipment or repair of said district schools, to provide  
1708 local funds for any building project approved by the State Board  
1709 of Education or to provide additional funds for forest stand  
1710 improvement as set forth in Section 29-3-47. In addition, the  
1711 board may borrow the funds under the same interest restrictions  
1712 for a term not exceeding ten (10) years to provide funds for the  
1713 purchase of school buses. The Board of Education of any school  
1714 district in any county that has an aggregate amount of assets in  
1715 its principal fund in excess of Five Million Dollars  
1716 (\$5,000,000.00), may deduct an amount not to exceed Five Hundred  
1717 Thousand Dollars (\$500,000.00) for the purpose of covering the  
1718 cost of asbestos removal from school district buildings. Such  
1719 asbestos removal shall be construed to constitute the repair of  
1720 school district facilities as prescribed in Section 29-3-115.

1721         No school land trust funds may be expended after the annual  
1722 payment date until the payment is made on such loan. The annual  
1723 payment can be made from any funds available to the school  
1724 district except \* \* \* uniform per student funding formula funds.

1725         It shall be unlawful for the Board of Education to borrow any  
1726 sixteenth section school funds in any other manner than that



1727 prescribed herein, and if any such funds shall be borrowed or  
1728 invested in any other manner, any officer concerned in making such  
1729 loan and investment or suffering the same to be made in violation  
1730 of the provisions of this section, shall be liable personally and  
1731 on his official bond for the safety of the funds so loaned.

1732       **SECTION 34.** Section 29-3-137, Mississippi Code of 1972, is  
1733 amended as follows:

1734       29-3-137. (1) Beginning with the 1985-1986 fiscal year the  
1735 Legislature of the State of Mississippi shall appropriate to the  
1736 State Department of Education a sum of One Million Dollars  
1737 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an  
1738 additional One Million Dollars (\$1,000,000.00) each succeeding  
1739 fiscal year thereafter until a maximum appropriation of Five  
1740 Million Dollars (\$5,000,000.00) is made for the fiscal year  
1741 1989-1990. Beginning with the appropriation for the \* \* \*  
1742 2018-2019 fiscal year, the amount appropriated under the  
1743 provisions of this section shall not exceed the total average  
1744 annual expendable revenue \* \* \* received by the Choctaw counties  
1745 from school lands, or Five Million Dollars (\$5,000,000.00),  
1746 whichever is the lesser.

1747       (2) The State Department of Education is hereby authorized,  
1748 empowered and directed to allocate for distribution such funds  
1749 appropriated each year under subsection (1) of this section in  
1750 proportion to the \* \* \* amount of funding allotted under the \* \* \*  
1751 uniform per student funding formula to such school districts



1752 affected by the sale of Chickasaw cession school lands. School  
1753 districts not wholly situated in Chickasaw cession affected  
1754 territory shall receive a prorated amount of such allocation based  
1755 on the percentage of such lands located within the district.  
1756 Provided further, that the State Department of Education shall, in  
1757 addition, deduct from each affected school district's allocation  
1758 the amount such district shall receive from interest payments from  
1759 the Chickasaw School Fund under Section 212, Mississippi  
1760 Constitution of 1890 for each fiscal year. \* \* \* The department  
1761 shall document the foregoing computation in its annual budget  
1762 request for the appropriation to the Chickasaw School Fund, and  
1763 shall revise its budget request under such formula as the average  
1764 annual revenues from sixteenth section school lands fluctuate.

1765 (3) [Repealed]

1766 **SECTION 35.** Section 31-7-10, Mississippi Code of 1972, is  
1767 amended as follows:

1768 31-7-10. (1) For the purposes of this section, the term  
1769 "equipment" shall mean equipment, furniture, and if applicable,  
1770 associated software and other applicable direct costs associated  
1771 with the acquisition. In addition to its other powers and duties,  
1772 the Department of Finance and Administration shall have the  
1773 authority to develop a master lease-purchase program and, pursuant  
1774 to that program, shall have the authority to execute on behalf of  
1775 the state master lease-purchase agreements for equipment to be  
1776 used by an agency, as provided in this section. Each agency



1777 electing to acquire equipment by a lease-purchase agreement shall  
1778 participate in the Department of Finance and Administration's  
1779 master lease-purchase program, unless the Department of Finance  
1780 and Administration makes a determination that such equipment  
1781 cannot be obtained under the program or unless the equipment can  
1782 be obtained elsewhere at an overall cost lower than that for which  
1783 the equipment can be obtained under the program. Such  
1784 lease-purchase agreements may include the refinancing or  
1785 consolidation, or both, of any state agency lease-purchase  
1786 agreements entered into after June 30, 1990.

1787 (2) All funds designated by agencies for procurement of  
1788 equipment and financing thereof under the master lease-purchase  
1789 program shall be paid into a special fund created in the State  
1790 Treasury known as the "Master Lease-Purchase Program Fund," which  
1791 shall be used by the Department of Finance and Administration for  
1792 payment to the lessors for equipment acquired under master  
1793 lease-purchase agreements.

1794 (3) Upon final approval of an appropriation bill, each  
1795 agency shall submit to the Public Procurement Review Board a  
1796 schedule of proposed equipment acquisitions for the master  
1797 lease-purchase program. Upon approval of an equipment schedule by  
1798 the Public Procurement Review Board with the advice of the  
1799 Department of Information Technology Services, the Office of  
1800 Purchasing, Travel and Fleet Management, and the Division of  
1801 Energy and Transportation of the Mississippi Development Authority



1802 as it pertains to energy efficient climate control systems, the  
1803 Public Procurement Review Board shall forward a copy of the  
1804 equipment schedule to the Department of Finance and  
1805 Administration.

1806 (4) The level of lease-purchase debt recommended by the  
1807 Department of Finance and Administration shall be subject to  
1808 approval by the State Bond Commission. After such approval, the  
1809 Department of Finance and Administration shall be authorized to  
1810 advertise and solicit written competitive proposals for a lessor,  
1811 who will purchase the equipment pursuant to bid awards made by the  
1812 using agency under a given category and then transfer the  
1813 equipment to the Department of Finance and Administration as  
1814 lessee, pursuant to a master lease-purchase agreement.

1815 The Department of Finance and Administration shall select the  
1816 successful proposer for the financing of equipment under the  
1817 master lease-purchase program with the approval of the State Bond  
1818 Commission.

1819 (5) Each master lease-purchase agreement, and any subsequent  
1820 amendments, shall include such terms and conditions as the State  
1821 Bond Commission shall determine to be appropriate and in the  
1822 public interest, and may include any covenants deemed necessary or  
1823 desirable to protect the interests of the lessor, including, but  
1824 not limited to, provisions setting forth the interest rate (or  
1825 method for computing interest rates) for financing pursuant to  
1826 such agreement, covenants concerning application of payments and



1827 funds held in the Master Lease-Purchase Program Fund, covenants to  
1828 maintain casualty insurance with respect to equipment subject to  
1829 the master lease-purchase agreement (and all state agencies are  
1830 specifically authorized to purchase any insurance required by a  
1831 master lease-purchase agreement) and covenants precluding or  
1832 limiting the right of the lessee or user to acquire equipment  
1833 within a specified time (not to exceed five (5) years) after  
1834 cancellation on the basis of a failure to appropriate funds for  
1835 payment of amounts due under a lease-purchase agreement covering  
1836 comparable equipment. The State Bond Commission shall transmit  
1837 copies of each such master lease-purchase agreement and each such  
1838 amendment to the Joint Legislative Budget Committee. To the  
1839 extent provided in any master lease-purchase agreement, title to  
1840 equipment leased pursuant thereto shall be deemed to be vested in  
1841 the state or the user of the equipment (as specified in such  
1842 master lease-purchase agreement), subject to default under or  
1843 termination of such master lease-purchase agreement.

1844 A master lease-purchase agreement may provide for payment by  
1845 the lessor to the lessee of the purchase price of the equipment to  
1846 be acquired pursuant thereto prior to the date on which payment is  
1847 due to the vendor for such equipment and that the lease payments  
1848 by the lessee shall commence as though the equipment had been  
1849 provided on the date of payment. If the lessee, or lessee's  
1850 escrow agent, has sufficient funds for payment of equipment  
1851 purchases prior to payment due date to vendor of equipment, such



1852 funds shall be held or utilized on an as-needed basis for payment  
1853 of equipment purchases either by the State Treasurer (in which  
1854 event the master lease-purchase agreement may include provisions  
1855 concerning the holding of such funds, the creation of a security  
1856 interest for the benefit of the lessor in such funds until  
1857 disbursed and other appropriate provisions approved by the Bond  
1858 Commission) or by a corporate trustee selected by the Department  
1859 of Finance and Administration (in which event the Department of  
1860 Finance and Administration shall have the authority to enter into  
1861 an agreement with such a corporate trustee containing terms and  
1862 conditions approved by the Bond Commission). Earnings on any  
1863 amount paid by the lessor prior to the acquisition of the  
1864 equipment may be used to make lease payments under the master  
1865 lease-purchase agreement or applied to pay costs and expenses  
1866 incurred in connection with such lease-purchase agreement. In  
1867 such event, the equipment-use agreements with the user agency may  
1868 provide for lease payments to commence upon the date of payment by  
1869 the lessor and may also provide for a credit against such payments  
1870 to the extent that investment receipts from investment of the  
1871 purchase price are to be used to make lease-purchase payments.

1872 (6) The annual rate of interest paid under any  
1873 lease-purchase agreement authorized under this section shall not  
1874 exceed the maximum interest rate to maturity on general obligation  
1875 indebtedness permitted under Section 75-17-101.



1876           (7) The Department of Finance and Administration shall  
1877 furnish the equipment to the various agencies, also known as the  
1878 user, pursuant to an equipment-use agreement developed by the  
1879 Department of Finance and Administration. Such agreements shall  
1880 require that all monthly payments due from such agency be paid,  
1881 transferred or allocated into the Master Lease-Purchase Program  
1882 Fund pursuant to a schedule established by the Department of  
1883 Finance and Administration. In the event such sums are not paid  
1884 by the defined payment period, the Executive Director of the  
1885 Department of Finance and Administration shall issue a requisition  
1886 for a warrant to draw such amount as may be due from any funds  
1887 appropriated for the use of the agency which has failed to make  
1888 the payment as agreed.

1889           (8) All master lease-purchase agreements executed under the  
1890 authority of this section shall contain the following annual  
1891 allocation dependency clause or an annual allocation dependency  
1892 clause which is substantially equivalent thereto: "The  
1893 continuation of each equipment schedule to this agreement is  
1894 contingent in whole or in part upon the appropriation of funds by  
1895 the Legislature to make the lease-purchase payments required under  
1896 such equipment schedule. If the Legislature fails to appropriate  
1897 sufficient funds to provide for the continuation of the  
1898 lease-purchase payments under any such equipment schedule, then  
1899 the obligations of the lessee and of the agency to make such  
1900 lease-purchase payments and the corresponding provisions of any



1901 such equipment schedule to this agreement shall terminate on the  
1902 last day of the fiscal year for which appropriations were made."

1903 (9) The maximum lease term for any equipment acquired under  
1904 the master lease-purchase program shall not exceed the useful life  
1905 of such equipment as determined according to the upper limit of  
1906 the asset depreciation range (ADR) guidelines for the Class Life  
1907 Asset Depreciation Range System established by the Internal  
1908 Revenue Service pursuant to the United States Internal Revenue  
1909 Code and Regulations thereunder as in effect on December 31, 1980,  
1910 or comparable depreciation guidelines with respect to any  
1911 equipment not covered by ADR guidelines. The Department of  
1912 Finance and Administration shall be deemed to have met the  
1913 requirements of this subsection if the term of a master  
1914 lease-purchase agreement does not exceed the weighted average  
1915 useful life of all equipment covered by such agreement and the  
1916 schedules thereto as determined by the Department of Finance and  
1917 Administration. For purposes of this subsection, the "term of a  
1918 master lease-purchase agreement" shall be the weighted average  
1919 maturity of all principal payments to be made under such master  
1920 lease-purchase agreement and all schedules thereto.

1921 (10) Interest paid on any master lease-purchase agreement  
1922 under this section shall be exempt from State of Mississippi  
1923 income taxation. All equipment, and the purchase thereof by any  
1924 lessor, acquired under the master lease-purchase program and all



1925 lease-purchase payments with respect thereto shall be exempt from  
1926 all Mississippi sales, use and ad valorem taxes.

1927 (11) The Governor, in his annual executive budget to the  
1928 Legislature, shall recommend appropriations sufficient to provide  
1929 funds to pay all amounts due and payable during the applicable  
1930 fiscal year under master lease-purchase agreements entered into  
1931 pursuant to this section.

1932 (12) Any master lease-purchase agreement reciting in  
1933 substance that such agreement has been entered into pursuant to  
1934 this section shall be conclusively deemed to have been entered  
1935 into in accordance with all of the provisions and conditions set  
1936 forth in this section. Any defect or irregularity arising with  
1937 respect to procedures applicable to the acquisition of any  
1938 equipment shall not invalidate or otherwise limit the obligation  
1939 of the Department of Finance and Administration, or the state or  
1940 any agency of the state, under any master lease-purchase agreement  
1941 or any equipment-use agreement.

1942 (13) There shall be maintained by the Department of Finance  
1943 and Administration, with respect to each master lease-purchase  
1944 agreement, an itemized statement of the cash price, interest  
1945 rates, interest costs, commissions, debt service schedules and all  
1946 other costs and expenses paid by the state incident to the  
1947 lease-purchase of equipment under such agreement.

1948 (14) Lease-purchase agreements entered into by the Board of  
1949 Trustees of State Institutions of Higher Learning pursuant to the



1950 authority of Section 37-101-413 or by any other agency which has  
1951 specific statutory authority other than pursuant to Section  
1952 31-7-13(e) to acquire equipment by lease-purchase shall not be  
1953 made pursuant to the master lease-purchase program under this  
1954 section, unless the Board of Trustees of State Institutions of  
1955 Higher Learning or such other agency elects to participate as to  
1956 part or all of its lease-purchase acquisitions in the master  
1957 lease-purchase program pursuant to this section.

1958           (15) The Department of Finance and Administration may  
1959 develop a master lease-purchase program for school districts and,  
1960 pursuant to that program, may execute on behalf of the school  
1961 districts master lease-purchase agreements for equipment to be  
1962 used by the school districts. The form and structure of this  
1963 program shall be substantially the same as set forth in this  
1964 section for the master lease-purchase program for state agencies.  
1965 If sums due from a school district under the master lease-purchase  
1966 program are not paid by the expiration of the defined payment  
1967 period, the Executive Director of the Department of Finance and  
1968 Administration may withhold such amount that is due from the  
1969 school district's \* \* \* uniform per student funding formula  
1970 allotments.

1971           (16) The Department of Finance and Administration may  
1972 develop a master lease-purchase program for community and junior  
1973 college districts and, pursuant to that program, may execute on  
1974 behalf of the community and junior college districts master



1975 lease-purchase agreements for equipment to be used by the  
1976 community and junior college districts. The form and structure of  
1977 this program must be substantially the same as set forth in this  
1978 section for the master lease-purchase program for state agencies.  
1979 If sums due from a community or junior college district under the  
1980 master lease-purchase program are not paid by the expiration of  
1981 the defined payment period, the Executive Director of the  
1982 Department of Finance and Administration may withhold an amount  
1983 equal to the amount due under the program from any funds allocated  
1984 for that community or junior college district in the state  
1985 appropriations for the use and support of the community and junior  
1986 colleges.

1987 (17) From and after July 1, 2016, the expenses of this  
1988 agency shall be defrayed by appropriation from the State General  
1989 Fund and all user charges and fees authorized under this section  
1990 shall be deposited into the State General Fund as authorized by  
1991 law.

1992 (18) From and after July 1, 2016, no state agency shall  
1993 charge another state agency a fee, assessment, rent or other  
1994 charge for services or resources received by authority of this  
1995 section.

1996 **SECTION 36.** Section 37-1-3, Mississippi Code of 1972, is  
1997 amended as follows:

1998 37-1-3. (1) The State Board of Education shall adopt rules  
1999 and regulations and set standards and policies for the



2000 organization, operation, management, planning, budgeting and  
2001 programs of the State Department of Education.

2002 (a) The board is directed to identify all functions of  
2003 the department that contribute to or comprise a part of the state  
2004 system of educational accountability and to establish and maintain  
2005 within the department the necessary organizational structure,  
2006 policies and procedures for effectively coordinating such  
2007 functions. Such policies and procedures shall clearly fix and  
2008 delineate responsibilities for various aspects of the system and  
2009 for overall coordination of the total system and its effective  
2010 management.

2011 (b) The board shall establish and maintain a  
2012 system-wide plan of performance, policy and directions of public  
2013 education not otherwise provided for.

2014 (c) The board shall effectively use the personnel and  
2015 resources of the department to enhance technical assistance to  
2016 school districts in instruction and management therein.

2017 (d) The board shall establish and maintain a central  
2018 budget policy.

2019 (e) The board shall establish and maintain within the  
2020 State Department of Education a central management capacity under  
2021 the direction of the State Superintendent of Public Education.

2022 (f) The board, with recommendations from the  
2023 superintendent, shall design and maintain a five-year plan and  
2024 program for educational improvement that shall set forth



2025 objectives for system performance and development and be the basis  
2026 for budget requests and legislative initiatives.

2027 (2) (a) The State Board of Education shall adopt and  
2028 maintain a curriculum and a course of study to be used in the  
2029 public school districts that is designed to prepare the state's  
2030 children and youth to be productive, informed, creative citizens,  
2031 workers and leaders, and it shall regulate all matters arising in  
2032 the practical administration of the school system not otherwise  
2033 provided for.

2034 (b) Before the 1999-2000 school year, the State Board  
2035 of Education shall develop personal living and finances objectives  
2036 that focus on money management skills for individuals and families  
2037 for appropriate, existing courses at the secondary level. The  
2038 objectives must require the teaching of those skills necessary to  
2039 handle personal business and finances and must include instruction  
2040 in the following:

- 2041 (i) Opening a bank account and assessing the  
2042 quality of a bank's services;
- 2043 (ii) Balancing a checkbook;
- 2044 (iii) Managing debt, including retail and credit  
2045 card debt;
- 2046 (iv) Completing a loan application;
- 2047 (v) The implications of an inheritance;
- 2048 (vi) The basics of personal insurance policies;
- 2049 (vii) Consumer rights and responsibilities;



- 2050 (viii) Dealing with salesmen and merchants;
- 2051 (ix) Computing state and federal income taxes;
- 2052 (x) Local tax assessments;
- 2053 (xi) Computing interest rates by various
- 2054 mechanisms;
- 2055 (xii) Understanding simple contracts; and
- 2056 (xiii) Contesting an incorrect billing statement.

2057 (3) The State Board of Education shall have authority to  
2058 expend any available federal funds, or any other funds expressly  
2059 designated, to pay training, educational expenses, salary  
2060 incentives and salary supplements to licensed teachers employed in  
2061 local school districts or schools administered by the State Board  
2062 of Education. Such incentive payments shall not be considered  
2063 part of a school district's local supplement \* \* \*, nor shall the  
2064 incentives be considered part of the local supplement paid to an  
2065 individual teacher for the purposes of Section 37-19-7(1). \* \* \*  
2066 Uniform per student funding formula funds shall not be used to  
2067 provide such incentives unless specifically authorized by law.

2068 (4) The State Board of Education shall through its actions  
2069 seek to implement the policies set forth in Section 37-1-2.

2070 **SECTION 37.** Section 37-3-11, Mississippi Code of 1972, is  
2071 amended as follows:

2072 37-3-11. The State Superintendent of Public Education shall  
2073 perform the duties assigned to him by the State Board of  
2074 Education, and he shall have the following duties:



2075                   (a) To serve as secretary for the State Board of  
2076 Education;

2077                   (b) To be the Chief Administrative Officer of the State  
2078 Department of Education;

2079                   (c) To recommend to the State Board of Education, for  
2080 its consideration, rules and regulations for the supervision of  
2081 the public schools and agricultural high schools of the school  
2082 districts throughout the state and for the efficient organization  
2083 and conduct of the same;

2084                   (d) To collect data and make it available to the state  
2085 board for determining the proper distribution of the \* \* \* uniform  
2086 per student funding formula funds;

2087                   (e) To keep a complete record of all official acts of  
2088 the State Superintendent and the acts of the State Board of  
2089 Education;

2090                   (f) To prepare, have printed and furnish all officers  
2091 charged with the administration of the laws pertaining to the  
2092 public schools, such blank forms and books as may be necessary to  
2093 the proper discharge of their duties, which printing is to be paid  
2094 for out of funds provided by the Legislature;

2095                   (g) To have printed in pamphlet form the laws  
2096 pertaining to the public schools and publish therein forms for  
2097 conducting school business, the rules and regulations for the  
2098 government of schools that the State Superintendent or the State  
2099 Board of Education may recommend, and such other matters as may be



2100 deemed worthy of public interest pertaining to the public schools,  
2101 which printing is to be paid for out of funds provided by the  
2102 Legislature;

2103           (h) To meet all superintendents annually at such time  
2104 and place as the State Superintendent shall appoint for the  
2105 purpose of accumulating facts relative to schools, to review the  
2106 educational progress made in the various sections of the state, to  
2107 compare views, discuss problems, hear discussions and suggestions  
2108 relative to examinations and qualifications of teachers, methods  
2109 of instruction, textbooks, summer schools for teachers, visitation  
2110 of schools, consolidation of schools, health work in the schools,  
2111 vocational education and other matters pertaining to the public  
2112 school system;

2113           (i) To advise all superintendents upon all matters  
2114 involving the welfare of the schools, and at the request of any  
2115 superintendent, to give an opinion upon a written statement of  
2116 facts on all questions and controversies arising out of the  
2117 interpretation and construction of the school laws, in regard to  
2118 rights, powers and duties of school officers and superintendents,  
2119 and to keep a record of all such decisions. Before giving any  
2120 opinion, the superintendent may submit the statement of facts to  
2121 the Attorney General, and it shall be the duty of the Attorney  
2122 General forthwith to examine such statement and suggest the proper  
2123 decision to be made upon such fact;



2124 (j) To require annually, and as often as the State  
2125 Superintendent may deem proper, of all superintendents, detailed  
2126 reports on the educational business of the various districts;

2127 (k) On or before January 10 in each year to prepare,  
2128 under the direction of the State Board of Education, the annual  
2129 information report of the State Department of Education as  
2130 described in Section 37-151-97;

2131 (l) To determine the number of educable children in the  
2132 several school districts under rules and regulations prescribed by  
2133 the State Board of Education; and

2134 (m) To perform such other duties as may be prescribed  
2135 by the State Board of Education.

2136 **SECTION 38.** Section 37-3-83, Mississippi Code of 1972, is  
2137 amended as follows:

2138 37-3-83. (1) There is established within the State  
2139 Department of Education, using only existing staff and resources,  
2140 a School Safety Grant Program, available to all eligible public  
2141 school districts, to assist in financing programs to provide  
2142 school safety. However, no monies from the Temporary Assistance  
2143 for Needy Families grant may be used for the School Safety Grant  
2144 Program.

2145 (2) The school board of each school district, with the  
2146 assistance of the State Department of Education School Safety  
2147 Center, shall adopt a comprehensive local school district school  
2148 safety plan and shall update the plan on an annual basis.



2149           (3) Subject to the extent of appropriations available, the  
2150 School Safety Grant Program shall offer any of the following  
2151 specific preventive services, and other additional services  
2152 appropriate to the most current school district school safety  
2153 plan:

2154                   (a) Metal detectors;

2155                   (b) Video surveillance cameras, communications  
2156 equipment and monitoring equipment for classrooms, school  
2157 buildings, school grounds and school buses;

2158                   (c) Crisis management/action teams responding to school  
2159 violence;

2160                   (d) Violence prevention training, conflict resolution  
2161 training, and other appropriate training designated by the State  
2162 Department of Education for faculty and staff; and

2163                   (e) School safety personnel.

2164           (4) Each local school district of this state may annually  
2165 apply for school safety grant funds subject to appropriations by  
2166 the Legislature. School safety grants shall include a base grant  
2167 amount plus an additional amount per student in \* \* \* enrollment  
2168 in the school or school district. The base grant amount and  
2169 amount per student shall be determined by the State Board of  
2170 Education, subject to specific appropriation therefor by the  
2171 Legislature. In order to be eligible for such program, each local  
2172 school board desiring to participate shall apply to the State  
2173 Department of Education by May 31 before the beginning of the



2174 applicable fiscal year on forms provided by the department, and  
2175 shall be required to establish a local School Safety Task Force to  
2176 involve members of the community in the school safety effort. The  
2177 State Department of Education shall determine by July 1 of each  
2178 succeeding year which local school districts have submitted  
2179 approved applications for school safety grants.

2180 (5) As part of the School Safety Grant Program, the State  
2181 Department of Education may conduct a pilot program to research  
2182 the feasibility of using video camera equipment in the classroom  
2183 to address the following:

2184 (a) Determine if video cameras in the classroom reduce  
2185 student disciplinary problems;

2186 (b) Enable teachers to present clear and convincing  
2187 evidence of a student's disruptive behavior to the student, the  
2188 principal, the superintendent and the student's parents; and

2189 (c) Enable teachers to review teaching performance and  
2190 receive diagnostic feedback for developmental purposes.

2191 (6) Any local school district may use  
2192 audio/visual-monitoring equipment in classrooms, hallways,  
2193 buildings, grounds and buses for the purpose of monitoring school  
2194 disciplinary problems.

2195 (7) As a component of the comprehensive local school  
2196 district school safety plan required under subsection (2) of this  
2197 section, the school board of a school district may adopt and  
2198 implement a policy addressing sexual abuse of children, to be



2199 known as "Erin's Law Awareness." Any policy adopted under this  
2200 subsection may include or address, but need not be limited to, the  
2201 following:

2202 (a) Methods for increasing teacher, student and  
2203 parental awareness of issues regarding sexual abuse of children,  
2204 including knowledge of likely warning signs indicating that a  
2205 child may be a victim of sexual abuse;

2206 (b) Educational information for parents or guardians,  
2207 which may be included in the school handbook, on the warning signs  
2208 of a child being abused, along with any needed assistance,  
2209 referral or resource information;

2210 (c) Training for school personnel on child sexual  
2211 abuse;

2212 (d) Age-appropriate curriculum for students in  
2213 prekindergarten through fifth grade;

2214 (e) Actions that a child who is a victim of sexual  
2215 abuse should take to obtain assistance and intervention;

2216 (f) Counseling and resources available for students  
2217 affected by sexual abuse; and

2218 (g) Emotional and educational support for a child who  
2219 has been abused to enable the child to be successful in school.

2220 **SECTION 39.** Section 37-7-208, Mississippi Code of 1972, is  
2221 amended as follows:

2222 37-7-208. The board of trustees of any consolidated school  
2223 district may pay from \* \* \* funds other than uniform per student



2224 funding formula funds the cost and expense of litigation involved  
2225 by or resulting from the creation of or litigation to create  
2226 single member school board trustee election districts, and pay  
2227 from \* \* \* funds other than uniform per student funding formula  
2228 funds the cost or expense to implement any plan, decree or  
2229 reorganization as approved by the court. Said payments by the  
2230 board of trustees shall be deemed a "new program" under the  
2231 provisions of Section 37-57-107, \* \* \* and any additional millage  
2232 levied for such purpose and the revenue generated therefrom shall  
2233 be excluded from the tax increase limitation prescribed in  
2234 Sections 37-57-105 and 37-57-107. The board of supervisors of any  
2235 county in which there is located such consolidated school district  
2236 may, in its discretion, contribute out of county general funds to  
2237 the cost and expense of such litigation and/or the cost of  
2238 implementing such redistricting plan.

2239 **SECTION 40.** Section 37-7-301, Mississippi Code of 1972, is  
2240 amended as follows:

2241 37-7-301. The school boards of all school districts shall  
2242 have the following powers, authority and duties in addition to all  
2243 others imposed or granted by law, to wit:

2244 (a) To organize and operate the schools of the district  
2245 and to make such division between the high school grades and  
2246 elementary grades as, in their judgment, will serve the best  
2247 interests of the school;



2248           (b) To introduce public school music, art, manual  
2249 training and other special subjects into either the elementary or  
2250 high school grades, as the board shall deem proper;

2251           (c) To be the custodians of real and personal school  
2252 property and to manage, control and care for same, both during the  
2253 school term and during vacation;

2254           (d) To have responsibility for the erection, repairing  
2255 and equipping of school facilities and the making of necessary  
2256 school improvements;

2257           (e) To suspend or to expel a pupil or to change the  
2258 placement of a pupil to the school district's alternative school  
2259 or homebound program for misconduct in the school or on school  
2260 property, as defined in Section 37-11-29, on the road to and from  
2261 school, or at any school-related activity or event, or for conduct  
2262 occurring on property other than school property or other than at  
2263 a school-related activity or event when such conduct by a pupil,  
2264 in the determination of the school superintendent or principal,  
2265 renders that pupil's presence in the classroom a disruption to the  
2266 educational environment of the school or a detriment to the best  
2267 interest and welfare of the pupils and teacher of such class as a  
2268 whole, and to delegate such authority to the appropriate officials  
2269 of the school district;

2270           (f) To visit schools in the district, in their  
2271 discretion, in a body for the purpose of determining what can be  
2272 done for the improvement of the school in a general way;



2273           (g) To support, within reasonable limits, the  
2274 superintendent, principal and teachers where necessary for the  
2275 proper discipline of the school;

2276           (h) To exclude from the schools students with what  
2277 appears to be infectious or contagious diseases; provided,  
2278 however, such student may be allowed to return to school upon  
2279 presenting a certificate from a public health officer, duly  
2280 licensed physician or nurse practitioner that the student is free  
2281 from such disease;

2282           (i) To require those vaccinations specified by the  
2283 State Health Officer as provided in Section 41-23-37;

2284           (j) To see that all necessary utilities and services  
2285 are provided in the schools at all times when same are needed;

2286           (k) To authorize the use of the school buildings and  
2287 grounds for the holding of public meetings and gatherings of the  
2288 people under such regulations as may be prescribed by said board;

2289           (l) To prescribe and enforce rules and regulations not  
2290 inconsistent with law or with the regulations of the State Board  
2291 of Education for their own government and for the government of  
2292 the schools, and to transact their business at regular and special  
2293 meetings called and held in the manner provided by law;

2294           (m) To maintain and operate all of the schools under  
2295 their control for such length of time during the year as may be  
2296 required;



2297 (n) To enforce in the schools the courses of study and  
2298 the use of the textbooks prescribed by the proper authorities;

2299 (o) To make orders directed to the superintendent of  
2300 schools for the issuance of pay certificates for lawful purposes  
2301 on any available funds of the district and to have full control of  
2302 the receipt, distribution, allotment and disbursement of all funds  
2303 provided for the support and operation of the schools of such  
2304 school district whether such funds be derived from state  
2305 appropriations, local ad valorem tax collections, or otherwise.  
2306 The local school board shall be authorized and empowered to  
2307 promulgate rules and regulations that specify the types of claims  
2308 and set limits of the dollar amount for payment of claims by the  
2309 superintendent of schools to be ratified by the board at the next  
2310 regularly scheduled meeting after payment has been made;

2311 (p) To select all school district personnel in the  
2312 manner provided by law, and to provide for such employee fringe  
2313 benefit programs, including accident reimbursement plans, as may  
2314 be deemed necessary and appropriate by the board;

2315 (q) To provide athletic programs and other school  
2316 activities and to regulate the establishment and operation of such  
2317 programs and activities;

2318 (r) To join, in their discretion, any association of  
2319 school boards and other public school-related organizations, and  
2320 to pay from local funds other than \* \* \* uniform per student  
2321 funding formula funds, any membership dues;



2322 (s) To expend local school activity funds, or other  
2323 available school district funds, other than \* \* \* uniform per  
2324 student funding formula funds, for the purposes prescribed under  
2325 this paragraph. "Activity funds" shall mean all funds received by  
2326 school officials in all school districts paid or collected to  
2327 participate in any school activity, such activity being part of  
2328 the school program and partially financed with public funds or  
2329 supplemented by public funds. The term "activity funds" shall not  
2330 include any funds raised and/or expended by any organization  
2331 unless commingled in a bank account with existing activity funds,  
2332 regardless of whether the funds were raised by school employees or  
2333 received by school employees during school hours or using school  
2334 facilities, and regardless of whether a school employee exercises  
2335 influence over the expenditure or disposition of such funds.  
2336 Organizations shall not be required to make any payment to any  
2337 school for the use of any school facility if, in the discretion of  
2338 the local school governing board, the organization's function  
2339 shall be deemed to be beneficial to the official or  
2340 extracurricular programs of the school. For the purposes of this  
2341 provision, the term "organization" shall not include any  
2342 organization subject to the control of the local school governing  
2343 board. Activity funds may only be expended for any necessary  
2344 expenses or travel costs, including advances, incurred by students  
2345 and their chaperons in attending any in-state or out-of-state  
2346 school-related programs, conventions or seminars and/or any



2347 commodities, equipment, travel expenses, purchased services or  
2348 school supplies which the local school governing board, in its  
2349 discretion, shall deem beneficial to the official or  
2350 extracurricular programs of the district, including items which  
2351 may subsequently become the personal property of individuals,  
2352 including yearbooks, athletic apparel, book covers and trophies.  
2353 Activity funds may be used to pay travel expenses of school  
2354 district personnel. The local school governing board shall be  
2355 authorized and empowered to promulgate rules and regulations  
2356 specifically designating for what purposes school activity funds  
2357 may be expended. The local school governing board shall provide  
2358 (i) that such school activity funds shall be maintained and  
2359 expended by the principal of the school generating the funds in  
2360 individual bank accounts, or (ii) that such school activity funds  
2361 shall be maintained and expended by the superintendent of schools  
2362 in a central depository approved by the board. The local school  
2363 governing board shall provide that such school activity funds be  
2364 audited as part of the annual audit required in Section 37-9-18.  
2365 The State Department of Education shall prescribe a uniform system  
2366 of accounting and financial reporting for all school activity fund  
2367 transactions;

2368 (t) To enter into an energy performance contract,  
2369 energy services contract, on a shared-savings, lease or  
2370 lease-purchase basis, for energy efficiency services and/or  
2371 equipment as provided for in Section 31-7-14;



2372 (u) To maintain accounts and issue pay certificates on  
2373 school food service bank accounts;

2374 (v) (i) To lease a school building from an individual,  
2375 partnership, nonprofit corporation or a private for-profit  
2376 corporation for the use of such school district, and to expend  
2377 funds therefor as may be available from any \* \* \* sources other  
2378 than uniform per student funding formula funds. The school board  
2379 of the school district desiring to lease a school building shall  
2380 declare by resolution that a need exists for a school building and  
2381 that the school district cannot provide the necessary funds to pay  
2382 the cost or its proportionate share of the cost of a school  
2383 building required to meet the present needs. The resolution so  
2384 adopted by the school board shall be published once each week for  
2385 three (3) consecutive weeks in a newspaper having a general  
2386 circulation in the school district involved, with the first  
2387 publication thereof to be made not less than thirty (30) days  
2388 prior to the date upon which the school board is to act on the  
2389 question of leasing a school building. If no petition requesting  
2390 an election is filed prior to such meeting as hereinafter  
2391 provided, then the school board may, by resolution spread upon its  
2392 minutes, proceed to lease a school building. If at any time prior  
2393 to said meeting a petition signed by not less than twenty percent  
2394 (20%) or fifteen hundred (1500), whichever is less, of the  
2395 qualified electors of the school district involved shall be filed  
2396 with the school board requesting that an election be called on the



2397 question, then the school board shall, not later than the next  
2398 regular meeting, adopt a resolution calling an election to be held  
2399 within such school district upon the question of authorizing the  
2400 school board to lease a school building. Such election shall be  
2401 called and held, and notice thereof shall be given, in the same  
2402 manner for elections upon the questions of the issuance of the  
2403 bonds of school districts, and the results thereof shall be  
2404 certified to the school board. If at least three-fifths (3/5) of  
2405 the qualified electors of the school district who voted in such  
2406 election shall vote in favor of the leasing of a school building,  
2407 then the school board shall proceed to lease a school building.  
2408 The term of the lease contract shall not exceed twenty (20) years,  
2409 and the total cost of such lease shall be either the amount of the  
2410 lowest and best bid accepted by the school board after  
2411 advertisement for bids or an amount not to exceed the current fair  
2412 market value of the lease as determined by the averaging of at  
2413 least two (2) appraisals by certified general appraisers licensed  
2414 by the State of Mississippi. The term "school building" as used  
2415 in this paragraph (v)(i) shall be construed to mean any building  
2416 or buildings used for classroom purposes in connection with the  
2417 operation of schools and shall include the site therefor,  
2418 necessary support facilities, and the equipment thereof and  
2419 appurtenances thereto such as heating facilities, water supply,  
2420 sewage disposal, landscaping, walks, drives and playgrounds. The



2421 term "lease" as used in this paragraph (v) (i) may include a  
2422 lease-purchase contract;

2423                   (ii) If two (2) or more school districts propose  
2424 to enter into a lease contract jointly, then joint meetings of the  
2425 school boards having control may be held but no action taken shall  
2426 be binding on any such school district unless the question of  
2427 leasing a school building is approved in each participating school  
2428 district under the procedure hereinabove set forth in paragraph  
2429 (v) (i). All of the provisions of paragraph (v) (i) regarding the  
2430 term and amount of the lease contract shall apply to the school  
2431 boards of school districts acting jointly. Any lease contract  
2432 executed by two (2) or more school districts as joint lessees  
2433 shall set out the amount of the aggregate lease rental to be paid  
2434 by each, which may be agreed upon, but there shall be no right of  
2435 occupancy by any lessee unless the aggregate rental is paid as  
2436 stipulated in the lease contract. All rights of joint lessees  
2437 under the lease contract shall be in proportion to the amount of  
2438 lease rental paid by each;

2439                   (w) To employ all noninstructional and noncertificated  
2440 employees and fix the duties and compensation of such personnel  
2441 deemed necessary pursuant to the recommendation of the  
2442 superintendent of schools;

2443                   (x) To employ and fix the duties and compensation of  
2444 such legal counsel as deemed necessary;



2445           (y) Subject to rules and regulations of the State Board  
2446 of Education, to purchase, own and operate trucks, vans and other  
2447 motor vehicles, which shall bear the proper identification  
2448 required by law;

2449           (z) To expend funds for the payment of substitute  
2450 teachers and to adopt reasonable regulations for the employment  
2451 and compensation of such substitute teachers;

2452           (aa) To acquire in its own name by purchase all real  
2453 property which shall be necessary and desirable in connection with  
2454 the construction, renovation or improvement of any public school  
2455 building or structure. Whenever the purchase price for such real  
2456 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
2457 school board shall not purchase the property for an amount  
2458 exceeding the fair market value of such property as determined by  
2459 the average of at least two (2) independent appraisals by  
2460 certified general appraisers licensed by the State of Mississippi.  
2461 If the board shall be unable to agree with the owner of any such  
2462 real property in connection with any such project, the board shall  
2463 have the power and authority to acquire any such real property by  
2464 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
2465 Mississippi Code of 1972, and for such purpose, the right of  
2466 eminent domain is hereby conferred upon and vested in said board.  
2467 Provided further, that the local school board is authorized to  
2468 grant an easement for ingress and egress over sixteenth section  
2469 land or lieu land in exchange for a similar easement upon



2470 adjoining land where the exchange of easements affords substantial  
2471 benefit to the sixteenth section land; provided, however, the  
2472 exchange must be based upon values as determined by a competent  
2473 appraiser, with any differential in value to be adjusted by cash  
2474 payment. Any easement rights granted over sixteenth section land  
2475 under such authority shall terminate when the easement ceases to  
2476 be used for its stated purpose. No sixteenth section or lieu land  
2477 which is subject to an existing lease shall be burdened by any  
2478 such easement except by consent of the lessee or unless the school  
2479 district shall acquire the unexpired leasehold interest affected  
2480 by the easement;

2481 (bb) To charge reasonable fees related to the  
2482 educational programs of the district, in the manner prescribed in  
2483 Section 37-7-335;

2484 (cc) Subject to rules and regulations of the State  
2485 Board of Education, to purchase relocatable classrooms for the use  
2486 of such school district, in the manner prescribed in Section  
2487 37-1-13;

2488 (dd) Enter into contracts or agreements with other  
2489 school districts, political subdivisions or governmental entities  
2490 to carry out one or more of the powers or duties of the school  
2491 board, or to allow more efficient utilization of limited resources  
2492 for providing services to the public;

2493 (ee) To provide for in-service training for employees  
2494 of the district;



2495           (ff) As part of their duties to prescribe the use of  
2496 textbooks, to provide that parents and legal guardians shall be  
2497 responsible for the textbooks and for the compensation to the  
2498 school district for any books which are not returned to the proper  
2499 schools upon the withdrawal of their dependent child. If a  
2500 textbook is lost or not returned by any student who drops out of  
2501 the public school district, the parent or legal guardian shall  
2502 also compensate the school district for the fair market value of  
2503 the textbooks;

2504           (gg) To conduct fund-raising activities on behalf of  
2505 the school district that the local school board, in its  
2506 discretion, deems appropriate or beneficial to the official or  
2507 extracurricular programs of the district; provided that:

2508                   (i) Any proceeds of the fund-raising activities  
2509 shall be treated as "activity funds" and shall be accounted for as  
2510 are other activity funds under this section; and

2511                   (ii) Fund-raising activities conducted or  
2512 authorized by the board for the sale of school pictures, the  
2513 rental of caps and gowns or the sale of graduation invitations for  
2514 which the school board receives a commission, rebate or fee shall  
2515 contain a disclosure statement advising that a portion of the  
2516 proceeds of the sales or rentals shall be contributed to the  
2517 student activity fund;

2518           (hh) To allow individual lessons for music, art and  
2519 other curriculum-related activities for academic credit or



2520 nonacademic credit during school hours and using school equipment  
2521 and facilities, subject to uniform rules and regulations adopted  
2522 by the school board;

2523 (ii) To charge reasonable fees for participating in an  
2524 extracurricular activity for academic or nonacademic credit for  
2525 necessary and required equipment such as safety equipment, band  
2526 instruments and uniforms;

2527 (jj) To conduct or participate in any fund-raising  
2528 activities on behalf of or in connection with a tax-exempt  
2529 charitable organization;

2530 (kk) To exercise such powers as may be reasonably  
2531 necessary to carry out the provisions of this section;

2532 (ll) To expend funds for the services of nonprofit arts  
2533 organizations or other such nonprofit organizations who provide  
2534 performances or other services for the students of the school  
2535 district;

2536 (mm) To expend federal No Child Left Behind Act funds,  
2537 or any other available funds that are expressly designated and  
2538 authorized for that use, to pay training, educational expenses,  
2539 salary incentives and salary supplements to employees of local  
2540 school districts; except that incentives shall not be considered  
2541 part of the local supplement \* \* \*, nor shall incentives be  
2542 considered part of the local supplement paid to an individual  
2543 teacher for the purposes of Section 37-19-7(1). \* \* \* Mississippi  
2544 Uniform Per Student Funding Formula funds or any other state funds



2545 may not be used for salary incentives or salary supplements as  
2546 provided in this paragraph (mm);

2547           (nn) To use any available funds, not appropriated or  
2548 designated for any other purpose, for reimbursement to the  
2549 state-licensed employees from both in state and out of state, who  
2550 enter into a contract for employment in a school district, for the  
2551 expense of moving when the employment necessitates the relocation  
2552 of the licensed employee to a different geographical area than  
2553 that in which the licensed employee resides before entering into  
2554 the contract. The reimbursement shall not exceed One Thousand  
2555 Dollars (\$1,000.00) for the documented actual expenses incurred in  
2556 the course of relocating, including the expense of any  
2557 professional moving company or persons employed to assist with the  
2558 move, rented moving vehicles or equipment, mileage in the amount  
2559 authorized for county and municipal employees under Section  
2560 25-3-41 if the licensed employee used his personal vehicle or  
2561 vehicles for the move, meals and such other expenses associated  
2562 with the relocation. No licensed employee may be reimbursed for  
2563 moving expenses under this section on more than one (1) occasion  
2564 by the same school district. Nothing in this section shall be  
2565 construed to require the actual residence to which the licensed  
2566 employee relocates to be within the boundaries of the school  
2567 district that has executed a contract for employment in order for  
2568 the licensed employee to be eligible for reimbursement for the  
2569 moving expenses. However, the licensed employee must relocate



2570 within the boundaries of the State of Mississippi. Any individual  
2571 receiving relocation assistance through the Critical Teacher  
2572 Shortage Act as provided in Section 37-159-5 shall not be eligible  
2573 to receive additional relocation funds as authorized in this  
2574 paragraph;

2575           (oo) To use any available funds, not appropriated or  
2576 designated for any other purpose, to reimburse persons who  
2577 interview for employment as a licensed employee with the district  
2578 for the mileage and other actual expenses incurred in the course  
2579 of travel to and from the interview at the rate authorized for  
2580 county and municipal employees under Section 25-3-41;

2581           (pp) Consistent with the report of the Task Force to  
2582 Conduct a Best Financial Management Practices Review, to improve  
2583 school district management and use of resources and identify cost  
2584 savings as established in Section 8 of Chapter 610, Laws of 2002,  
2585 local school boards are encouraged to conduct independent reviews  
2586 of the management and efficiency of schools and school districts.  
2587 Such management and efficiency reviews shall provide state and  
2588 local officials and the public with the following:

2589                   (i) An assessment of a school district's  
2590 governance and organizational structure;

2591                   (ii) An assessment of the school district's  
2592 financial and personnel management;

2593                   (iii) An assessment of revenue levels and sources;



2594 (iv) An assessment of facilities utilization,  
2595 planning and maintenance;

2596 (v) An assessment of food services, transportation  
2597 and safety/security systems;

2598 (vi) An assessment of instructional and  
2599 administrative technology;

2600 (vii) A review of the instructional management and  
2601 the efficiency and effectiveness of existing instructional  
2602 programs; and

2603 (viii) Recommended methods for increasing  
2604 efficiency and effectiveness in providing educational services to  
2605 the public;

2606 (qq) To enter into agreements with other local school  
2607 boards for the establishment of an educational service agency  
2608 (ESA) to provide for the cooperative needs of the region in which  
2609 the school district is located, as provided in Section 37-7-345;

2610 (rr) To implement a financial literacy program for  
2611 students in Grades 10 and 11. The board may review the national  
2612 programs and obtain free literature from various nationally  
2613 recognized programs. After review of the different programs, the  
2614 board may certify a program that is most appropriate for the  
2615 school districts' needs. If a district implements a financial  
2616 literacy program, then any student in Grade 10 or 11 may  
2617 participate in the program. The financial literacy program shall  
2618 include, but is not limited to, instruction in the same areas of



2619 personal business and finance as required under Section  
2620 37-1-3(2) (b). The school board may coordinate with volunteer  
2621 teachers from local community organizations, including, but not  
2622 limited to, the following: United States Department of  
2623 Agriculture Rural Development, United States Department of Housing  
2624 and Urban Development, Junior Achievement, bankers and other  
2625 nonprofit organizations. Nothing in this paragraph shall be  
2626 construed as to require school boards to implement a financial  
2627 literacy program;

2628 (ss) To collaborate with the State Board of Education,  
2629 Community Action Agencies or the Department of Human Services to  
2630 develop and implement a voluntary program to provide services for  
2631 a prekindergarten program that addresses the cognitive, social,  
2632 and emotional needs of four-year-old and three-year-old children.  
2633 The school board may utilize any source of available revenue to  
2634 fund the voluntary program. Effective with the 2013-2014 school  
2635 year, to implement voluntary prekindergarten programs under the  
2636 Early Learning Collaborative Act of 2013 pursuant to state funds  
2637 awarded by the State Department of Education on a matching basis;

2638 (tt) With respect to any lawful, written obligation of  
2639 a school district, including, but not limited to, leases  
2640 (excluding leases of sixteenth section public school trust land),  
2641 bonds, notes, or other agreement, to agree in writing with the  
2642 obligee that the Department of Revenue or any state agency,  
2643 department or commission created under state law may:



2644 (i) Withhold all or any part (as agreed by the  
2645 school board) of any monies which such local school board is  
2646 entitled to receive from time to time under any law and which is  
2647 in the possession of the Department of Revenue, or any state  
2648 agency, department or commission created under state law; and

2649 (ii) Pay the same over to any financial  
2650 institution, trustee or other obligee, as directed in writing by  
2651 the school board, to satisfy all or part of such obligation of the  
2652 school district.

2653 The school board may make such written agreement to withhold  
2654 and transfer funds irrevocable for the term of the written  
2655 obligation and may include in the written agreement any other  
2656 terms and provisions acceptable to the school board. If the  
2657 school board files a copy of such written agreement with the  
2658 Department of Revenue, or any state agency, department or  
2659 commission created under state law then the Department of Revenue  
2660 or any state agency, department or commission created under state  
2661 law shall immediately make the withholdings provided in such  
2662 agreement from the amounts due the local school board and shall  
2663 continue to pay the same over to such financial institution,  
2664 trustee or obligee for the term of the agreement.

2665 This paragraph (tt) shall not grant any extra authority to a  
2666 school board to issue debt in any amount exceeding statutory  
2667 limitations on assessed value of taxable property within such  
2668 school district or the statutory limitations on debt maturities,



2669 and shall not grant any extra authority to impose, levy or collect  
2670 a tax which is not otherwise expressly provided for, and shall not  
2671 be construed to apply to sixteenth section public school trust  
2672 land;

2673 (uu) With respect to any matter or transaction that is  
2674 competitively bid by a school district, to accept from any bidder  
2675 as a good-faith deposit or bid bond or bid surety, the same type  
2676 of good-faith deposit or bid bond or bid surety that may be  
2677 accepted by the state or any other political subdivision on  
2678 similar competitively bid matters or transactions. This paragraph  
2679 (uu) shall not be construed to apply to sixteenth section public  
2680 school trust land. The school board may authorize the investment  
2681 of any school district funds in the same kind and manner of  
2682 investments, including pooled investments, as any other political  
2683 subdivision, including community hospitals;

2684 (vv) To utilize the alternate method for the conveyance  
2685 or exchange of unused school buildings and/or land, reserving a  
2686 partial or other undivided interest in the property, as  
2687 specifically authorized and provided in Section 37-7-485;

2688 (ww) To delegate, privatize or otherwise enter into a  
2689 contract with private entities for the operation of any and all  
2690 functions of nonacademic school process, procedures and operations  
2691 including, but not limited to, cafeteria workers, janitorial  
2692 services, transportation, professional development, achievement  
2693 and instructional consulting services materials and products,



2694 purchasing cooperatives, insurance, business manager services,  
2695 auditing and accounting services, school safety/risk prevention,  
2696 data processing and student records, and other staff services;  
2697 however, the authority under this paragraph does not apply to the  
2698 leasing, management or operation of sixteenth section lands.  
2699 Local school districts, working through their regional education  
2700 service agency, are encouraged to enter into buying consortia with  
2701 other member districts for the purposes of more efficient use of  
2702 state resources as described in Section 37-7-345;

2703           (xx) To partner with entities, organizations and  
2704 corporations for the purpose of benefiting the school district;

2705           (yy) To borrow funds from the Rural Economic  
2706 Development Authority for the maintenance of school buildings;

2707           (zz) To fund and operate voluntary early childhood  
2708 education programs, defined as programs for children less than  
2709 five (5) years of age on or before September 1, and to use any  
2710 source of revenue for such early childhood education programs.

2711 Such programs shall not conflict with the Early Learning  
2712 Collaborative Act of 2013;

2713           (aaa) To issue and provide for the use of procurement  
2714 cards by school board members, superintendents and licensed school  
2715 personnel consistent with the rules and regulations of the  
2716 Mississippi Department of Finance and Administration under Section  
2717 31-7-9; and



2718 (bbb) To conduct an annual comprehensive evaluation of  
2719 the superintendent of schools consistent with the assessment  
2720 components of paragraph (pp) of this section and the assessment  
2721 benchmarks established by the Mississippi School Board Association  
2722 to evaluate the success the superintendent has attained in meeting  
2723 district goals and objectives, the superintendent's leadership  
2724 skill and whether or not the superintendent has established  
2725 appropriate standards for performance, is monitoring success and  
2726 is using data for improvement.

2727 **SECTION 41.** Section 37-7-302, Mississippi Code of 1972, is  
2728 amended as follows:

2729 37-7-302. The board of trustees of any school district shall  
2730 be authorized to borrow such funds as may be reasonable and  
2731 necessary from the federal government, the State of Mississippi or  
2732 any political subdivision or entity thereof, or any other  
2733 governmental agency, from any individual, partnership, nonprofit  
2734 corporation or private for-profit corporation, to aid such school  
2735 districts in asbestos removal, to be repaid out of any \* \* \* funds  
2736 other than uniform per student funding formula funds; provided,  
2737 however, that the grant of authority shall in no way be construed  
2738 to require said boards of trustees to remove asbestos material or  
2739 substances from any facilities under their control, nor shall  
2740 there be any liability to said school districts or boards for the  
2741 failure to so remove such asbestos materials. All indebtedness  
2742 incurred under the provisions of this section shall be evidenced



2743 by the negotiable notes or certificates of indebtedness of the  
2744 school district on whose behalf the money is borrowed. Said notes  
2745 or certificates of indebtedness of the school district on whose  
2746 behalf the money is borrowed shall be signed by the president of  
2747 the school board and superintendent of schools of such school  
2748 district. Such notes or certificates of indebtedness shall not  
2749 bear a greater overall maximum interest rate to maturity than the  
2750 rates now or hereafter authorized under the provisions of Section  
2751 19-9-19. No such notes or certificates of indebtedness shall be  
2752 issued and sold for less than par and accrued interest. All notes  
2753 or certificates of indebtedness shall mature in approximately  
2754 equal installments of principal and interest over a period not to  
2755 exceed twenty (20) years from the dates of the issuance thereof.  
2756 Principal and interest shall be payable in such manner as may be  
2757 determined by the school board. Such notes or certificates of  
2758 indebtedness shall be issued in such form and in such  
2759 denominations as may be determined by the school board and same  
2760 may be made payable at the office of any bank or trust company  
2761 selected by the school board and, in such case, funds for the  
2762 payment of principal and interest due thereon shall be provided in  
2763 the same manner provided by law for the payment of the principal  
2764 and interest due on bonds issued by the taxing districts of this  
2765 state.

2766       **SECTION 42.** Section 37-7-303, Mississippi Code of 1972, is  
2767 amended as follows:



2768           37-7-303. (1) The school board of any school district may  
2769 insure motor vehicles for any hazard that the board may choose,  
2770 and shall insure the school buildings, equipment and other school  
2771 property of the district against any and all hazards that the  
2772 board may deem necessary to provide insurance against. In  
2773 addition, the local school board of any school district shall  
2774 purchase and maintain business property insurance and business  
2775 personal property insurance on all school district-owned buildings  
2776 and/or contents as required by federal law and regulations of the  
2777 Federal Emergency Management Agency (FEMA) as is necessary for  
2778 receiving public assistance or reimbursement for repair,  
2779 reconstruction, replacement or other damage to those buildings  
2780 and/or contents caused by the Hurricane Katrina Disaster of 2005  
2781 or subsequent disasters. The school district is authorized to  
2782 expend funds from any available source for the purpose of  
2783 obtaining and maintaining that property insurance. The school  
2784 district is authorized to enter into agreements with the  
2785 Department of Finance and Administration, other local school  
2786 districts, community/junior college districts, state institutions  
2787 of higher learning, community hospitals and/or other state  
2788 agencies to pool their liabilities to participate in a group  
2789 business property and/or business personal property insurance  
2790 program, subject to uniform rules and regulations as may be  
2791 adopted by the Department of Finance and Administration. Such  
2792 school board shall be authorized to contract for such insurance



2793 for a term of not exceeding five (5) years and to obligate the  
2794 district for the payment of the premiums thereon. When necessary,  
2795 the school board is authorized and empowered, in its discretion,  
2796 to borrow money payable in annual installments for a period of not  
2797 exceeding five (5) years at a rate of interest not exceeding eight  
2798 percent (8%) per annum to provide funds to pay such insurance  
2799 premiums. The money so borrowed and the interest thereon shall be  
2800 payable from any school funds of the district other than \* \* \*  
2801 uniform per student funding formula funds. The school boards of  
2802 school districts are further authorized and empowered, in all  
2803 cases where same may be necessary, to bring and maintain suits and  
2804 other actions in any court of competent jurisdiction for the  
2805 purpose of collecting the proceeds of insurance policies issued  
2806 upon the property of such school district.

2807 (2) Two (2) or more school districts, together with other  
2808 educational entities or agencies, may agree to pool their  
2809 liabilities to participate in a group workers' compensation  
2810 program. The governing authorities of any school board or other  
2811 educational entity or agency may authorize the organization and  
2812 operation of, or the participation in such a group self-insurance  
2813 program with other school boards and educational entities or  
2814 agencies, subject to the requirements of Section 71-3-5. The  
2815 Workers' Compensation Commission shall approve such group  
2816 self-insurance programs subject to uniform rules and regulations  
2817 as may be adopted by the commission applicable to all groups.



2818           **SECTION 43.** Section 37-7-307, Mississippi Code of 1972, is  
2819 amended as follows:

2820           37-7-307. (1) For purposes of this section, the term  
2821 "licensed employee" means any employee of a public school district  
2822 required to hold a valid license by the Commission on Teacher and  
2823 Administrator Education, Certification and Licensure and  
2824 Development.

2825           (2) The school board of a school district shall establish by  
2826 rules and regulations a policy of sick leave with pay for licensed  
2827 employees and teacher assistants employed in the school district,  
2828 and such policy shall include the following minimum provisions for  
2829 sick and emergency leave with pay:

2830           (a) Each licensed employee and teacher assistant, at  
2831 the beginning of each school year, shall be credited with a  
2832 minimum sick leave allowance, with pay, of seven (7) days for  
2833 absences caused by illness or physical disability of the employee  
2834 during that school year.

2835           (b) Any unused portion of the total sick leave  
2836 allowance shall be carried over to the next school year and  
2837 credited to such licensed employee and teacher assistant if the  
2838 licensed employee or teacher assistant remains employed in the  
2839 same school district. In the event any public school licensed  
2840 employee or teacher assistant transfers from one public school  
2841 district in Mississippi to another, any unused portion of the  
2842 total sick leave allowance credited to such licensed employee or



2843 teacher assistant shall be credited to such licensed employee or  
2844 teacher assistant in the computation of unused leave for  
2845 retirement purposes under Section 25-11-109. Accumulation of sick  
2846 leave allowed under this section shall be unlimited.

2847 (c) No deduction from the pay of such licensed employee  
2848 or teacher assistant may be made because of absence of such  
2849 licensed employee or teacher assistant caused by illness or  
2850 physical disability of the licensed employee or teacher assistant  
2851 until after all sick leave allowance credited to such licensed  
2852 employee or teacher assistant has been used.

2853 (d) For the first ten (10) days of absence of a  
2854 licensed employee because of illness or physical disability, in  
2855 any school year, in excess of the sick leave allowance credited to  
2856 such licensed employee, there shall be deducted from the pay of  
2857 such licensed employee the established substitute amount of  
2858 licensed employee compensation paid in that local school district,  
2859 necessitated because of the absence of the licensed employee as a  
2860 result of illness or physical disability. In lieu of deducting  
2861 the established substitute amount from the pay of such licensed  
2862 employee, the policy may allow the licensed employee to receive  
2863 full pay for the first ten (10) days of absence because of illness  
2864 or physical disability, in any school year, in excess of the sick  
2865 leave allowance credited to such licensed employee. Thereafter,  
2866 the regular pay of such absent licensed employee shall be



2867 suspended and withheld in its entirety for any period of absence  
2868 because of illness or physical disability during that school year.

2869 (3) (a) Beginning with the school year 1983-1984, each  
2870 licensed employee at the beginning of each school year shall be  
2871 credited with a minimum personal leave allowance, with pay, of two  
2872 (2) days for absences caused by personal reasons during that  
2873 school year. Effective for the 2010-2011 and 2011-2012 school  
2874 years, licensed employees shall be credited with an additional  
2875 one-half (1/2) day of personal leave for every day the licensed  
2876 employee is furloughed without pay as provided in Section  
2877 37-7-308. Except as otherwise provided in paragraph (b) of this  
2878 subsection, such personal leave shall not be taken on the first  
2879 day of the school term, the last day of the school term, on a day  
2880 previous to a holiday or a day after a holiday. Personal leave  
2881 may be used for professional purposes, including absences caused  
2882 by attendance of such licensed employee at a seminar, class,  
2883 training program, professional association or other functions  
2884 designed for educators. No deduction from the pay of such  
2885 licensed employee may be made because of absence of such licensed  
2886 employee caused by personal reasons until after all personal leave  
2887 allowance credited to such licensed employee has been used.  
2888 However, the superintendent of a school district, in his  
2889 discretion, may allow a licensed employee personal leave in  
2890 addition to any minimum personal leave allowance, under the  
2891 condition that there shall be deducted from the salary of such



2892 licensed employee the actual amount of any compensation paid to  
2893 any person as a substitute, necessitated because of the absence of  
2894 the licensed employee. Any unused portion of the total personal  
2895 leave allowance up to five (5) days shall be carried over to the  
2896 next school year and credited to such licensed employee if the  
2897 licensed employee remains employed in the same school district.  
2898 Any personal leave allowed for a furlough day shall not be carried  
2899 over to the next school year.

2900 (b) Notwithstanding the restrictions on the use of  
2901 personal leave prescribed under paragraph (a) of this subsection,  
2902 a licensed employee may use personal leave as follows:

2903 (i) Personal leave may be taken on the first day  
2904 of the school term, the last day of the school term, on a day  
2905 previous to a holiday or a day after a holiday if, on the  
2906 applicable day, an immediate family member of the employee is  
2907 being deployed for military service.

2908 (ii) Personal leave may be taken on a day previous  
2909 to a holiday or a day after a holiday if an employee of a school  
2910 district has either a minimum of ten (10) years' experience as an  
2911 employee of that school district or a minimum of thirty (30) days  
2912 of unused accumulated leave that has been earned while employed in  
2913 that school district.

2914 (iii) Personal leave may be taken on the first day  
2915 of the school term, the last day of the school term, on a day  
2916 previous to a holiday or a day after a holiday if, on the



2917 applicable day, the employee has been summoned to appear for jury  
2918 duty or as a witness in court.

2919 (4) Beginning with the school year 1992-1993, each licensed  
2920 employee shall be credited with a professional leave allowance,  
2921 with pay, for each day of absence caused by reason of such  
2922 employee's statutorily required membership and attendance at a  
2923 regular or special meeting held within the State of Mississippi of  
2924 the State Board of Education, the Commission on Teacher and  
2925 Administrator Education, Certification and Licensure and  
2926 Development, the Commission on School Accreditation, the  
2927 Mississippi Authority for Educational Television, the meetings of  
2928 the state textbook rating committees or other meetings authorized  
2929 by local school board policy.

2930 (5) Upon retirement from employment, each licensed and  
2931 nonlicensed employee shall be paid for not more than thirty (30)  
2932 days of unused accumulated leave earned while employed by the  
2933 school district in which the employee is last employed. Such  
2934 payment for licensed employees shall be made by the school  
2935 district at a rate equal to the amount paid to substitute teachers  
2936 and for nonlicensed employees, the payment shall be made by the  
2937 school district at a rate equal to the federal minimum wage. The  
2938 payment shall be treated in the same manner for retirement  
2939 purposes as a lump-sum payment for personal leave as provided in  
2940 Section 25-11-103(e). Any remaining lawfully credited unused  
2941 leave, for which payment has not been made, shall be certified to



2942 the Public Employees' Retirement System in the same manner and  
2943 subject to the same limitations as otherwise provided by law for  
2944 unused leave. No payment for unused accumulated leave may be made  
2945 to either a licensed or nonlicensed employee at termination or  
2946 separation from service for any purpose other than for the purpose  
2947 of retirement.

2948 (6) The school board may adopt rules and regulations which  
2949 will reasonably aid to implement the policy of sick and personal  
2950 leave, including, but not limited to, rules and regulations having  
2951 the following general effect:

2952 (a) Requiring the absent employee to furnish the  
2953 certificate of a physician or dentist or other medical  
2954 practitioner as to the illness of the absent licensed employee,  
2955 where the absence is for four (4) or more consecutive school days,  
2956 or for two (2) consecutive school days immediately preceding or  
2957 following a nonschool day;

2958 (b) Providing penalties, by way of full deduction from  
2959 salary, or entry on the work record of the employee, or other  
2960 appropriate penalties, for any materially false statement by the  
2961 employee as to the cause of absence;

2962 (c) Forfeiture of accumulated or future sick leave, if  
2963 the absence of the employee is caused by optional dental or  
2964 medical treatment or surgery which could, without medical risk,  
2965 have been provided, furnished or performed at a time when school  
2966 was not in session;



2967           (d) Enlarging, increasing or providing greater sick or  
2968 personal leave allowances than the minimum standards established  
2969 by this section in the discretion of the school board of each  
2970 school district.

2971           (7) School boards may include in their budgets provisions  
2972 for the payment of substitute employees, necessitated because of  
2973 the absence of regular licensed employees. All such substitute  
2974 employees shall be paid wholly from district funds, except as  
2975 otherwise provided for long-term substitute teachers in Section  
2976 37-19-20. Such school boards, in their discretion, also may pay,  
2977 from district funds other than \* \* \* uniform per student funding  
2978 formula funds, the whole or any part of the salaries of all  
2979 employees granted leaves for the purpose of special studies or  
2980 training.

2981           (8) The school board may further adopt rules and regulations  
2982 which will reasonably implement such leave policies for all other  
2983 nonlicensed and hourly paid school employees as the board deems  
2984 appropriate. Effective for the 2010-2011 and 2011-2012 school  
2985 years, nonlicensed employees shall be credited with an additional  
2986 one-half (1/2) day of personal leave for every day the nonlicensed  
2987 employee is furloughed without pay as provided in Section  
2988 37-7-308.

2989           (9) Vacation leave granted to either licensed or nonlicensed  
2990 employees shall be synonymous with personal leave. Unused  
2991 vacation or personal leave accumulated by licensed employees in



2992 excess of the maximum five (5) days which may be carried over from  
2993 one year to the next may be converted to sick leave. The annual  
2994 conversion of unused vacation or personal leave to sick days for  
2995 licensed or unlicensed employees shall not exceed the allowable  
2996 number of personal leave days as provided in Section 25-3-93. The  
2997 annual total number of converted unused vacation and/or personal  
2998 days added to the annual unused sick days for any employee shall  
2999 not exceed the combined allowable number of days per year provided  
3000 in Sections 25-3-93 and 25-3-95. Local school board policies that  
3001 provide for vacation, personal and sick leave for employees shall  
3002 not exceed the provisions for leave as provided in Sections  
3003 25-3-93 and 25-3-95. Any personal or vacation leave previously  
3004 converted to sick leave under a lawfully adopted policy before May  
3005 1, 2004, or such personal or vacation leave accumulated and  
3006 available for use prior to May 1, 2004, under a lawfully adopted  
3007 policy but converted to sick leave after May 1, 2004, shall be  
3008 recognized as accrued leave by the local school district and  
3009 available for use by the employee. The leave converted under a  
3010 lawfully adopted policy prior to May 1, 2004, or such personal and  
3011 vacation leave accumulated and available for use as of May 1,  
3012 2004, which was subsequently converted to sick leave may be  
3013 certified to the Public Employees' Retirement System upon  
3014 termination of employment and any such leave previously converted  
3015 and certified to the Public Employees' Retirement System shall be  
3016 recognized.



3017 (10) (a) For the purposes of this subsection, the following  
3018 words and phrases shall have the meaning ascribed in this  
3019 paragraph unless the context requires otherwise:

3020 (i) "Catastrophic injury or illness" means a  
3021 life-threatening injury or illness of an employee or a member of  
3022 an employee's immediate family that totally incapacitates the  
3023 employee from work, as verified by a licensed physician, and  
3024 forces the employee to exhaust all leave time earned by that  
3025 employee, resulting in the loss of compensation from the local  
3026 school district for the employee. Conditions that are short-term  
3027 in nature, including, but not limited to, common illnesses such as  
3028 influenza and the measles, and common injuries, are not  
3029 catastrophic. Chronic illnesses or injuries, such as cancer or  
3030 major surgery, that result in intermittent absences from work and  
3031 that are long-term in nature and require long recuperation periods  
3032 may be considered catastrophic.

3033 (ii) "Immediate family" means spouse, parent,  
3034 stepparent, sibling, child or stepchild.

3035 (b) Any school district employee may donate a portion  
3036 of his or her unused accumulated personal leave or sick leave to  
3037 another employee of the same school district who is suffering from  
3038 a catastrophic injury or illness or who has a member of his or her  
3039 immediate family suffering from a catastrophic injury or illness,  
3040 in accordance with the following:



3041 (i) The employee donating the leave (the "donor  
3042 employee") shall designate the employee who is to receive the  
3043 leave (the "recipient employee") and the amount of unused  
3044 accumulated personal leave and sick leave that is to be donated,  
3045 and shall notify the school district superintendent or his  
3046 designee of his or her designation.

3047 (ii) The maximum amount of unused accumulated  
3048 personal leave that an employee may donate to any other employee  
3049 may not exceed a number of days that would leave the donor  
3050 employee with fewer than seven (7) days of personal leave  
3051 remaining, and the maximum amount of unused accumulated sick leave  
3052 that an employee may donate to any other employee may not exceed  
3053 fifty percent (50%) of the unused accumulated sick leave of the  
3054 donor employee.

3055 (iii) An employee must have exhausted all of his  
3056 or her available leave before he or she will be eligible to  
3057 receive any leave donated by another employee. Eligibility for  
3058 donated leave shall be based upon review and approval by the donor  
3059 employee's supervisor.

3060 (iv) Before an employee may receive donated leave,  
3061 he or she must provide the school district superintendent or his  
3062 designee with a physician's statement that states that the illness  
3063 meets the catastrophic criteria established under this section,  
3064 the beginning date of the catastrophic injury or illness, a  
3065 description of the injury or illness, and a prognosis for recovery



3066 and the anticipated date that the recipient employee will be able  
3067 to return to work.

3068 (v) Before an employee may receive donated leave,  
3069 the superintendent of education of the school district shall  
3070 appoint a review committee to approve or disapprove the said  
3071 donations of leave, including the determination that the illness  
3072 is catastrophic within the meaning of this section.

3073 (vi) If the total amount of leave that is donated  
3074 to any employee is not used by the recipient employee, the whole  
3075 days of donated leave shall be returned to the donor employees on  
3076 a pro rata basis, based on the ratio of the number of days of  
3077 leave donated by each donor employee to the total number of days  
3078 of leave donated by all donor employees.

3079 (vii) Donated leave shall not be used in lieu of  
3080 disability retirement.

3081 **SECTION 44.** Section 37-7-319, Mississippi Code of 1972, is  
3082 amended as follows:

3083 37-7-319. All public school boards may purchase group  
3084 insurance coverage for the liability of all of its active  
3085 full-time instructional and noninstructional personnel. Such  
3086 policy shall be paid for with any funds available other than \* \* \*  
3087 uniform per student funding formula funds.

3088 **SECTION 45.** Section 37-7-333, Mississippi Code of 1972, is  
3089 amended as follows:



3090           37-7-333. The school boards of all school districts shall  
3091 have full control of the receipt, distribution, allotment and  
3092 disbursement of all funds which may be provided for the support  
3093 and maintenance of the schools of such district whether such funds  
3094 be \* \* \* uniform per student funding formula allotments, funds  
3095 derived from supplementary tax levies as authorized by law, or  
3096 funds derived from any other source whatsoever except as may  
3097 otherwise be provided by law for control of the proceeds from  
3098 school bonds or notes and the taxes levied to pay the principal of  
3099 and interest on such bonds or notes. The tax collector of each  
3100 county shall make reports, in writing, verified by his affidavit,  
3101 on or before the twentieth day of each month to the superintendent  
3102 of schools of each school district within such county reflecting  
3103 all school district taxes collected by him for the support of said  
3104 school district during the preceding month. He shall at the same  
3105 time pay over all such school district taxes collected by him for  
3106 the support of said school district directly to said  
3107 superintendent of schools.

3108           All such allotments or funds shall be placed in the  
3109 depository or depositories selected by the school board in the  
3110 same manner as provided in Section 27-105-305 for the selection of  
3111 county depositories. Provided, however, the annual notice to be  
3112 given by the school board to financial institutions may be given  
3113 by the school board at any regular meeting subsequent to the  
3114 board's regular December meeting but prior to the regular May



3115 meeting. The bids of financial institutions for the privilege of  
3116 keeping school funds may be received by the school board at some  
3117 subsequent meeting, but no later than the regular June meeting;  
3118 and the selection by the school board of the depository or  
3119 depositories shall be effective on July 1 of each year. School  
3120 boards shall advertise and accept bids for depositories, no less  
3121 than once every three (3) years, when such board determines that  
3122 it can obtain a more favorable rate of interest and less  
3123 administrative processing. Such depository shall place on deposit  
3124 with the superintendent of schools the same securities as required  
3125 in Section 27-105-315.

3126 In the event a bank submits a bid or offer to a school  
3127 district to act as a depository for the district and such bid or  
3128 offer, if accepted, would result in a contract in which a member  
3129 of the school board would have a direct or indirect interest, the  
3130 school board should not open or consider any bids received. The  
3131 superintendent of schools shall submit the matter to the State  
3132 Treasurer, who shall have the authority to solicit bids, select a  
3133 depository or depositories, make all decisions and take any action  
3134 within the authority of the school board under this section  
3135 relating to the selection of a depository or depositories.

3136 **SECTION 46.** Section 37-7-339, Mississippi Code of 1972, is  
3137 amended as follows:

3138 37-7-339. (1) The school board of any local school  
3139 district, in its discretion, may provide extended day and extended



3140 school year programs for kindergarten or compulsory-school-age  
3141 students, or both, and may expend any funds for these purposes  
3142 which are available from sources other than the \* \* \* uniform per  
3143 student funding formula. It is not the intent of the Legislature,  
3144 in enacting this section, to interfere with the Headstart program.  
3145 School boards, in their discretion, may charge participants a  
3146 reasonable fee for such programs.

3147 (2) The school board of any school district may adopt any  
3148 orders, policies, rules or regulations with respect to instruction  
3149 within that school district for which no specific provision has  
3150 been made by general law and which are not inconsistent with the  
3151 Mississippi Constitution of 1890, the Mississippi Code of 1972, or  
3152 any order, policy, rule or regulation of the State Board of  
3153 Education; those school boards also may alter, modify and repeal  
3154 any orders, policies, rules or regulations enacted under this  
3155 subsection. Any such program pertaining to reading must further  
3156 the goal that Mississippi students will demonstrate a growing  
3157 proficiency in reading and will reach or exceed the national  
3158 average within the next decade.

3159 **SECTION 47.** Section 37-7-419, Mississippi Code of 1972, is  
3160 amended as follows:

3161 37-7-419. The various school districts which may become  
3162 parties to any such agreement are authorized to appropriate and  
3163 expend for the purposes thereof any and all funds which may be  
3164 required to carry out the terms of any such agreement from any



3165 funds available to any such party to such an agreement not  
3166 otherwise appropriated without limitation as to the source of such  
3167 funds, including \* \* \* uniform per student funding formula funds,  
3168 sixteenth section funds, funds received from the federal  
3169 government or other sources by way of grant, donation or  
3170 otherwise, and funds which may be available to any such party  
3171 through the State Department of Education or any other agency of  
3172 the state, regardless of the party to such agreement designated  
3173 thereby to be primarily responsible for the construction or  
3174 operation of any such regional high school center and regardless  
3175 of the limitation on the expenditure of any such funds imposed by  
3176 any other statute. However, no such funds whose use was originally  
3177 limited to the construction of capital improvements shall be  
3178 utilized for the purpose of defraying the administrative or  
3179 operating costs of any such center. Any one or more of the  
3180 parties to such an agreement may be designated as the fiscal agent  
3181 or contracting party in carrying out any of the purposes of such  
3182 agreement, and any and all funds authorized to be spent therefor  
3183 by any of the said parties may be paid over to the fiscal agent or  
3184 contracting party for disbursement by such fiscal agent or  
3185 contracting party. Such disbursements shall be made and  
3186 contracted for under the laws and regulations applicable to such  
3187 fiscal or disbursing agent. All of the school district parties to  
3188 any such agreement may issue bonds, negotiable notes or other  
3189 evidences of indebtedness for the purpose of providing funds for



3190 the acquisition of land and for the construction of buildings and  
3191 permanent improvements under the terms of any such agreement under  
3192 any existing laws authorizing the issuance or sale thereof to  
3193 provide funds for any capital improvement.

3194         **SECTION 48.** Section 37-9-17, Mississippi Code of 1972, is  
3195 amended as follows:

3196         37-9-17. (1) On or before April 1 of each year, the  
3197 principal of each school shall recommend to the superintendent of  
3198 the local school district the licensed employees or  
3199 noninstructional employees to be employed for the school involved  
3200 except those licensed employees or noninstructional employees who  
3201 have been previously employed and who have a contract valid for  
3202 the ensuing scholastic year. If such recommendations meet with  
3203 the approval of the superintendent, the superintendent shall  
3204 recommend the employment of such licensed employees or  
3205 noninstructional employees to the local school board, and, unless  
3206 good reason to the contrary exists, the board shall elect the  
3207 employees so recommended. If, for any reason, the local school  
3208 board shall decline to elect any employee so recommended,  
3209 additional recommendations for the places to be filled shall be  
3210 made by the principal to the superintendent and then by the  
3211 superintendent to the local school board as provided above. The  
3212 school board of any local school district shall be authorized to  
3213 designate a personnel supervisor or another principal employed by  
3214 the school district to recommend to the superintendent licensed



3215 employees or noninstructional employees; however, this  
3216 authorization shall be restricted to no more than two (2)  
3217 positions for each employment period for each school in the local  
3218 school district. Any noninstructional employee employed upon the  
3219 recommendation of a personnel supervisor or another principal  
3220 employed by the local school district must have been employed by  
3221 the local school district at the time the superintendent was  
3222 elected or appointed to office; a noninstructional employee  
3223 employed under this authorization may not be paid compensation in  
3224 excess of the statewide average compensation for such  
3225 noninstructional position with comparable experience, as  
3226 established by the State Department of Education. The school  
3227 board of any local school district shall be authorized to  
3228 designate a personnel supervisor or another principal employed by  
3229 the school district to accept the recommendations of principals or  
3230 their designees for licensed employees or noninstructional  
3231 employees and to transmit approved recommendations to the local  
3232 school board; however, this authorization shall be restricted to  
3233 no more than two (2) positions for each employment period for each  
3234 school in the local school district.

3235       When the licensed employees have been elected as provided in  
3236 the preceding paragraph, the superintendent of the district shall  
3237 enter into a contract with such persons in the manner provided in  
3238 this chapter.



3239           If, at the commencement of the scholastic year, any licensed  
3240 employee shall present to the superintendent a license of a higher  
3241 grade than that specified in such individual's contract, such  
3242 individual may, if funds are available from \* \* \* uniform per  
3243 student funding formula funds of the district, or from district  
3244 funds, be paid from such funds the amount to which such higher  
3245 grade license would have entitled the individual, had the license  
3246 been held at the time the contract was executed.

3247           (2) Superintendents/directors of schools under the purview  
3248 of the State Board of Education, the superintendent of the local  
3249 school district and any private firm under contract with the local  
3250 public school district to provide substitute teachers to teach  
3251 during the absence of a regularly employed schoolteacher shall  
3252 require, through the appropriate governmental authority, that  
3253 current criminal records background checks and current child abuse  
3254 registry checks are obtained, and that such criminal record  
3255 information and registry checks are on file for any new hires  
3256 applying for employment as a licensed or nonlicensed employee at a  
3257 school and not previously employed in such school under the  
3258 purview of the State Board of Education or at such local school  
3259 district prior to July 1, 2000. In order to determine the  
3260 applicant's suitability for employment, the applicant shall be  
3261 fingerprinted. If no disqualifying record is identified at the  
3262 state level, the fingerprints shall be forwarded by the Department  
3263 of Public Safety to the Federal Bureau of Investigation for a



3264 national criminal history record check. The fee for such  
3265 fingerprinting and criminal history record check shall be paid by  
3266 the applicant, not to exceed Fifty Dollars (\$50.00); however, the  
3267 State Board of Education, the school board of the local school  
3268 district or a private firm under contract with a local school  
3269 district to provide substitute teachers to teach during the  
3270 temporary absence of the regularly employed schoolteacher, in its  
3271 discretion, may elect to pay the fee for the fingerprinting and  
3272 criminal history record check on behalf of any applicant. Under  
3273 no circumstances shall a member of the State Board of Education,  
3274 superintendent/director of schools under the purview of the State  
3275 Board of Education, local school district superintendent, local  
3276 school board member or any individual other than the subject of  
3277 the criminal history record checks disseminate information  
3278 received through any such checks except insofar as required to  
3279 fulfill the purposes of this section. Any nonpublic school which  
3280 is accredited or approved by the State Board of Education may  
3281 avail itself of the procedures provided for herein and shall be  
3282 responsible for the same fee charged in the case of local public  
3283 schools of this state. The determination whether the applicant  
3284 has a disqualifying crime, as set forth in subsection (3) of this  
3285 section, shall be made by the appropriate governmental authority,  
3286 and the appropriate governmental authority shall notify the  
3287 private firm whether a disqualifying crime exists.



3288 (3) If such fingerprinting or criminal record checks  
3289 disclose a felony conviction, guilty plea or plea of nolo  
3290 contendere to a felony of possession or sale of drugs, murder,  
3291 manslaughter, armed robbery, rape, sexual battery, sex offense  
3292 listed in Section 45-33-23(h), child abuse, arson, grand larceny,  
3293 burglary, gratification of lust or aggravated assault which has  
3294 not been reversed on appeal or for which a pardon has not been  
3295 granted, the new hire shall not be eligible to be employed at such  
3296 school. Any employment contract for a new hire executed by the  
3297 superintendent of the local school district or any employment of a  
3298 new hire by a superintendent/director of a new school under the  
3299 purview of the State Board of Education or by a private firm shall  
3300 be voidable if the new hire receives a disqualifying criminal  
3301 record check. However, the State Board of Education or the school  
3302 board may, in its discretion, allow any applicant aggrieved by the  
3303 employment decision under this section to appear before the  
3304 respective board, or before a hearing officer designated for such  
3305 purpose, to show mitigating circumstances which may exist and  
3306 allow the new hire to be employed at the school. The State Board  
3307 of Education or local school board may grant waivers for such  
3308 mitigating circumstances, which shall include, but not be limited  
3309 to: (a) age at which the crime was committed; (b) circumstances  
3310 surrounding the crime; (c) length of time since the conviction and  
3311 criminal history since the conviction; (d) work history; (e)  
3312 current employment and character references; (f) other evidence



3313 demonstrating the ability of the person to perform the employment  
3314 responsibilities competently and that the person does not pose a  
3315 threat to the health or safety of the children at the school.

3316 (4) No local school district, local school district  
3317 employee, member of the State Board of Education or employee of a  
3318 school under the purview of the State Board of Education shall be  
3319 held liable in any employment discrimination suit in which an  
3320 allegation of discrimination is made regarding an employment  
3321 decision authorized under this Section 37-9-17.

3322 **SECTION 49.** Section 37-9-23, Mississippi Code of 1972, is  
3323 amended as follows:

3324 37-9-23. The superintendent shall enter into a contract with  
3325 each assistant superintendent, principal, licensed employee and  
3326 person anticipating graduation from an approved teacher education  
3327 program or the issuance of a proper license before October 15 or  
3328 February 15, as the case may be, who is elected and approved for  
3329 employment by the school board. Such contracts shall be in such  
3330 form as shall be prescribed by the State Board of Education and  
3331 shall be executed in duplicate with one (1) copy to be retained by  
3332 the appropriate superintendent and one (1) copy to be retained by  
3333 the principal, licensed employee or person recommended for a  
3334 licensed position contracted with. The contract shall show the  
3335 name of the district, the length of the school term, the position  
3336 held (whether an assistant superintendent, principal or licensed  
3337 employee), the scholastic years which it covers, the total amount



3338 of the annual salary and how same is payable. The amount of  
3339 salary to be shown in such contract shall be the amount which  
3340 shall have been fixed and determined by the school board, but, as  
3341 to the licensed employees paid, in whole or in part, with \* \* \*  
3342 uniform per student funding formula funds, such salary shall not  
3343 be less than that required under the provisions of Chapter 19 of  
3344 this title. Beginning with the 2010-2011 school year, the  
3345 contract shall include a provision allowing the school district to  
3346 reduce the state minimum salary by a pro rata daily amount in  
3347 order to comply with the school district employee furlough  
3348 provisions of Section 37-7-308, and shall include a provision  
3349 which conditions the payment of such salary upon the availability  
3350 of \* \* \* uniform per student funding formula funds provided for  
3351 salaries. The contract entered into with any person recommended  
3352 for a licensed position who is anticipating either graduation from  
3353 an approved teacher education program before September 1 or  
3354 December 31, as the case may be, or the issuance of a proper  
3355 license before October 15 or February 15, as the case may be,  
3356 shall be a conditional contract and shall include a provision  
3357 stating that the contract will be null and void if, as specified  
3358 in the contract, the contingency upon which the contract is  
3359 conditioned has not occurred. If any superintendent, other than  
3360 those elected, principal, licensed employee or person recommended  
3361 for a licensed position who has been elected and approved shall  
3362 not execute and return the contract within ten (10) days after



3363 same has been tendered to him for execution, then, at the option  
3364 of the school board, the election of the licensed employee and the  
3365 contract tendered to him shall be void and of no effect.

3366         **SECTION 50.** Section 37-9-25, Mississippi Code of 1972, is  
3367 amended as follows:

3368         37-9-25. The school board shall have the power and  
3369 authority, in its discretion, to employ the superintendent, unless  
3370 such superintendent is elected at the November 2015 general  
3371 election, for not exceeding four (4) scholastic years and the  
3372 principals or licensed employees for not exceeding three (3)  
3373 scholastic years. In such case, contracts shall be entered into  
3374 with such superintendents, principals and licensed employees for  
3375 the number of years for which they have been employed. However,  
3376 in the event that a vacancy in the office of the superintendent of  
3377 schools elected at the November 2015 general election shall occur  
3378 before January 1, 2019, the local school board shall then appoint  
3379 the superintendent of the school district and enter into contract  
3380 with the appointee for a period not to exceed three (3) scholastic  
3381 years. All such contracts with licensed employees shall for the  
3382 years after the first year thereof be subject to the contingency  
3383 that the licensed employee may be released if, during the life of  
3384 the contract, the \* \* \* student enrollment should decrease from  
3385 that existing during the previous year and thus necessitate a  
3386 reduction in the number of licensed employees during any year  
3387 after the first year of the contract. However, in all such cases



3388 the licensed employee must be released before July 1 or at least  
3389 thirty (30) days prior to the beginning of the school term,  
3390 whichever date should occur earlier. The salary to be paid for  
3391 the years after the first year of such contract shall be subject  
3392 to revision, either upward or downward, in the event of an  
3393 increase or decrease in the funds available for the payment  
3394 thereof, but, unless such salary is revised prior to the beginning  
3395 of a school year, it shall remain for such school year at the  
3396 amount fixed in such contract. However, where school district  
3397 funds, other than \* \* \* uniform per student funding formula funds,  
3398 are available during the school year in excess of the amount  
3399 anticipated at the beginning of the school year the salary to be  
3400 paid for such year may be increased to the extent that such  
3401 additional funds are available and nothing herein shall be  
3402 construed to prohibit same.

3403       **SECTION 51.** Section 37-9-33, Mississippi Code of 1972, is  
3404 amended as follows:

3405       37-9-33. (1) In employing and contracting with appointed  
3406 superintendents, principals and \* \* \* licensed employees, the  
3407 school board shall in all cases determine whether the amount of  
3408 salary to be paid such superintendent, principals and \* \* \*  
3409 licensed employees is in compliance with the provisions of \* \* \*  
3410 this chapter and Section 37-19-7. No contract shall be entered  
3411 into where the salary of a superintendent, principal or \* \* \*  
3412 licensed employee is to be paid, in whole or in part, from \* \* \*



3413 uniform per student funding formula funds except where the  
3414 statutory requirements \* \* \* as to the amount of such salary are  
3415 fully met. Nothing herein shall be construed, however, to  
3416 prohibit any school district from increasing the salaries of  
3417 appointed superintendents, principals and \* \* \* licensed employees  
3418 above the amounts fixed by said chapter, provided that the amount  
3419 of such increase is paid from funds available to such district  
3420 other than \* \* \* uniform per student funding formula funds.  
3421 Provided further, that school districts are authorized, in their  
3422 discretion, to negotiate the salary levels applicable to \* \* \*  
3423 licensed employees employed after July 1, 2009, who are receiving  
3424 retirement benefits from the retirement system of another state,  
3425 and the annual experience increment provided in Section 37-19-7  
3426 shall not be applicable to any such retired \* \* \* licensed  
3427 employee. Nothing herein shall be construed to prohibit any  
3428 school district from complying with the school district employee  
3429 furlough provisions of Section 37-7-308.

3430 (2) Each school district shall provide an annual report to  
3431 the State Department of Education on the number of \* \* \* licensed  
3432 and \* \* \* nonlicensed employees receiving a salary from the school  
3433 district who are also receiving retirement benefits from the  
3434 Public Employees' Retirement System. This report shall include  
3435 the name of the employee(s), the hours per week for which the  
3436 employee is under contract and the services for which the employee



3437 is under contract. Said required annual report shall be in a form  
3438 and deadline promulgated by the State Board of Education.

3439 **SECTION 52.** Section 37-9-35, Mississippi Code of 1972, is  
3440 amended as follows:

3441 37-9-35. \* \* \* A reduction in the \* \* \* student enrollment  
3442 during a current year from that existing in the preceding year  
3443 shall not authorize the discharge or release of a teacher or  
3444 teachers during such current year. \* \* \*

3445 **SECTION 53.** Section 37-9-37, Mississippi Code of 1972, is  
3446 amended as follows:

3447 37-9-37. The amount of the salary to be paid any  
3448 superintendent, principal or licensed employee shall be fixed by  
3449 the school board, provided that the requirements of \* \* \* this  
3450 title are met as to superintendents, principals and licensed  
3451 employees paid, in whole or in part, from \* \* \* uniform per  
3452 student funding formula funds. In employing such superintendents,  
3453 principals and licensed employees and in fixing their salaries,  
3454 the school boards shall take into consideration the character,  
3455 professional training, experience, executive ability and teaching  
3456 capacity of the licensed employee, superintendent or principal.  
3457 It is the intent of the Legislature that whenever the salary of  
3458 the school district superintendent is set by a school board, the  
3459 board shall take into consideration the amount of money that the  
3460 district spends per pupil, and shall attempt to insure that the  
3461 administrative cost of the district and the amount of the salary



3462 of the superintendent are not excessive in comparison to the per  
3463 pupil expenditure of the district.

3464         **SECTION 54.** Section 37-9-77, Mississippi Code of 1972, is  
3465 amended as follows:

3466         37-9-77. (1) There is established the Mississippi School  
3467 Administrator Sabbatical Program which shall be available to  
3468 licensed teachers employed in Mississippi school districts for not  
3469 less than three (3) years, for the purpose of allowing such  
3470 teachers to become local school district administrators under the  
3471 conditions set forth in this section. The State Board of  
3472 Education, in coordination with the Board of Trustees of State  
3473 Institutions of Higher Learning, shall develop guidelines for the  
3474 program. Application shall be made to the State Department of  
3475 Education for the Mississippi School Administrator Sabbatical  
3476 Program by qualified teachers meeting the criteria for a  
3477 department-approved administration program and who have been  
3478 recommended by the local school board. Administration programs  
3479 that are eligible for the administrator sabbatical program shall  
3480 be limited to those that have been approved by the department by  
3481 the January 1 preceding the date of admission to the program.  
3482 Admission into the program shall authorize the applicant to take  
3483 university course work and training leading to an administrator's  
3484 license.

3485         (2) The salaries of the teachers approved for participation  
3486 in the administrator sabbatical program shall be paid by the



3487 employing school district from \* \* \* funds other than uniform per  
3488 student funding formula funds. However, the State Department of  
3489 Education shall reimburse the employing school districts for the  
3490 cost of the salaries and paid fringe benefits of teachers  
3491 participating in the administrator sabbatical program for one (1)  
3492 contract year. Reimbursement shall be made in accordance with the  
3493 then current \* \* \* salary schedule under Section 37-19-7, except  
3494 that the maximum amount of the reimbursement from state funds  
3495 shall not exceed the \* \* \* salary prescribed for a teacher holding  
3496 a Class A license and having five (5) years' experience. The  
3497 local school district shall be responsible for that portion of a  
3498 participating teacher's salary attributable to the local  
3499 supplement and for any portion of the teacher's salary that  
3500 exceeds the maximum amount allowed for reimbursement from state  
3501 funds as provided in this subsection, and the school board may not  
3502 reduce the local supplement payable to that teacher. Any  
3503 reimbursements made by the State Department of Education to local  
3504 school districts under this section shall be subject to available  
3505 appropriations and may be made only to school districts determined  
3506 by the State Board of Education as being in need of  
3507 administrators.

3508 (3) Such teachers participating in the program on a  
3509 full-time basis shall continue to receive teaching experience and  
3510 shall receive the salary prescribed in Section 37-19-7, including  
3511 the annual experience increments. Such participants shall be



3512 fully eligible to continue participation in the Public Employees'  
3513 Retirement System and the Public School Employees Health Insurance  
3514 Plan during the time they are in the program on a full-time basis.

3515 (4) As a condition for participation in the School  
3516 Administrator Sabbatical Program, such teachers shall agree to  
3517 employment as administrators in the sponsoring school district for  
3518 not less than five (5) years following completion of administrator  
3519 licensure requirements. Any person failing to comply with this  
3520 employment commitment in any required school year, unless the  
3521 commitment is deferred as provided in subsection (5) of this  
3522 section, shall immediately be in breach of contract and become  
3523 liable to the State Department of Education for that amount of his  
3524 salary and paid fringe benefits paid by the state while the  
3525 teacher was on sabbatical, less twenty percent (20%) of the amount  
3526 of his salary and paid fringe benefits paid by the state for each  
3527 year that the person was employed as an administrator following  
3528 completion of the administrator licensure requirements. In  
3529 addition, the person shall become liable to the local school  
3530 district for any portion of his salary and paid fringe benefits  
3531 paid by the local school district while the teacher was on  
3532 sabbatical that is attributable to the local salary supplement or  
3533 is attributable to the amount that exceeds the maximum amount  
3534 allowed for reimbursement from state funds as provided in  
3535 subsection (2) of this section, less twenty percent (20%) of the  
3536 amount of his salary and paid fringe benefits paid by the school



3537 district for each year that the person was employed as an  
3538 administrator following completion of the administrator licensure  
3539 requirements. Interest on the amount due shall accrue at the  
3540 current Stafford Loan rate at the time the breach occurs. If the  
3541 claim for repayment of such salary and fringe benefits is placed  
3542 in the hands of an attorney for collection after default, then the  
3543 obligor shall be liable for an additional amount equal to a  
3544 reasonable attorney's fee.

3545 (5) If there is not an administrator position immediately  
3546 available in the sponsoring school district after a person has  
3547 completed the administrator licensure requirements, or if the  
3548 administrator position in the sponsoring school district in which  
3549 the person is employed is no longer needed before the completion  
3550 of the five-year employment commitment, the local school board  
3551 shall defer any part of the employment commitment that has not  
3552 been met until such time as an administrator position becomes  
3553 available in the sponsoring school district. If such a deferral  
3554 is made, the sponsoring school district shall employ the person as  
3555 a teacher in the school district during the period of deferral,  
3556 unless the person desires to be released from employment by the  
3557 sponsoring school district and the district agrees to release the  
3558 person from employment. If the sponsoring school district  
3559 releases a person from employment, that person may be employed as  
3560 an administrator in another school district in the state that is  
3561 in need of administrators as determined by the State Board of



3562 Education, and that employment for the other school district shall  
3563 be applied to any remaining portion of the five-year employment  
3564 commitment required under this section. Nothing in this  
3565 subsection shall prevent a school district from not renewing the  
3566 person's contract before the end of the five-year employment  
3567 commitment in accordance with the School Employment Procedures Law  
3568 (Section 37-9-101 et seq.). However, if the person is not  
3569 employed as an administrator by another school district after  
3570 being released by the sponsoring school district, or after his  
3571 contract was not renewed by the sponsoring school district, he  
3572 shall be liable for repayment of the amount of his salary and  
3573 fringe benefits as provided in subsection (4) of this section.

3574 (6) All funds received by the State Department of Education  
3575 from the repayment of salary and fringe benefits paid by the state  
3576 from program participants shall be deposited in the Mississippi  
3577 Critical Teacher Shortage Fund.

3578 **SECTION 55.** Section 37-11-11, Mississippi Code of 1972, is  
3579 amended as follows:

3580 37-11-11. (1) For the purposes of this section, the term  
3581 "hospital" shall include community-based programs and facilities  
3582 licensed or approved by the Department of Mental Health for  
3583 treatment of chemical substance use and abuse.

3584 (2) When five (5) or more children of educable mind between  
3585 the ages of six (6) and twenty-one (21) years who are capable of  
3586 pursuing courses of instruction at secondary school level or below



3587 shall be confined in a hospital for an extended period of time,  
3588 such children shall be eligible for and shall be provided with a  
3589 program of education, instruction and training within such  
3590 hospital in the manner hereinafter set forth, provided that the  
3591 need for hospitalization for an extended period of time shall be  
3592 certified by the chief of staff of such hospital and that the  
3593 ability of such children to do school work shall be certified by  
3594 qualified psychologists and/or educators approved by the State  
3595 Board of Education.

3596 (3) When five (5) or more children as set forth herein shall  
3597 be confined in the same hospital, then the board of trustees of  
3598 the school district in which such hospital is located shall be  
3599 authorized and empowered, in its discretion, to provide a program  
3600 of education, instruction and training to such children within  
3601 such hospital. For such purpose the board shall be authorized and  
3602 empowered to employ and contract with teachers, provide textbooks  
3603 and other instructional materials, correspondence courses and  
3604 instructional equipment and appliances, and otherwise provide for  
3605 the furnishing of such program and to administer and supervise the  
3606 same. Such program shall be furnished in a manner as prescribed  
3607 by rules and regulations adopted by the State Board of Education.  
3608 The state board shall have full power to adopt such rules,  
3609 regulations, policies and standards as it may deem necessary to  
3610 carry out the purpose of this section, including the establishment  
3611 of qualifications of any teachers employed under the provisions



3612 hereof. It is expressly provided, however, that no program shall  
3613 be furnished under this section except in a hospital licensed for  
3614 operation by the State of Mississippi and only in cases where such  
3615 hospital shall consent thereto, shall provide any classroom space,  
3616 furniture and facilities which may be deemed necessary, and  
3617 otherwise shall cooperate in carrying out the provisions of this  
3618 section. Before such program of education, instruction and  
3619 training shall be provided, the governing authorities of said  
3620 hospital shall enter into a contract with the board of trustees of  
3621 the school district which stipulates that said hospital agrees to  
3622 furnish the necessary classroom space, furniture and facilities  
3623 and provide for their upkeep, fuel and such other things as may be  
3624 necessary for the successful operation of the program of  
3625 education, instruction and training.

3626 (4) In cases when children who are residents of school  
3627 districts other than the school district providing such education  
3628 program may participate in the program prescribed in this section.  
3629 The boards of trustees of the districts of which such children are  
3630 residents shall pay to the board of trustees of the school  
3631 district furnishing such school program the pro rata part of the  
3632 expenses of furnishing such school program within such hospital,  
3633 which payments may be made from any funds available for the  
3634 operation and maintenance of the schools of the district in which  
3635 such child is a resident. The amount so paid shall be based upon,  
3636 but shall not exceed, the current per pupil cost of education in



3637 the school district of the child's residence, and the amount to be  
3638 so paid by the school district of the child's residence shall be  
3639 fixed by the State Board of Education. If the amount to be paid  
3640 which has been so fixed shall not be paid upon due demand made by  
3641 the school district providing a program therefor, then the State  
3642 Board of Education shall deduct any such amounts from the next  
3643 allocation of \* \* \* funds attributable to any such district and  
3644 shall remit the same to the board of trustees of such school  
3645 district which is furnishing such school program. If the amounts  
3646 so paid by such school districts of the child's residence shall  
3647 not be sufficient to pay the expenses of furnishing such program,  
3648 then the remainder of such expenses over and above that so paid by  
3649 such school districts shall be paid by the State Board of  
3650 Education to the school district providing such school program out  
3651 of any funds available to the State Board of Education,  
3652 including \* \* \* uniform per student funding formula funds.  
3653 However, such payments shall not exceed Three Hundred Dollars  
3654 (\$300.00) per child in \* \* \* enrollment in such program.  
3655 Provided, however, the State Board of Education shall in its  
3656 discretion be authorized and empowered to exceed the said Three  
3657 Hundred Dollars (\$300.00) per pupil limitation where such  
3658 limitation would make it impractical to operate such a program.  
3659 **SECTION 56.** Section 37-13-63, Mississippi Code of 1972, is  
3660 amended as follows:



3661           37-13-63. (1) Except as otherwise provided, all public  
3662 schools in the state shall be kept in session for at least one  
3663 hundred eighty (180) days in each scholastic year.

3664           (2) If the school board of any school district shall  
3665 determine that it is not economically feasible or practicable to  
3666 operate any school within the district for the full one hundred  
3667 eighty (180) days required for a scholastic year as contemplated  
3668 due to an enemy attack, a man-made, technological or natural  
3669 disaster or extreme weather emergency in which the Governor has  
3670 declared a disaster or state of emergency under the laws of this  
3671 state or the President of the United States has declared an  
3672 emergency or major disaster to exist in this state, the school  
3673 board may notify the State Department of Education of the disaster  
3674 or weather emergency and submit a plan for altering the school  
3675 term. If the State Board of Education finds the disaster or  
3676 extreme weather emergency to be the cause of the school not  
3677 operating for the contemplated school term and that such school  
3678 was in a school district covered by the Governor's or President's  
3679 disaster or state of emergency declaration, it may permit that  
3680 school board to operate the schools in its district for less than  
3681 one hundred eighty (180) days; however, in no instance of a  
3682 declared disaster or state of emergency under the provisions of  
3683 this subsection shall a school board receive payment from the  
3684 State Department of Education for per pupil expenditure for pupils  
3685 in \* \* \* enrollment in excess of ten (10) days.



3686           **SECTION 57.** Section 37-13-64, Mississippi Code of 1972, is  
3687 amended as follows:

3688           37-13-64. (1) Beginning with the 2010-2011 school term, any  
3689 school district required to close the operation of its schools by  
3690 decision of the superintendent, under the authority provided by  
3691 the local school board, due to extreme weather conditions, in the  
3692 best interests of the health and safety of the students,  
3693 administration and staff of the school district, shall be exempt  
3694 from the requirement that schools be kept in session a minimum of  
3695 one hundred eighty (180) days. Any school district that closes  
3696 its schools for reasons authorized under this section shall  
3697 receive payment from the State Department of Education for per  
3698 pupil expenditure for pupils in \* \* \* enrollment not to exceed ten  
3699 (10) days.

3700           (2) In the event weather conditions are cause for the  
3701 closure of operations of schools in any local school district in  
3702 any instance in which a state of emergency has not been declared  
3703 pursuant to Section \* \* \* 37-151-227(2)(b), the State Board of  
3704 Education may consider, on a case-by-case basis, requests  
3705 submitted by local school districts to alter the school calendar  
3706 consistent with the provision of that section.

3707           **SECTION 58.** Section 37-13-69, Mississippi Code of 1972, is  
3708 amended as follows:

3709           37-13-69. All public schools of this state may observe such  
3710 legal holidays as may be designated by the local school board, and



3711 no sessions of school shall be held on holidays so designated and  
3712 observed. However, all schools shall operate for the full minimum  
3713 term required by law exclusive of the holidays authorized by this  
3714 section. The holidays thus observed shall not be deducted from  
3715 the reports of the superintendents, principals and teachers, and  
3716 such superintendents, principals and teachers shall be allowed pay  
3717 for full time as though they had taught on those holidays.  
3718 However, such holidays shall not be counted or included in any way  
3719 in determining the \* \* \* student enrollment of the school.

3720 **SECTION 59.** Section 37-15-38, Mississippi Code of 1972, is  
3721 amended as follows:

3722 37-15-38. (1) The following phrases have the meanings  
3723 ascribed in this section unless the context clearly requires  
3724 otherwise:

3725 (a) A dual enrolled student is a student who is  
3726 enrolled in a community or junior college or state institution of  
3727 higher learning while enrolled in high school.

3728 (b) A dual credit student is a student who is enrolled  
3729 in a community or junior college or state institution of higher  
3730 learning while enrolled in high school and who is receiving high  
3731 school and college credit for postsecondary coursework.

3732 (2) A local school board, the Board of Trustees of State  
3733 Institutions of Higher Learning and the Mississippi Community  
3734 College Board shall establish a dual enrollment system under which  
3735 students in the school district who meet the prescribed criteria



3736 of this section may be enrolled in a postsecondary institution in  
3737 Mississippi while they are still in school.

3738       (3) **Dual credit eligibility.** Before credits earned by a  
3739 qualified high school student from a community or junior college  
3740 or state institution of higher learning may be transferred to the  
3741 student's home school district, the student must be properly  
3742 enrolled in a dual enrollment program.

3743       (4) **Admission criteria for dual enrollment in community and**  
3744 **junior college or university programs.** The Mississippi Community  
3745 College Board and the Board of Trustees of State Institutions of  
3746 Higher Learning may recommend to the State Board of Education  
3747 admission criteria for dual enrollment programs under which high  
3748 school students may enroll at a community or junior college or  
3749 university while they are still attending high school and enrolled  
3750 in high school courses. Students may be admitted to enroll in  
3751 community or junior college courses under the dual enrollment  
3752 programs if they meet that individual institution's stated dual  
3753 enrollment admission requirements.

3754       (5) **Tuition and cost responsibility.** Tuition and costs for  
3755 university-level courses and community and junior college courses  
3756 offered under a dual enrollment program may be paid for by the  
3757 postsecondary institution, the local school district, the parents  
3758 or legal guardians of the student, or by grants, foundations or  
3759 other private or public sources. Payment for tuition and any



3760 other costs must be made directly to the credit-granting  
3761 institution.

3762       (6) **Transportation responsibility.** Any transportation  
3763 required by a student to participate in the dual enrollment  
3764 program is the responsibility of the parent, custodian or legal  
3765 guardian of the student. Transportation costs may be paid from  
3766 any available public or private sources, including the local  
3767 school district.

3768       (7) **School district \* \* \* student enrollment credit.** When  
3769 dually enrolled, the student may be counted, for \* \* \* uniform per  
3770 student funding formula purposes, in the \* \* \* enrollment of the  
3771 public school district in which the student attends high school.

3772       (8) **High school student transcript transfer requirements.**  
3773 Grades and college credits earned by a student admitted to a dual  
3774 credit program must be recorded on the high school student record  
3775 and on the college transcript at the university or community or  
3776 junior college where the student attends classes. The transcript  
3777 of the university or community or junior college coursework may be  
3778 released to another institution or applied toward college  
3779 graduation requirements.

3780       (9) **Determining factor of prerequisites for dual enrollment**  
3781 **courses.** Each university and community or junior college  
3782 participating in a dual enrollment program shall determine course  
3783 prerequisites. Course prerequisites shall be the same for dual



3784 enrolled students as for regularly enrolled students at that  
3785 university or community or junior college.

3786 (10) **Process for determining articulation of curriculum**  
3787 **between high school, university, and community and junior college**  
3788 **courses.** All dual credit courses must meet the standards  
3789 established at the postsecondary level. Postsecondary level  
3790 developmental courses may not be considered as meeting the  
3791 requirements of the dual credit program. Dual credit memorandum  
3792 of understandings must be established between each postsecondary  
3793 institution and the school district implementing a dual credit  
3794 program.

3795 (11) [Deleted]

3796 (12) **Eligible courses for dual credit programs.** Courses  
3797 eligible for dual credit include, but are not necessarily limited  
3798 to, foreign languages, advanced math courses, advanced science  
3799 courses, performing arts, advanced business and technology, and  
3800 career and technical courses. Distance Learning Collaborative  
3801 Program courses approved under Section 37-67-1 shall be fully  
3802 eligible for dual credit. All courses being considered for dual  
3803 credit must receive unconditional approval from the superintendent  
3804 of the local school district and the chief instructional officer  
3805 at the participating community or junior college or university in  
3806 order for college credit to be awarded. A university or community  
3807 or junior college shall make the final decision on what courses  
3808 are eligible for semester hour credits.



3809           (13) **High school Carnegie unit equivalency.** One (1)  
3810 three-hour university or community or junior college course is  
3811 equal to one (1) high school Carnegie unit.

3812           (14) **Course alignment.** The universities, community and  
3813 junior colleges and the State Department of Education shall  
3814 periodically review their respective policies and assess the place  
3815 of dual credit courses within the context of their traditional  
3816 offerings.

3817           (15) **Maximum dual credits allowed.** It is the intent of the  
3818 dual enrollment program to make it possible for every eligible  
3819 student who desires to earn a semester's worth of college credit  
3820 in high school to do so. A qualified dually enrolled high school  
3821 student must be allowed to earn an unlimited number of college or  
3822 university credits for dual credit.

3823           (16) **Dual credit program allowances.** A student may be  
3824 granted credit delivered through the following means:

3825                   (a) Examination preparation taught at a high school by  
3826 a qualified teacher. A student may receive credit at the  
3827 secondary level after completion of an approved course and passing  
3828 the standard examination, such as an Advanced Placement or  
3829 International Baccalaureate course through which a high school  
3830 student is allowed CLEP credit by making a three (3) or higher on  
3831 the end-of-course examination.

3832                   (b) College or university courses taught at a high  
3833 school or designated postsecondary site by a qualified teacher who



3834 is an employee of the school district and approved as an  
3835 instructor by the collaborating college or university.

3836 (c) College or university courses taught at a college,  
3837 university or high school by an instructor employed by the college  
3838 or university and approved by the collaborating school district.

3839 (d) Online courses of any public university, community  
3840 or junior college in Mississippi.

3841 (17) **Qualifications of dual credit instructors.** A dual  
3842 credit academic instructor must meet the requirements set forth by  
3843 the regional accrediting association (Southern Association of  
3844 College and Schools). University and community and junior college  
3845 personnel have the sole authority in the selection of dual credit  
3846 instructors.

3847 A dual credit career and technical education instructor must  
3848 meet the requirements set forth by the Mississippi Community  
3849 College Board in the qualifications manual for postsecondary  
3850 career and technical personnel.

3851 (18) **Guidance on local agreements.** The Chief Academic  
3852 Officer of the State Board of Trustees of State Institutions of  
3853 Higher Learning and the Chief Instructional Officers of the  
3854 Mississippi Community College Board and the State Department of  
3855 Education, working collaboratively, shall develop a template to be  
3856 used by the individual community and junior colleges and  
3857 institutions of higher learning for consistent implementation of  
3858 the dual enrollment program throughout the State of Mississippi.



3859           (19)   **Mississippi Works Dual Enrollment-Dual Credit Option.**  
3860   A local school board and the local community colleges board shall  
3861   establish a Mississippi Works Dual Enrollment-Dual Credit Option  
3862   Program under which potential or recent student dropouts may  
3863   dually enroll in their home school and a local community college  
3864   in a dual credit program consisting of high school completion  
3865   coursework and a community college credential, certificate or  
3866   degree program.  Students completing the dual enrollment-credit  
3867   option may obtain their high school diploma while obtaining a  
3868   community college credential, certificate or degree.  The  
3869   Mississippi Department of Employment Security shall assist  
3870   students who have successfully completed the Mississippi Works  
3871   Dual Enrollment-Dual Credit Option in securing a job upon the  
3872   application of the student or the participating school or  
3873   community college.  The Mississippi Works Dual Enrollment-Dual  
3874   Credit Option Program will be implemented statewide in the  
3875   2012-2013 school year and thereafter.  The State Board of  
3876   Education, local school board and the local community college  
3877   board shall establish criteria for the Dual Enrollment-Dual Credit  
3878   Program.  Students enrolled in the program will not be eligible to  
3879   participate in interscholastic sports or other extracurricular  
3880   activities at the home school district.  Tuition and costs for  
3881   community college courses offered under the Dual Enrollment-Dual  
3882   Credit Program shall not be charged to the student, parents or  
3883   legal guardians.  When dually enrolled, the student shall be



3884 counted, for \* \* \* uniform per student funding formula purposes,  
3885 in the \* \* \* enrollment of the public school district in which the  
3886 student attends high school \* \* \*. Any transportation required by  
3887 the student to participate in the Dual Enrollment-Dual Credit  
3888 Program is the responsibility of the parent or legal guardian of  
3889 the student, and transportation costs may be paid from any  
3890 available public or private sources, including the local school  
3891 district. Grades and college credits earned by a student admitted  
3892 to this Dual Enrollment-Dual Credit Program shall be recorded on  
3893 the high school student record and on the college transcript at  
3894 the community college and high school where the student attends  
3895 classes. The transcript of the community college coursework may  
3896 be released to another institution or applied toward college  
3897 graduation requirements. Any course that is required for subject  
3898 area testing as a requirement for graduation from a public school  
3899 in Mississippi is eligible for dual credit, and courses eligible  
3900 for dual credit shall also include career, technical and degree  
3901 program courses. All courses eligible for dual credit shall be  
3902 approved by the superintendent of the local school district and  
3903 the chief instructional officer at the participating community  
3904 college in order for college credit to be awarded. A community  
3905 college shall make the final decision on what courses are eligible  
3906 for semester hour credits and the local school superintendent,  
3907 subject to approval by the Mississippi Department of Education,



3908 shall make the final decision on the transfer of college courses  
3909 credited to the student's high school transcript.

3910           **SECTION 60.** Section 37-16-3, Mississippi Code of 1972, is  
3911 amended as follows:

3912           37-16-3. (1) The State Department of Education is directed  
3913 to implement a program of statewide assessment testing which shall  
3914 provide for the improvement of the operation and management of the  
3915 public schools. The statewide program shall be timed, as far as  
3916 possible, so as not to conflict with ongoing district assessment  
3917 programs. As part of the program, the department shall:

3918           (a) Establish, with the approval of the State Board of  
3919 Education, minimum performance standards related to the goals for  
3920 education contained in the state's plan including, but not limited  
3921 to, basic skills in reading, writing and mathematics. The minimum  
3922 performance standards shall be approved by April 1 in each year  
3923 they are established.

3924           (b) Conduct a uniform statewide testing program in  
3925 grades deemed appropriate in the public schools, including charter  
3926 schools. The program may test skill areas, basic skills and high  
3927 school course content.

3928           (c) Monitor the results of the assessment program and,  
3929 at any time the composite student performance of a school or basic  
3930 program is found to be below the established minimum standards,  
3931 notify the district superintendent or the governing board of the  
3932 charter school, as the case may be, the school principal and the



3933 school advisory committee or other existing parent group of the  
3934 situation within thirty (30) days of its determination. The  
3935 department shall further provide technical assistance to a school  
3936 district in the identification of the causes of this deficiency  
3937 and shall recommend courses of action for its correction.

3938 (d) Provide technical assistance to the school  
3939 districts, when requested, in the development of student  
3940 performance standards in addition to the established minimum  
3941 statewide standards.

3942 (e) Issue security procedure regulations providing for  
3943 the security and integrity of the tests that are administered  
3944 under the basic skills assessment program.

3945 (f) In case of an allegation of a testing irregularity  
3946 that prompts a need for an investigation by the Department of  
3947 Education, the department may, in its discretion, take complete  
3948 control of the statewide test administration in a school district  
3949 or any part thereof, including, but not limited to, obtaining  
3950 control of the test booklets and answer documents. In the case of  
3951 any verified testing irregularity that jeopardized the security  
3952 and integrity of the test(s), validity or the accuracy of the test  
3953 results, the cost of the investigation and any other actual and  
3954 necessary costs related to the investigation paid by the  
3955 Department of Education shall be reimbursed by the local school  
3956 district from funds other than federal funds, \* \* \* uniform per  
3957 student funding formula funds, or any other state funds within six



3958 (6) months from the date of notice by the department to the school  
3959 district to make reimbursement to the department.

3960 (2) Uniform basic skills tests shall be completed by each  
3961 student in the appropriate grade. These tests shall be  
3962 administered in such a manner as to preserve the integrity and  
3963 validity of the assessment. In the event of excused or unexcused  
3964 student absences, make-up tests shall be given. The school  
3965 superintendent of every school district in the state and the  
3966 principal of each charter school shall annually certify to the  
3967 State Department of Education that each student enrolled in the  
3968 appropriate grade has completed the required basic skills  
3969 assessment test for his or her grade in a valid test  
3970 administration.

3971 (3) Within five (5) days of completing the administration of  
3972 a statewide test, the principal of the school where the test was  
3973 administered shall certify under oath to the State Department of  
3974 Education that the statewide test was administered in strict  
3975 accordance with the Requirements of the Mississippi Statewide  
3976 Assessment System as adopted by the State Board of Education. The  
3977 principal's sworn certification shall be set forth on a form  
3978 developed and approved by the Department of Education. If,  
3979 following the administration of a statewide test, the principal  
3980 has reason to believe that the test was not administered in strict  
3981 accordance with the Requirements of the Mississippi Statewide  
3982 Assessment System as adopted by the State Board of Education, the



3983 principal shall submit a sworn certification to the Department of  
3984 Education setting forth all information known or believed by the  
3985 principal about all potential violations of the Requirements of  
3986 the Mississippi Statewide Assessment System as adopted by the  
3987 State Board of Education. The submission of false information or  
3988 false certification to the Department of Education by any licensed  
3989 educator may result in licensure disciplinary action pursuant to  
3990 Section 37-3-2 and criminal prosecution pursuant to Section  
3991 37-16-4.

3992       **SECTION 61.** Section 37-17-6, Mississippi Code of 1972, is  
3993 amended as follows:

3994       37-17-6. (1) The State Board of Education, acting through  
3995 the Commission on School Accreditation, shall establish and  
3996 implement a permanent performance-based accreditation system, and  
3997 all noncharter public elementary and secondary schools shall be  
3998 accredited under this system.

3999       (2) \* \* \* The State Board of Education, acting through the  
4000 Commission on School Accreditation, shall require school districts  
4001 to provide school classroom space that is air-conditioned as a  
4002 minimum requirement for accreditation.

4003       (3) (a) \* \* \* The State Board of Education, acting through  
4004 the Commission on School Accreditation, shall require that school  
4005 districts employ certified school librarians according to the  
4006 following formula:

4007               Number of Students                               Number of Certified



4008	Per School Library	School Librarians
4009	0 - 499 Students	1/2 Full-time Equivalent
4010		Certified Librarian
4011	500 or More Students	1 Full-time Certified
4012		Librarian

4013 (b) The State Board of Education, however, may increase  
4014 the number of positions beyond the above requirements.

4015 (c) The assignment of certified school librarians to  
4016 the particular schools shall be at the discretion of the local  
4017 school district. No individual shall be employed as a certified  
4018 school librarian without appropriate training and certification as  
4019 a school librarian by the State Department of Education.

4020 (d) School librarians in the district shall spend at  
4021 least fifty percent (50%) of direct work time in a school library  
4022 and shall devote no more than one-fourth (1/4) of the workday to  
4023 administrative activities that are library related.

4024 (e) Nothing in this subsection shall prohibit any  
4025 school district from employing more certified school librarians  
4026 than are provided for in this section.

4027 (f) Any additional millage levied to fund school  
4028 librarians required for accreditation under this subsection shall  
4029 be included in the tax increase limitation set forth in Sections  
4030 37-57-105 and 37-57-107 and shall not be deemed a new program for  
4031 purposes of the limitation.



4032           (4) On or before December 31, 2002, the State Board of  
4033 Education shall implement the performance-based accreditation  
4034 system for school districts and for individual noncharter public  
4035 schools which shall include the following:

4036                   (a) High expectations for students and high standards  
4037 for all schools, with a focus on the basic curriculum;

4038                   (b) Strong accountability for results with appropriate  
4039 local flexibility for local implementation;

4040                   (c) A process to implement accountability at both the  
4041 school district level and the school level;

4042                   (d) Individual schools shall be held accountable for  
4043 student growth and performance;

4044                   (e) Set annual performance standards for each of the  
4045 schools of the state and measure the performance of each school  
4046 against itself through the standard that has been set for it;

4047                   (f) A determination of which schools exceed their  
4048 standards and a plan for providing recognition and rewards to  
4049 those schools;

4050                   (g) A determination of which schools are failing to  
4051 meet their standards and a determination of the appropriate role  
4052 of the State Board of Education and the State Department of  
4053 Education in providing assistance and initiating possible  
4054 intervention. A failing district is a district that fails to meet  
4055 both the absolute student achievement standards and the rate of  
4056 annual growth expectation standards as set by the State Board of



4057 Education for two (2) consecutive years. The State Board of  
4058 Education shall establish the level of benchmarks by which  
4059 absolute student achievement and growth expectations shall be  
4060 assessed. In setting the benchmarks for school districts, the  
4061 State Board of Education may also take into account such factors  
4062 as graduation rates, dropout rates, completion rates, the extent  
4063 to which the school or district employs qualified teachers in  
4064 every classroom, and any other factors deemed appropriate by the  
4065 State Board of Education. The State Board of Education, acting  
4066 through the State Department of Education, shall apply a simple  
4067 "A," "B," "C," "D" and "F" designation to the current school and  
4068 school district statewide accountability performance  
4069 classification labels beginning with the State Accountability  
4070 Results for the 2011-2012 school year and following, and in the  
4071 school, district and state report cards required under state and  
4072 federal law. Under the new designations, a school or school  
4073 district that has earned a "Star" rating shall be designated an  
4074 "A" school or school district; a school or school district that  
4075 has earned a "High-Performing" rating shall be designated a "B"  
4076 school or school district; a school or school district that has  
4077 earned a "Successful" rating shall be designated a "C" school or  
4078 school district; a school or school district that has earned an  
4079 "Academic Watch" rating shall be designated a "D" school or school  
4080 district; a school or school district that has earned a  
4081 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall



4082 be designated an "F" school or school district. Effective with  
4083 the implementation of any new curriculum and assessment standards,  
4084 the State Board of Education, acting through the State Department  
4085 of Education, is further authorized and directed to change the  
4086 school and school district accreditation rating system to a simple  
4087 "A," "B," "C," "D," and "F" designation based on a combination of  
4088 student achievement scores and student growth as measured by the  
4089 statewide testing programs developed by the State Board of  
4090 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
4091 1972. In any statute or regulation containing the former  
4092 accreditation designations, the new designations shall be  
4093 applicable;

4094 (h) Development of a comprehensive student assessment  
4095 system to implement these requirements; and

4096 (i) The State Board of Education may, based on a  
4097 written request that contains specific reasons for requesting a  
4098 waiver from the school districts affected by Hurricane Katrina of  
4099 2005, hold harmless school districts from assignment of district  
4100 and school level accountability ratings for the 2005-2006 school  
4101 year. The State Board of Education upon finding an extreme  
4102 hardship in the school district may grant the request. It is the  
4103 intent of the Legislature that all school districts maintain the  
4104 highest possible academic standards and instructional programs in  
4105 all schools as required by law and the State Board of Education.



4106 (5) (a) Effective with the 2013-2014 school year, the State  
4107 Department of Education, acting through the Mississippi Commission  
4108 on School Accreditation, shall revise and implement a single "A"  
4109 through "F" school and school district accountability system  
4110 complying with applicable federal and state requirements in order  
4111 to reach the following educational goals:

4112 (i) To mobilize resources and supplies to ensure  
4113 that all students exit third grade reading on grade level by 2015;

4114 (ii) To reduce the student dropout rate to  
4115 thirteen percent (13%) by 2015; and

4116 (iii) To have sixty percent (60%) of students  
4117 scoring proficient and advanced on the assessments of the Common  
4118 Core State Standards by 2016 with incremental increases of three  
4119 percent (3%) each year thereafter.

4120 (b) The State Department of Education shall combine the  
4121 state school and school district accountability system with the  
4122 federal system in order to have a single system.

4123 (c) The State Department of Education shall establish  
4124 five (5) performance categories ("A," "B," "C," "D" and "F") for  
4125 the accountability system based on the following criteria:

4126 (i) Student Achievement: the percent of students  
4127 proficient and advanced on the current state assessments;

4128 (ii) Individual student growth: the percent of  
4129 students making one (1) year's progress in one (1) year's time on  
4130 the state assessment, with an emphasis on the progress of the



4131 lowest twenty-five percent (25%) of students in the school or  
4132 district;

4133 (iii) Four-year graduation rate: the percent of  
4134 students graduating with a standard high school diploma in four  
4135 (4) years, as defined by federal regulations;

4136 (iv) Categories shall identify schools as Reward  
4137 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If  
4138 at least five percent (5%) of schools in the state are not graded  
4139 as "F" schools, the lowest five percent (5%) of school grade point  
4140 designees will be identified as Priority schools. If at least ten  
4141 percent (10%) of schools in the state are not graded as "D"  
4142 schools, the lowest ten percent (10%) of school grade point  
4143 designees will be identified as Focus schools;

4144 (v) The State Department of Education shall  
4145 discontinue the use of Star School, High-Performing, Successful,  
4146 Academic Watch, Low-Performing, At-Risk of Failing and Failing  
4147 school accountability designations;

4148 (vi) The system shall include the federally  
4149 compliant four-year graduation rate in school and school district  
4150 accountability system calculations. Graduation rate will apply to  
4151 high school and school district accountability ratings as a  
4152 compensatory component. The system shall discontinue the use of  
4153 the High School Completer Index (HSCI);

4154 (vii) The school and school district  
4155 accountability system shall incorporate a standards-based growth



4156 model, in order to support improvement of individual student  
4157 learning;

4158 (viii) The State Department of Education shall  
4159 discontinue the use of the Quality Distribution Index (QDI);

4160 (ix) The State Department of Education shall  
4161 determine feeder patterns of schools that do not earn a school  
4162 grade because the grades and subjects taught at the school do not  
4163 have statewide standardized assessments needed to calculate a  
4164 school grade. Upon determination of the feeder pattern, the  
4165 department shall notify schools and school districts prior to the  
4166 release of the school grades beginning in 2013. Feeder schools  
4167 will be assigned the accountability designation of the school to  
4168 which they provide students;

4169 (x) Standards for student, school and school  
4170 district performance will be increased when student proficiency is  
4171 at a seventy-five percent (75%) and/or when sixty-five percent  
4172 (65%) of the schools and/or school districts are earning a grade  
4173 of "B" or higher, in order to raise the standard on performance  
4174 after targets are met.

4175 (6) Nothing in this section shall be deemed to require a  
4176 nonpublic school that receives no local, state or federal funds  
4177 for support to become accredited by the State Board of Education.

4178 (7) The State Board of Education shall create an  
4179 accreditation audit unit under the Commission on School



4180 Accreditation to determine whether schools are complying with  
4181 accreditation standards.

4182 (8) The State Board of Education shall be specifically  
4183 authorized and empowered to withhold \* \* \* uniform per student  
4184 funding formula allocations \* \* \* to any public school district  
4185 for failure to timely report student, school personnel and fiscal  
4186 data necessary to meet state and/or federal requirements.

4187 (9) [Deleted]

4188 (10) The State Board of Education shall establish, for those  
4189 school districts failing to meet accreditation standards, a  
4190 program of development to be complied with in order to receive  
4191 state funds, except as otherwise provided in subsection (15) of  
4192 this section when the Governor has declared a state of emergency  
4193 in a school district or as otherwise provided in Section 206,  
4194 Mississippi Constitution of 1890. The state board, in  
4195 establishing these standards, shall provide for notice to schools  
4196 and sufficient time and aid to enable schools to attempt to meet  
4197 these standards, unless procedures under subsection (15) of this  
4198 section have been invoked.

4199 (11) \* \* \* The State Board of Education shall be charged  
4200 with the implementation of the program of development in each  
4201 applicable school district as follows:

4202 (a) Develop an impairment report for each district  
4203 failing to meet accreditation standards in conjunction with school  
4204 district officials;



4205                   (b) Notify any applicable school district failing to  
4206 meet accreditation standards that it is on probation until  
4207 corrective actions are taken or until the deficiencies have been  
4208 removed. The local school district shall develop a corrective  
4209 action plan to improve its deficiencies. For district academic  
4210 deficiencies, the corrective action plan for each such school  
4211 district shall be based upon a complete analysis of the following:  
4212 student test data, student grades, student attendance reports,  
4213 student dropout data, existence and other relevant data. The  
4214 corrective action plan shall describe the specific measures to be  
4215 taken by the particular school district and school to improve:  
4216 (i) instruction; (ii) curriculum; (iii) professional development;  
4217 (iv) personnel and classroom organization; (v) student incentives  
4218 for performance; (vi) process deficiencies; and (vii) reporting to  
4219 the local school board, parents and the community. The corrective  
4220 action plan shall describe the specific individuals responsible  
4221 for implementing each component of the recommendation and how each  
4222 will be evaluated. All corrective action plans shall be provided  
4223 to the State Board of Education as may be required. The decision  
4224 of the State Board of Education establishing the probationary  
4225 period of time shall be final;

4226                   (c) Offer, during the probationary period, technical  
4227 assistance to the school district in making corrective  
4228 actions. \* \* \* Subject to the availability of funds, the State  
4229 Department of Education shall provide technical and/or financial



4230 assistance to all such school districts in order to implement each  
4231 measure identified in that district's corrective action plan  
4232 through professional development and on-site assistance. Each  
4233 such school district shall apply for and utilize all available  
4234 federal funding in order to support its corrective action plan in  
4235 addition to state funds made available under this paragraph;

4236 (d) Assign department personnel or contract, in its  
4237 discretion, with the institutions of higher learning or other  
4238 appropriate private entities with experience in the academic,  
4239 finance and other operational functions of schools to assist  
4240 school districts;

4241 (e) Provide for publication of public notice at least  
4242 one time during the probationary period, in a newspaper published  
4243 within the jurisdiction of the school district failing to meet  
4244 accreditation standards, or if no newspaper is published therein,  
4245 then in a newspaper having a general circulation therein. The  
4246 publication shall include the following: declaration of school  
4247 system's status as being on probation; all details relating to the  
4248 impairment report; and other information as the State Board of  
4249 Education deems appropriate. Public notices issued under this  
4250 section shall be subject to Section 13-3-31 and not contrary to  
4251 other laws regarding newspaper publication.

4252 (12) (a) If the recommendations for corrective action are  
4253 not taken by the local school district or if the deficiencies are  
4254 not removed by the end of the probationary period, the Commission



4255 on School Accreditation shall conduct a hearing to allow the  
4256 affected school district to present evidence or other reasons why  
4257 its accreditation should not be withdrawn. Additionally, if the  
4258 local school district violates accreditation standards that have  
4259 been determined by the policies and procedures of the State Board  
4260 of Education to be a basis for withdrawal of school district's  
4261 accreditation without a probationary period, the Commission on  
4262 School Accreditation shall conduct a hearing to allow the affected  
4263 school district to present evidence or other reasons why its  
4264 accreditation should not be withdrawn. After its consideration of  
4265 the results of the hearing, the Commission on School Accreditation  
4266 shall be authorized, with the approval of the State Board of  
4267 Education, to withdraw the accreditation of a public school  
4268 district, and issue a request to the Governor that a state of  
4269 emergency be declared in that district.

4270 (b) If the State Board of Education and the Commission  
4271 on School Accreditation determine that an extreme emergency  
4272 situation exists in a school district that jeopardizes the safety,  
4273 security or educational interests of the children enrolled in the  
4274 schools in that district and that emergency situation is believed  
4275 to be related to a serious violation or violations of  
4276 accreditation standards or state or federal law, or when a school  
4277 district meets the State Board of Education's definition of a  
4278 failing school district for two (2) consecutive full school years,  
4279 or if more than fifty percent (50%) of the schools within the



4280 school district are designated as Schools At-Risk in any one (1)  
4281 year, the State Board of Education may request the Governor to  
4282 declare a state of emergency in that school district. For  
4283 purposes of this paragraph, the declarations of a state of  
4284 emergency shall not be limited to those instances when a school  
4285 district's impairments are related to a lack of financial  
4286 resources, but also shall include serious failure to meet minimum  
4287 academic standards, as evidenced by a continued pattern of poor  
4288 student performance.

4289 (c) Whenever the Governor declares a state of emergency  
4290 in a school district in response to a request made under paragraph  
4291 (a) or (b) of this subsection, the State Board of Education may  
4292 take one or more of the following actions:

4293 (i) Declare a state of emergency, under which some  
4294 or all of state funds can be escrowed except as otherwise provided  
4295 in Section 206, Constitution of 1890, until the board determines  
4296 corrective actions are being taken or the deficiencies have been  
4297 removed, or that the needs of students warrant the release of  
4298 funds. The funds may be released from escrow for any program  
4299 which the board determines to have been restored to standard even  
4300 though the state of emergency may not as yet be terminated for the  
4301 district as a whole;

4302 (ii) Override any decision of the local school  
4303 board or superintendent of education, or both, concerning the  
4304 management and operation of the school district, or initiate and



4305 make decisions concerning the management and operation of the  
4306 school district;

4307           (iii) Assign an interim superintendent, or in its  
4308 discretion, contract with a private entity with experience in the  
4309 academic, finance and other operational functions of schools and  
4310 school districts, who will have those powers and duties prescribed  
4311 in subsection (15) of this section;

4312           (iv) Grant transfers to students who attend this  
4313 school district so that they may attend other accredited schools  
4314 or districts in a manner that is not in violation of state or  
4315 federal law;

4316           (v) For states of emergency declared under  
4317 paragraph (a) only, if the accreditation deficiencies are related  
4318 to the fact that the school district is too small, with too few  
4319 resources, to meet the required standards and if another school  
4320 district is willing to accept those students, abolish that  
4321 district and assign that territory to another school district or  
4322 districts. If the school district has proposed a voluntary  
4323 consolidation with another school district or districts, then if  
4324 the State Board of Education finds that it is in the best interest  
4325 of the pupils of the district for the consolidation to proceed,  
4326 the voluntary consolidation shall have priority over any such  
4327 assignment of territory by the State Board of Education;

4328           (vi) For states of emergency declared under  
4329 paragraph (b) only, reduce local supplements paid to school



4330 district employees, including, but not limited to, instructional  
4331 personnel, assistant teachers and extracurricular activities  
4332 personnel, if the district's impairment is related to a lack of  
4333 financial resources, but only to an extent that will result in the  
4334 salaries being comparable to districts similarly situated, as  
4335 determined by the State Board of Education;

4336 (vii) For states of emergency declared under  
4337 paragraph (b) only, the State Board of Education may take any  
4338 action as prescribed in Section 37-17-13.

4339 (d) At the time that satisfactory corrective action has  
4340 been taken in a school district in which a state of emergency has  
4341 been declared, the State Board of Education may request the  
4342 Governor to declare that the state of emergency no longer exists  
4343 in the district.

4344 (e) The parent or legal guardian of a school-age child  
4345 who is enrolled in a school district whose accreditation has been  
4346 withdrawn by the Commission on School Accreditation and without  
4347 approval of that school district may file a petition in writing to  
4348 a school district accredited by the Commission on School  
4349 Accreditation for a legal transfer. The school district  
4350 accredited by the Commission on School Accreditation may grant the  
4351 transfer according to the procedures of Section 37-15-31(1)(b).  
4352 In the event the accreditation of the student's home district is  
4353 restored after a transfer has been approved, the student may  
4354 continue to attend the transferee school district. The \* \* \* per



4355 student allocation prescribed under Section 37-151-209 of  
4356 the \* \* \* uniform per student funding formula allotment \* \* \*  
4357 shall be transferred monthly to the school district accredited by  
4358 the Commission on School Accreditation that has granted the  
4359 transfer of the school-age child.

4360 (f) Upon the declaration of a state of emergency for  
4361 any school district in which the Governor has previously declared  
4362 a state of emergency, the State Board of Education may either:

4363 (i) Place the school district into district  
4364 transformation, in which the school district shall remain until it  
4365 has fulfilled all conditions related to district transformation.  
4366 If the district was assigned an accreditation rating of "D" or "F"  
4367 when placed into district transformation, the district shall be  
4368 eligible to return to local control when the school district has  
4369 attained a "C" rating or higher for five (5) consecutive years,  
4370 unless the State Board of Education determines that the district  
4371 is eligible to return to local control in less than the five-year  
4372 period;

4373 (ii) Abolish the school district and  
4374 administratively consolidate the school district with one or more  
4375 existing school districts;

4376 (iii) Reduce the size of the district and  
4377 administratively consolidate parts of the district, as determined  
4378 by the State Board of Education. However, no school district



4379 which is not in district transformation shall be required to  
4380 accept additional territory over the objection of the district; or

4381 (iv) Require the school district to develop and  
4382 implement a district improvement plan with prescriptive guidance  
4383 and support from the State Department of Education, with the goal  
4384 of helping the district improve student achievement. Failure of  
4385 the school board, superintendent and school district staff to  
4386 implement the plan with fidelity and participate in the activities  
4387 provided as support by the department shall result in the school  
4388 district retaining its eligibility for district transformation.

4389 (g) There is established a Mississippi Recovery School  
4390 District within the State Department of Education under the  
4391 supervision of a deputy superintendent appointed by the State  
4392 Superintendent of Public Education, who is subject to the approval  
4393 by the State Board of Education. The Mississippi Recovery School  
4394 District shall provide leadership and oversight of all school  
4395 districts that are subject to district transformation status, as  
4396 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,  
4397 and shall have all the authority granted under these two (2)  
4398 chapters. The \* \* \* State Department of Education, with the  
4399 approval of the State Board of Education, shall develop policies  
4400 for the operation and management of the Mississippi Recovery  
4401 School District. The deputy state superintendent is responsible  
4402 for the Mississippi Recovery School District and shall be  
4403 authorized to oversee the administration of the Mississippi



4404 Recovery School District, oversee the interim superintendent  
4405 assigned by the State Board of Education to a local school  
4406 district, hear appeals that would normally be filed by students,  
4407 parents or employees and heard by a local school board, which  
4408 hearings on appeal shall be conducted in a prompt and timely  
4409 manner in the school district from which the appeal originated in  
4410 order to ensure the ability of appellants, other parties and  
4411 witnesses to appeal without undue burden of travel costs or loss  
4412 of time from work, and perform other related duties as assigned by  
4413 the State Superintendent of Public Education. The deputy state  
4414 superintendent is responsible for the Mississippi Recovery School  
4415 District and shall determine, based on rigorous professional  
4416 qualifications set by the State Board of Education, the  
4417 appropriate individuals to be engaged to be interim  
4418 superintendents and financial advisors, if applicable, of all  
4419 school districts subject to district transformation status. After  
4420 State Board of Education approval, these individuals shall be  
4421 deemed independent contractors.

4422 (13) Upon the declaration of a state of emergency in a  
4423 school district under subsection (12) of this section, the  
4424 Commission on School Accreditation shall be responsible for public  
4425 notice at least once a week for at least three (3) consecutive  
4426 weeks in a newspaper published within the jurisdiction of the  
4427 school district failing to meet accreditation standards, or if no  
4428 newspaper is published therein, then in a newspaper having a



4429 general circulation therein. The size of the notice shall be no  
4430 smaller than one-fourth (1/4) of a standard newspaper page and  
4431 shall be printed in bold print. If an interim superintendent has  
4432 been appointed for the school district, the notice shall begin as  
4433 follows: "By authority of Section 37-17-6, Mississippi Code of  
4434 1972, as amended, adopted by the Mississippi Legislature during  
4435 the 1991 Regular Session, this school district (name of school  
4436 district) is hereby placed under the jurisdiction of the State  
4437 Department of Education acting through its appointed interim  
4438 superintendent (name of interim superintendent)."

4439 The notice also shall include, in the discretion of the State  
4440 Board of Education, any or all details relating to the school  
4441 district's emergency status, including the declaration of a state  
4442 of emergency in the school district and a description of the  
4443 district's impairment deficiencies, conditions of any district  
4444 transformation status and corrective actions recommended and being  
4445 taken. Public notices issued under this section shall be subject  
4446 to Section 13-3-31 and not contrary to other laws regarding  
4447 newspaper publication.

4448 Upon termination of the state of emergency in a school  
4449 district, the Commission on School Accreditation shall cause  
4450 notice to be published in the school district in the same manner  
4451 provided in this section, to include any or all details relating  
4452 to the corrective action taken in the school district that  
4453 resulted in the termination of the state of emergency.



4454           (14) The State Board of Education or the Commission on  
4455 School Accreditation shall have the authority to require school  
4456 districts to produce the necessary reports, correspondence,  
4457 financial statements, and any other documents and information  
4458 necessary to fulfill the requirements of this section.

4459           Nothing in this section shall be construed to grant any  
4460 individual, corporation, board or interim superintendent the  
4461 authority to levy taxes except in accordance with presently  
4462 existing statutory provisions.

4463           (15) (a) Whenever the Governor declares a state of  
4464 emergency in a school district in response to a request made under  
4465 subsection (12) of this section, the State Board of Education, in  
4466 its discretion, may assign an interim superintendent to the school  
4467 district, or in its discretion, may contract with an appropriate  
4468 private entity with experience in the academic, finance and other  
4469 operational functions of schools and school districts, who will be  
4470 responsible for the administration, management and operation of  
4471 the school district, including, but not limited to, the following  
4472 activities:

4473                       (i) Approving or disapproving all financial  
4474 obligations of the district, including, but not limited to, the  
4475 employment, termination, nonrenewal and reassignment of all  
4476 licensed and nonlicensed personnel, contractual agreements and  
4477 purchase orders, and approving or disapproving all claim dockets  
4478 and the issuance of checks; in approving or disapproving



4479 employment contracts of superintendents, assistant superintendents  
4480 or principals, the interim superintendent shall not be required to  
4481 comply with the time limitations prescribed in Sections 37-9-15  
4482 and 37-9-105;

4483                   (ii) Supervising the day-to-day activities of the  
4484 district's staff, including reassigning the duties and  
4485 responsibilities of personnel in a manner which, in the  
4486 determination of the interim superintendent, will best suit the  
4487 needs of the district;

4488                   (iii) Reviewing the district's total financial  
4489 obligations and operations and making recommendations to the  
4490 district for cost savings, including, but not limited to,  
4491 reassigning the duties and responsibilities of staff;

4492                   (iv) Attending all meetings of the district's  
4493 school board and administrative staff;

4494                   (v) Approving or disapproving all athletic, band  
4495 and other extracurricular activities and any matters related to  
4496 those activities;

4497                   (vi) Maintaining a detailed account of  
4498 recommendations made to the district and actions taken in response  
4499 to those recommendations;

4500                   (vii) Reporting periodically to the State Board of  
4501 Education on the progress or lack of progress being made in the  
4502 district to improve the district's impairments during the state of  
4503 emergency; and



4504 (viii) Appointing a parent advisory committee,  
4505 comprised of parents of students in the school district that may  
4506 make recommendations to the interim superintendent concerning the  
4507 administration, management and operation of the school district.

4508 The cost of the salary of the interim superintendent and any  
4509 other actual and necessary costs related to district  
4510 transformation status paid by the State Department of Education  
4511 shall be reimbursed by the local school district from funds other  
4512 than \* \* \* uniform per student funding formula funds. The  
4513 department shall submit an itemized statement to the  
4514 superintendent of the local school district for reimbursement  
4515 purposes, and any unpaid balance may be withheld from the  
4516 district's \* \* \* uniform per student funding formula funds.

4517 At the time that the Governor, in accordance with the request  
4518 of the State Board of Education, declares that the state of  
4519 emergency no longer exists in a school district, the powers and  
4520 responsibilities of the interim superintendent assigned to the  
4521 district shall cease.

4522 (b) In order to provide loans to school districts under  
4523 a state of emergency or in district transformation status that  
4524 have impairments related to a lack of financial resources, the  
4525 School District Emergency Assistance Fund is created as a special  
4526 fund in the State Treasury into which monies may be transferred or  
4527 appropriated by the Legislature from any available public  
4528 education funds. Funds in the School District Emergency



4529 Assistance Fund up to a maximum balance of Three Million Dollars  
4530 (\$3,000,000.00) annually shall not lapse but shall be available  
4531 for expenditure in subsequent years subject to approval of the  
4532 State Board of Education. Any amount in the fund in excess of  
4533 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
4534 year shall lapse into the State General Fund or the Education  
4535 Enhancement Fund, depending on the source of the fund.

4536         The State Board of Education may loan monies from the School  
4537 District Emergency Assistance Fund to a school district that is  
4538 under a state of emergency or in district transformation status,  
4539 in those amounts, as determined by the board, that are necessary  
4540 to correct the district's impairments related to a lack of  
4541 financial resources. The loans shall be evidenced by an agreement  
4542 between the school district and the State Board of Education and  
4543 shall be repayable in principal, without necessity of interest, to  
4544 the School District Emergency Assistance Fund by the school  
4545 district from any allowable funds that are available. The total  
4546 amount loaned to the district shall be due and payable within five  
4547 (5) years after the impairments related to a lack of financial  
4548 resources are corrected. If a school district fails to make  
4549 payments on the loan in accordance with the terms of the agreement  
4550 between the district and the State Board of Education, the State  
4551 Department of Education, in accordance with rules and regulations  
4552 established by the State Board of Education, may withhold that  
4553 district's \* \* \* uniform per student funding formula funds in an



4554 amount and manner that will effectuate repayment consistent with  
4555 the terms of the agreement; the funds withheld by the department  
4556 shall be deposited into the School District Emergency Assistance  
4557 Fund.

4558         The State Board of Education shall develop a protocol that  
4559 will outline the performance standards and requisite timeline  
4560 deemed necessary for extreme emergency measures. If the State  
4561 Board of Education determines that an extreme emergency exists,  
4562 simultaneous with the powers exercised in this subsection, it  
4563 shall take immediate action against all parties responsible for  
4564 the affected school districts having been determined to be in an  
4565 extreme emergency. The action shall include, but not be limited  
4566 to, initiating civil actions to recover funds and criminal actions  
4567 to account for criminal activity. Any funds recovered by the  
4568 State Auditor or the State Board of Education from the surety  
4569 bonds of school officials or from any civil action brought under  
4570 this subsection shall be applied toward the repayment of any loan  
4571 made to a school district hereunder.

4572         (16) If a majority of the membership of the school board of  
4573 any school district resigns from office, the State Board of  
4574 Education shall be authorized to assign an interim superintendent,  
4575 who shall be responsible for the administration, management and  
4576 operation of the school district until the time as new board  
4577 members are selected or the Governor declares a state of emergency  
4578 in that school district under subsection (12), whichever occurs



4579 first. In that case, the State Board of Education, acting through  
4580 the interim superintendent, shall have all powers which were held  
4581 by the previously existing school board, and may take any action  
4582 as prescribed in Section 37-17-13 and/or one or more of the  
4583 actions authorized in this section.

4584 (17) (a) If the Governor declares a state of emergency in a  
4585 school district, the State Board of Education may take all such  
4586 action pertaining to that school district as is authorized under  
4587 subsection (12) or (15) of this section, including the appointment  
4588 of an interim superintendent. The State Board of Education shall  
4589 also have the authority to issue a written request with  
4590 documentation to the Governor asking that the office of the  
4591 superintendent of the school district be subject to recall. If  
4592 the Governor declares that the office of the superintendent of the  
4593 school district is subject to recall, the local school board or  
4594 the county election commission, as the case may be, shall take the  
4595 following action:

4596 (i) If the office of superintendent is an elected  
4597 office, in those years in which there is no general election, the  
4598 name shall be submitted by the State Board of Education to the  
4599 county election commission, and the county election commission  
4600 shall submit the question at a special election to the voters  
4601 eligible to vote for the office of superintendent within the  
4602 county, and the special election shall be held within sixty (60)



4603 days from notification by the State Board of Education. The  
4604 ballot shall read substantially as follows:

4605 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
4606 name of the superintendent shall be inserted) of the \_\_\_\_\_  
4607 (here the title of the school district shall be inserted) be  
4608 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4609 If a majority of those voting on the question votes against  
4610 retaining the superintendent in office, a vacancy shall exist  
4611 which shall be filled in the manner provided by law; otherwise,  
4612 the superintendent shall remain in office for the term of that  
4613 office, and at the expiration of the term shall be eligible for  
4614 qualification and election to another term or terms.

4615 (ii) If the office of superintendent is an  
4616 appointive office, the name of the superintendent shall be  
4617 submitted by the president of the local school board at the next  
4618 regular meeting of the school board for retention in office or  
4619 dismissal from office. If a majority of the school board voting  
4620 on the question vote against retaining the superintendent in  
4621 office, a vacancy shall exist which shall be filled as provided by  
4622 law, otherwise the superintendent shall remain in office for the  
4623 duration of his employment contract.

4624 (b) The State Board of Education may issue a written  
4625 request with documentation to the Governor asking that the  
4626 membership of the school board of the school district shall be  
4627 subject to recall. Whenever the Governor declares that the



4628 membership of the school board is subject to recall, the county  
4629 election commission or the local governing authorities, as the  
4630 case may be, shall take the following action:

4631 (i) If the members of the local school board are  
4632 elected to office, in those years in which the specific member's  
4633 office is not up for election, the name of the school board member  
4634 shall be submitted by the State Board of Education to the county  
4635 election commission, and the county election commission at a  
4636 special election shall submit the question to the voters eligible  
4637 to vote for the particular member's office within the county or  
4638 school district, as the case may be, and the special election  
4639 shall be held within sixty (60) days from notification by the  
4640 State Board of Education. The ballot shall read substantially as  
4641 follows:

4642 "Members of the \_\_\_\_\_ (here the title of the school  
4643 district shall be inserted) School Board who are not up for  
4644 election this year are subject to recall because of the school  
4645 district's failure to meet critical accountability standards as  
4646 defined in the letter of notification to the Governor from the  
4647 State Board of Education. Shall the member of the school board  
4648 representing this area, \_\_\_\_\_ (here the name of the school  
4649 board member holding the office shall be inserted), be retained in  
4650 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4651 If a majority of those voting on the question vote against  
4652 retaining the member of the school board in office, a vacancy in



4653 that board member's office shall exist, which shall be filled in  
4654 the manner provided by law; otherwise, the school board member  
4655 shall remain in office for the term of that office, and at the  
4656 expiration of the term of office, the member shall be eligible for  
4657 qualification and election to another term or terms of office.  
4658 However, if a majority of the school board members are recalled in  
4659 the special election, the Governor shall authorize the board of  
4660 supervisors of the county in which the school district is situated  
4661 to appoint members to fill the offices of the members recalled.  
4662 The board of supervisors shall make those appointments in the  
4663 manner provided by law for filling vacancies on the school board,  
4664 and the appointed members shall serve until the office is filled  
4665 at the next regular special election or general election.

4666           (ii) If the local school board is an appointed  
4667 school board, the name of all school board members shall be  
4668 submitted as a collective board by the president of the municipal  
4669 or county governing authority, as the case may be, at the next  
4670 regular meeting of the governing authority for retention in office  
4671 or dismissal from office. If a majority of the governing  
4672 authority voting on the question vote against retaining the board  
4673 in office, a vacancy shall exist in each school board member's  
4674 office, which shall be filled as provided by law; otherwise, the  
4675 members of the appointed school board shall remain in office for  
4676 the duration of their term of appointment, and those members may  
4677 be reappointed.



4678 (iii) If the local school board is comprised of  
4679 both elected and appointed members, the elected members shall be  
4680 subject to recall in the manner provided in subparagraph (i) of  
4681 this paragraph (b), and the appointed members shall be subject to  
4682 recall in the manner provided in subparagraph (ii).

4683 (18) \* \* \* The State Board of Education, acting through the  
4684 Commission on School Accreditation, shall require each school  
4685 district to comply with standards established by the State  
4686 Department of Audit for the verification of fixed assets and the  
4687 auditing of fixed assets records as a minimum requirement for  
4688 accreditation.

4689 (19) \* \* \* [Deleted]

4690 The State Superintendent of Public Education and the State  
4691 Board of Education also shall develop a comprehensive  
4692 accountability plan to ensure that local school boards,  
4693 superintendents, principals and teachers are held accountable for  
4694 student achievement. \* \* \*

4695 (20) Before January 1, 2008, the State Board of Education  
4696 shall evaluate and submit a recommendation to the Education  
4697 Committees of the House of Representatives and the Senate on  
4698 inclusion of graduation rate and dropout rate in the school level  
4699 accountability system.

4700 (21) If a local school district is determined as failing and  
4701 placed into district transformation status for reasons authorized  
4702 by the provisions of this section, the interim superintendent



4703 appointed to the district shall, within forty-five (45) days after  
4704 being appointed, present a detailed and structured corrective  
4705 action plan to move the local school district out of district  
4706 transformation status to the deputy superintendent. A copy of the  
4707 interim superintendent's corrective action plan shall also be  
4708 filed with the State Board of Education.

4709         **SECTION 62.** Section 37-17-17, Mississippi Code of 1972, is  
4710 amended as follows:

4711         37-17-17. (1) There is created the Mississippi Achievement  
4712 School District for the purpose of transforming persistently  
4713 failing public schools and districts throughout the state into  
4714 quality educational institutions. The Mississippi Achievement  
4715 School District shall be a statewide school district, separate and  
4716 distinct from all other school districts but not confined to any  
4717 specified geographic boundaries, and may be comprised of any  
4718 public schools or school districts in the state which, during two  
4719 (2) consecutive school years, are designated an "F" school or  
4720 district by the State Board of Education under the accountability  
4721 rating system or which have been persistently failing and  
4722 chronically underperforming.

4723         (2) The Mississippi Achievement School District shall be  
4724 governed by the State Board of Education.

4725         (3) The State Board of Education shall obtain suitable  
4726 office space to serve as the administrative office of the school  
4727 district.



4728           (4) The State Board of Education shall select an individual  
4729 to serve as superintendent of the Mississippi Achievement School  
4730 District. The superintendent must be deemed by the board to be  
4731 highly qualified with a demonstrable track record for producing  
4732 results in a context relevant to that of Mississippi Achievement  
4733 School District schools. The superintendent of the Mississippi  
4734 Achievement School District shall exercise powers and duties that  
4735 would afford significant autonomy but are bound by the governance  
4736 of the State Board of Education.

4737           (5) (a) Each public school or district in the state which,  
4738 during each of two (2) consecutive school years or during two (2)  
4739 of three (3) consecutive school years, receives an "F" designation  
4740 by the State Board of Education under the accountability rating  
4741 system or has been persistently failing as defined by the State  
4742 Board of Education may be absorbed into and become a part of the  
4743 Mississippi Achievement School District. All eligible public  
4744 schools and districts shall be prioritized by the Mississippi  
4745 Achievement School District according to criteria set by the  
4746 Mississippi Achievement School District and publicized prior to  
4747 the annual release of accountability rating data. The Mississippi  
4748 Achievement School District shall takeover only the number of  
4749 schools and districts for which it has the capacity to serve. The  
4750 transfer of the school's/district's governance from the local  
4751 school district to the Mississippi Achievement School District  
4752 shall take effect upon the approval of the State Board of



4753 Education unless, in the sole determination of the Mississippi  
4754 Achievement School District, the transition may be more smoothly  
4755 accomplished through a gradual transfer of control. If the  
4756 Mississippi Achievement School District elects not to assume  
4757 complete control of a school or district immediately after that  
4758 school receives an "F" designation during each of two (2)  
4759 consecutive school years or during two (2) of the three (3)  
4760 consecutive school years, the State Board of Education shall  
4761 prescribe the process and timetable by which the school or  
4762 district shall be absorbed; however, in no event may the transfer  
4763 of the school or district to the Mississippi Achievement School  
4764 District be completed later than the beginning of the school year  
4765 next succeeding the year during which the school or district  
4766 receives the "F" designation. School districts that are eligible  
4767 to be absorbed by the Achievement School District, but are not  
4768 absorbed due to the capacity of the Achievement School District,  
4769 shall develop and implement a district improvement plan with  
4770 prescriptive guidance and support from the Mississippi Department  
4771 of Education, with the goal of helping the district improve  
4772 student achievement. Failure of the school board, superintendent  
4773 and school district staff to implement the plan with fidelity and  
4774 participate in the activities provided as support by the  
4775 department shall result in the school district retaining its  
4776 eligibility for the Mississippi Achievement School District.



4777                   (b) The State Board of Education shall adopt rules and  
4778 regulations governing the operation of the Mississippi Achievement  
4779 School District.

4780                   (c) Designations assigned to schools or districts under  
4781 the accountability rating system by the State Board of Education  
4782 before the 2015-2016 school year may not be considered in  
4783 determining whether a particular school or district is subject to  
4784 being absorbed by the Mississippi Achievement School District.  
4785 During the 2017-2018 school year, any school or district receiving  
4786 an "F" designation after also being designated an "F" school or  
4787 district in the 2015-2016 and 2016-2017 school years may be  
4788 absorbed immediately by the Mississippi Achievement School  
4789 District, upon approval of the State Board of Education.

4790                   (d) The school district from which an "F" school or  
4791 district is being absorbed must cooperate fully with the  
4792 Mississippi Achievement School District and the State Board of  
4793 Education in order to provide as smooth a transition as possible  
4794 in the school's/district's governance and operations for the  
4795 students enrolled in the school or district. Upon completion of  
4796 the transfer of a school or district to the Mississippi  
4797 Achievement School District, the school or district shall be  
4798 governed by the rules, regulations, policies and procedures  
4799 established by the State Board of Education specifically for the  
4800 Mississippi Achievement School District, and the school or  
4801 district shall no longer be under the purview of the school board



4802 of the local school district. In the event of the transfer of  
4803 governance and operations of a school district, the State Board of  
4804 Education shall abolish the district as prescribed in Section  
4805 37-17-13.

4806 (e) Upon the transfer of the school or school district  
4807 to the Mississippi Achievement School District, the individual  
4808 appointed by the State Board of Education to serve as  
4809 superintendent for the Mississippi Achievement School District  
4810 shall be responsible for the administration, management and  
4811 operation of the school or school district, including the  
4812 following activities: (i) approving or denying all financial  
4813 obligations of the school or school district; (ii) approving or  
4814 denying the employment, termination, nonrenewal and reassignment  
4815 of all licensed and nonlicensed personnel; (iii) approving or  
4816 denying contractual agreements and purchase orders; (iv)  
4817 approving or denying all claim dockets and the issuance of checks;  
4818 (v) supervising the day-to-day activities of the school or school  
4819 district's staff in a manner which in the determination of the  
4820 Mississippi Achievement School District will best suit the needs  
4821 of the school or school district; (vi) approving or denying all  
4822 athletic, band and other extracurricular activities and any  
4823 matters related to those activities; (vii) honoring any reasonable  
4824 financial commitment of the district being absorbed; and (viii)  
4825 reporting periodically to the State Board of Education on the



4826 progress or lack of progress being made in the school or school  
4827 district to improve the school or school district's impairments.

4828 (f) Upon attaining and maintaining a school or district  
4829 accountability rating of "C" or better under the State Department  
4830 of Education's accountability rating system for five (5)  
4831 consecutive years, the State Board of Education may decide to  
4832 revert the absorbed school or district back to local governance,  
4833 provided the school or school(s) in question are not conversion  
4834 charter schools. "Local governance" may include a traditional  
4835 school board model of governance or other new form of governance  
4836 such as mayoral control, or other type of governance. The State  
4837 Board of Education shall determine the best form of local  
4838 governance and school board composition after soliciting the input  
4839 of local citizens and shall outline a process for establishing the  
4840 type of governance selected. The manner and timeline for  
4841 reverting a school or district back to local control shall be at  
4842 the discretion of the State School Board, but in no case shall it  
4843 exceed five (5) years.

4844 (6) The Superintendent of the Mississippi Achievement School  
4845 District shall hire those persons to be employed as principals,  
4846 teachers and noninstructional personnel in schools or districts  
4847 absorbed into the Mississippi Achievement School District. Only  
4848 highly qualified individuals having a demonstrable record of  
4849 success may be selected by the superintendent for such positions  
4850 in the Mississippi Achievement School District. The



4851 superintendent may choose to continue the employment of any person  
4852 employed in an "F" rated school when the school or district is  
4853 absorbed into the Mississippi Achievement School District;  
4854 alternatively, the superintendent may elect not to offer continued  
4855 employment to a person formerly employed at a school or district  
4856 that is absorbed into the Mississippi Achievement School District.  
4857 Any persons employed by the Mississippi Achievement School  
4858 District shall not be subject to Sections 37-9-101 through  
4859 37-9-113.

4860       (7) (a) The Mississippi Achievement School District may use  
4861 a school building and all facilities and property that is a part  
4862 of a school and recognized as part of the facilities or assets of  
4863 the school before it is absorbed into the Mississippi Achievement  
4864 School District. In addition, the Mississippi Achievement School  
4865 District shall have access to those additional facilities that  
4866 typically were available to that school or district, its students,  
4867 faculty and staff before its absorption by the Mississippi  
4868 Achievement School District. Use of facilities by a school or  
4869 district in the Mississippi Achievement School District must be  
4870 unrestricted and free of charge. However, the Mississippi  
4871 Achievement School District shall be responsible for providing  
4872 routine maintenance and repairs necessary to maintain the  
4873 facilities in as good a condition as when the right of use was  
4874 acquired by the Mississippi Achievement School District. The  
4875 Mississippi Achievement School District shall be responsible for



4876 paying all utilities at the facilities used for the absorbed  
4877 school. Any fixtures, improvements and tangible assets added to a  
4878 school building or facility by the Mississippi Achievement School  
4879 District must remain at the school or district building or  
4880 facility if the school or district is returned to local  
4881 governance.

4882 (b) The State Board of Education shall include in the  
4883 rules and regulations adopted pursuant to subsection (5) of this  
4884 section specific provisions addressing the rights and  
4885 responsibilities of the Mississippi Achievement School District  
4886 relating to the real and personal property of a school or district  
4887 that is absorbed into the Mississippi Achievement School District.

4888 (8) (a) The Mississippi Achievement School District shall  
4889 certify annually to the State Board of Education in which a  
4890 Mississippi Achievement School District school or district is  
4891 located the number of students residing in the school district  
4892 which are enrolled in that school or district.

4893 (b) Whenever an increase in funding is requested by the  
4894 school board for the support of schools within a particular school  
4895 district absorbed into the Mississippi Achievement School  
4896 District, the State Board of Education and the superintendent for  
4897 the Mississippi Achievement School District shall hold a public  
4898 meeting in the local municipality having jurisdiction of the  
4899 absorbed school district to allow input of local residents on the  
4900 matter, and subsequent to the conclusion of such meeting, the



4901 board of the Mississippi Achievement School District shall submit  
4902 its request for ad valorem increase in dollars to the local  
4903 governing authority having jurisdiction over the absorbed school  
4904 district for approval of the request for increase in ad valorem  
4905 tax effort. In a district in which a school or schools but not  
4906 the entire district is absorbed into the Mississippi Achievement  
4907 School District, the local school district shall pay directly to  
4908 the Mississippi Achievement School District an amount for each  
4909 student enrolled in that school equal to the ad valorem tax  
4910 receipts and in-lieu payments received per pupil for the support  
4911 of the local school district in which the student resides. The  
4912 pro rata ad valorem receipts and in-lieu receipts to be  
4913 transferred to the Mississippi Achievement School District shall  
4914 include all levies for the support of the local school district  
4915 under Sections 37-57-1 (local contribution to the \* \* \* uniform  
4916 per student funding formula) and 37-57-105 (school district  
4917 operational levy) and may not include any taxes levied for the  
4918 retirement of the local school district's bonded indebtedness or  
4919 short-term notes or any taxes levied for the support of  
4920 vocational-technical education programs, unless the school or  
4921 schools absorbed include a high school at which  
4922 vocational-technical education programs are offered. In no event  
4923 may the payment exceed the pro rata amount of the local ad valorem  
4924 payment to the \* \* \* uniform per student funding formula under  
4925 Section 37-57-1 for the school district in which the student



4926 resides. Payments made under this section by a school district to  
4927 the Mississippi Achievement School District must be made before  
4928 the expiration of three (3) business days after the funds are  
4929 distributed to the local school district by the tax collector.

4930 (c) If an entire school district is absorbed into the  
4931 Mississippi Achievement School District, the tax collector shall  
4932 pay the amounts as described in paragraph (b) of this subsection,  
4933 with the exception that all funds should transfer, including taxes  
4934 levied for the retirement of the local school district's bonded  
4935 indebtedness or short-term notes and any taxes levied for the  
4936 support of vocational-technical education programs. The  
4937 Mississippi Achievement School District shall pay funds raised to  
4938 retire the district's debts to the appropriate creditors on behalf  
4939 of the former district.

4940 (9) (a) The State Department of Education shall make  
4941 payments to the Mississippi Achievement School District for each  
4942 student in \* \* \* enrollment at a Mississippi Achievement School  
4943 District school equal to the state share of the \* \* \* uniform per  
4944 student funding formula payments for each student in \* \* \*  
4945 enrollment at the local school district or former local school  
4946 district in which that school is located. In calculating the  
4947 local contribution for purposes of determining the state share of  
4948 the \* \* \* uniform per student funding formula payments, the  
4949 department shall deduct the pro rata local contribution of the



4950 school district or former school district in which the student  
4951 resides \* \* \*.

4952 (b) Payments made pursuant to this subsection by the  
4953 State Department of Education must be made at the same time and in  
4954 the same manner as \* \* \* uniform per student funding formula  
4955 payments are made to all other school districts under Sections  
4956 37-151-101 and 37-151-103. Amounts payable to the Mississippi  
4957 Achievement School District must be determined by the State  
4958 Department of Education in the same manner that such amounts are  
4959 calculated for all other school districts under the \* \* \* uniform  
4960 per student funding formula.

4961 (10) The Mississippi Achievement School District shall be  
4962 considered a local educational agency for the same purposes and to  
4963 the same extent that all other school districts in the state are  
4964 deemed local educational agencies under applicable federal laws.

4965 (11) The Mississippi Achievement School District may receive  
4966 donations or grants from any public or private source, including  
4967 any federal funding that may be available to the school district  
4968 or individual schools within the Mississippi Achievement School  
4969 District.

4970 (12) The Legislature may appropriate sufficient funding to  
4971 the State Department of Education for the 2017 fiscal year for the  
4972 specific purpose of funding the start-up, operational and any  
4973 other required costs of the Mississippi Achievement School  
4974 District during the 2017-2018 school year.



4975           **SECTION 63.** Section 37-19-7, Mississippi Code of 1972, is  
4976 amended as follows:

4977           37-19-7. (1) \* \* \* Teachers' salaries in each county and  
4978 separate school district shall be determined and paid in  
4979 accordance with the scale for teachers' salaries as provided in  
4980 this subsection. For teachers holding the following types of  
4981 licenses or the equivalent as determined by the State Board of  
4982 Education, and the following number of years of teaching  
4983 experience, the scale shall be as follows:

4984           \* \* \*

4985           **2015-2016 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE**

4986           Years

4987           Exp.	AAAA	AAA	AA	A
4988           0	39,108.00	37,944.00	36,780.00	34,390.00
4989           1	39,108.00	37,944.00	36,780.00	34,390.00
4990           2	39,108.00	37,944.00	36,780.00	34,390.00
4991           3	39,902.00	38,671.00	37,440.00	34,885.00
4992           4	40,696.00	39,398.00	38,100.00	35,380.00
4993           5	41,490.00	40,125.00	38,760.00	35,875.00
4994           6	42,284.00	40,852.00	39,420.00	36,370.00
4995           7	43,078.00	41,579.00	40,080.00	36,865.00
4996           8	43,872.00	42,306.00	40,740.00	37,360.00
4997           9	44,666.00	43,033.00	41,400.00	37,855.00
4998           10	45,460.00	43,760.00	42,060.00	38,350.00
4999           11	46,254.00	44,487.00	42,720.00	38,845.00



5000	12	47,048.00	45,214.00	43,380.00	39,340.00
5001	13	47,842.00	45,941.00	44,040.00	39,835.00
5002	14	48,636.00	46,668.00	44,700.00	40,330.00
5003	15	49,430.00	47,395.00	45,360.00	40,825.00
5004	16	50,224.00	48,122.00	46,020.00	41,320.00
5005	17	51,018.00	48,849.00	46,680.00	41,815.00
5006	18	51,812.00	49,576.00	47,340.00	42,310.00
5007	19	52,606.00	50,303.00	48,000.00	42,805.00
5008	20	53,400.00	51,030.00	48,660.00	43,300.00
5009	21	54,194.00	51,757.00	49,320.00	43,795.00
5010	22	54,988.00	52,484.00	49,980.00	44,290.00
5011	23	55,782.00	53,211.00	50,640.00	44,785.00
5012	24	56,576.00	53,938.00	51,300.00	45,280.00
5013	25	59,430.00	56,725.00	54,020.00	47,835.00
5014	26	60,224.00	57,452.00	54,680.00	48,330.00
5015	27	61,018.00	58,179.00	55,340.00	48,825.00
5016	28	61,812.00	58,906.00	56,000.00	49,320.00
5017	29	62,606.00	59,633.00	56,660.00	49,815.00
5018	30	63,400.00	60,360.00	57,320.00	50,310.00
5019	31	64,194.00	61,087.00	57,980.00	50,805.00
5020	32	64,988.00	61,814.00	58,640.00	51,300.00
5021	33	65,782.00	62,541.00	59,300.00	51,795.00
5022	34	66,576.00	63,268.00	59,960.00	52,290.00
5023	35				
5024	& above	67,370.00	63,995.00	60,620.00	52,785.00



5025           It is the intent of the Legislature that any state funds made  
5026 available for salaries of licensed personnel in excess of the  
5027 funds paid for such salaries for the 1986-1987 school year shall  
5028 be paid to licensed personnel pursuant to a personnel appraisal  
5029 and compensation system implemented by the State Board of  
5030 Education. The State Board of Education shall have the authority  
5031 to adopt and amend rules and regulations as are necessary to  
5032 establish, administer and maintain the system.

5033           All teachers employed on a full-time basis shall be paid a  
5034 minimum salary in accordance with the above scale. However, no  
5035 school district shall receive any funds under this section for any  
5036 school year during which the local supplement paid to any  
5037 individual teacher shall have been reduced to a sum less than that  
5038 paid to that individual teacher for performing the same duties  
5039 from local supplement during the immediately preceding school  
5040 year. The amount actually spent for the purposes of group health  
5041 and/or life insurance shall be considered as a part of the  
5042 aggregate amount of local supplement but shall not be considered a  
5043 part of the amount of individual local supplement.

5044           The level of professional training of each teacher to be used  
5045 in establishing the salary \* \* \* for the \* \* \* teacher for each  
5046 year shall be determined by the type of valid teacher's license  
5047 issued to \* \* \* that teacher on or before October 1 of the current  
5048 school year. \* \* \* However, \* \* \* school districts are  
5049 authorized, in their discretion, to negotiate the salary levels



5050 applicable to \* \* \* licensed employees who are receiving  
5051 retirement benefits from the retirement system of another  
5052 state \* \* \*.

5053 (2) (a) The following employees shall receive an annual  
5054 salary supplement in the amount of Six Thousand Dollars  
5055 (\$6,000.00), plus fringe benefits, in addition to any other  
5056 compensation to which the employee may be entitled:

5057 (i) Any licensed teacher who has met the  
5058 requirements and acquired a Master Teacher certificate from the  
5059 National Board for Professional Teaching Standards and who is  
5060 employed by a local school board or the State Board of Education  
5061 as a teacher and not as an administrator. Such teacher shall  
5062 submit documentation to the State Department of Education that the  
5063 certificate was received prior to October 15 in order to be  
5064 eligible for the full salary supplement in the current school  
5065 year, or the teacher shall submit such documentation to the State  
5066 Department of Education prior to February 15 in order to be  
5067 eligible for a prorated salary supplement beginning with the  
5068 second term of the school year.

5069 (ii) A licensed nurse who has met the requirements  
5070 and acquired a certificate from the National Board for  
5071 Certification of School Nurses, Inc., and who is employed by a  
5072 local school board or the State Board of Education as a school  
5073 nurse and not as an administrator. The licensed school nurse  
5074 shall submit documentation to the State Department of Education



5075 that the certificate was received before October 15 in order to be  
5076 eligible for the full salary supplement in the current school  
5077 year, or the licensed school nurse shall submit the documentation  
5078 to the State Department of Education before February 15 in order  
5079 to be eligible for a prorated salary supplement beginning with the  
5080 second term of the school year. Provided, however, that the total  
5081 number of licensed school nurses eligible for a salary supplement  
5082 under this subparagraph (ii) shall not exceed thirty-five (35).

5083           (iii) Any licensed school counselor who has met  
5084 the requirements and acquired a National Certified School  
5085 Counselor (NCSC) endorsement from the National Board of Certified  
5086 Counselors and who is employed by a local school board or the  
5087 State Board of Education as a counselor and not as an  
5088 administrator. Such licensed school counselor shall submit  
5089 documentation to the State Department of Education that the  
5090 endorsement was received prior to October 15 in order to be  
5091 eligible for the full salary supplement in the current school  
5092 year, or the licensed school counselor shall submit such  
5093 documentation to the State Department of Education prior to  
5094 February 15 in order to be eligible for a prorated salary  
5095 supplement beginning with the second term of the school year.  
5096 However, any school counselor who started the National Board for  
5097 Professional Teaching Standards process for school counselors  
5098 between June 1, 2003, and June 30, 2004, and completes the  
5099 requirements and acquires the Master Teacher certificate shall be



5100 entitled to the master teacher supplement, and those counselors  
5101 who complete the process shall be entitled to a one-time  
5102 reimbursement for the actual cost of the process as outlined in  
5103 paragraph (b) of this subsection.

5104                   (iv) Any licensed speech-language pathologist and  
5105 audiologist who has met the requirements and acquired a  
5106 Certificate of Clinical Competence from the American  
5107 Speech-Language-Hearing Association and any certified academic  
5108 language therapist (CALT) who has met the certification  
5109 requirements of the Academic Language Therapy Association and who  
5110 is employed by a local school board or is employed by a state  
5111 agency under the State Personnel Board. The licensed  
5112 speech-language pathologist and audiologist and certified academic  
5113 language therapist shall submit documentation to the State  
5114 Department of Education that the certificate or endorsement was  
5115 received before October 15 in order to be eligible for the full  
5116 salary supplement in the current school year, or the licensed  
5117 speech-language pathologist and audiologist and certified academic  
5118 language therapist shall submit the documentation to the State  
5119 Department of Education before February 15 in order to be eligible  
5120 for a prorated salary supplement beginning with the second term of  
5121 the school year. However, the total number of certified academic  
5122 language therapists eligible for a salary supplement under this  
5123 paragraph (iv) shall not exceed twenty (20).



5124           (b) An employee shall be reimbursed for the actual cost  
5125 of completing each component of acquiring the certificate or  
5126 endorsement, excluding any costs incurred for postgraduate  
5127 courses, not to exceed Five Hundred Dollars (\$500.00) for each  
5128 component, not to exceed four (4) components, for a teacher,  
5129 school counselor or speech-language pathologist and audiologist,  
5130 regardless of whether or not the process resulted in the award of  
5131 the certificate or endorsement. A local school district or any  
5132 private individual or entity may pay the cost of completing the  
5133 process of acquiring the certificate or endorsement for any  
5134 employee of the school district described under paragraph (a), and  
5135 the State Department of Education shall reimburse the school  
5136 district for such cost, regardless of whether or not the process  
5137 resulted in the award of the certificate or endorsement. If a  
5138 private individual or entity has paid the cost of completing the  
5139 process of acquiring the certificate or endorsement for an  
5140 employee, the local school district may agree to directly  
5141 reimburse the individual or entity for such cost on behalf of the  
5142 employee.

5143           (c) All salary supplements, fringe benefits and process  
5144 reimbursement authorized under this subsection shall be paid  
5145 directly by the State Department of Education to the local school  
5146 district and shall be in addition to its \* \* \* uniform per student  
5147 funding formula allotments and not a part thereof in accordance  
5148 with regulations promulgated by the State Board of Education.



5149 Local school districts shall not reduce the local supplement paid  
5150 to any employee receiving such salary supplement, and the employee  
5151 shall receive any local supplement to which employees with similar  
5152 training and experience otherwise are entitled. However, an  
5153 educational employee shall receive the salary supplement in the  
5154 amount of Six Thousand Dollars (\$6,000.00) for only one (1) of the  
5155 qualifying certifications authorized under paragraph (a) of this  
5156 subsection. No school district shall provide more than one (1)  
5157 annual salary supplement under the provisions of this subsection  
5158 to any one individual employee holding multiple qualifying  
5159 national certifications.

5160 (d) If an employee for whom such cost has been paid, in  
5161 full or in part, by a local school district or private individual  
5162 or entity fails to complete the certification or endorsement  
5163 process, the employee shall be liable to the school district or  
5164 individual or entity for all amounts paid by the school district  
5165 or individual or entity on behalf of that employee toward his or  
5166 her certificate or endorsement.

5167 (3) The following employees shall receive an annual salary  
5168 supplement in the amount of Four Thousand Dollars (\$4,000.00),  
5169 plus fringe benefits, in addition to any other compensation to  
5170 which the employee may be entitled:

5171 Effective July 1, 2016, if funds are available for that  
5172 purpose, any licensed teacher who has met the requirements and  
5173 acquired a Master Teacher Certificate from the National Board for



5174 Professional Teaching Standards and who is employed in a public  
5175 school district located in one (1) of the following counties:  
5176 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,  
5177 Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington.  
5178 The salary supplement awarded under the provisions of this  
5179 subsection (3) shall be in addition to the salary supplement  
5180 awarded under the provisions of subsection (2) of this section.

5181 Teachers who meet the qualifications for a salary supplement  
5182 under this subsection (3) who are assigned for less than one (1)  
5183 full year or less than full time for the school year shall receive  
5184 the salary supplement in a prorated manner, with the portion of  
5185 the teacher's assignment to the critical geographic area to be  
5186 determined as of June 15th of the school year.

5187 (4) (a) This subsection shall be known and may be cited as  
5188 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition  
5189 to the minimum base pay described in this section, only \* \* \* if  
5190 funds are available for that purpose, the State of Mississippi may  
5191 provide monies from state funds to school districts for the  
5192 purposes of rewarding \* \* \* licensed teachers, administrators and  
5193 nonlicensed personnel at individual schools showing improvement in  
5194 student test scores. The MPBP plan shall be developed by the  
5195 State Department of Education based on the following criteria:

5196 (i) It is the express intent of this legislation  
5197 that the MPBP plan shall utilize only existing standards of



5198 accreditation and assessment as established by the State Board of  
5199 Education.

5200                   (ii) To ensure that all of Mississippi's teachers,  
5201 administrators and nonlicensed personnel at all schools have equal  
5202 access to the monies set aside in this section, the MPBP program  
5203 shall be designed to calculate each school's performance as  
5204 determined by the school's increase in scores from the prior  
5205 school year. The MPBP program shall be based on a standardized  
5206 scores rating where all levels of schools can be judged in a  
5207 statistically fair and reasonable way upon implementation. At the  
5208 end of each year, after all student achievement scores have been  
5209 standardized, the State Department of Education shall implement  
5210 the MPBP plan.

5211                   (iii) To ensure all teachers cooperate in the  
5212 spirit of teamwork, individual schools shall submit a plan to the  
5213 local school district to be approved before the beginning of each  
5214 school year \* \* \*. The plan shall include, but not be limited to,  
5215 how all teachers, regardless of subject area, and administrators  
5216 will be responsible for improving student achievement for their  
5217 individual school.

5218                   (b) The State Board of Education shall develop the  
5219 processes and procedures for designating schools eligible to  
5220 participate in the MPBP. State assessment results, growth in  
5221 student achievement at individual schools and other measures  
5222 deemed appropriate in designating successful student achievement



5223 shall be used in establishing MPBP criteria. The State Board of  
5224 Education shall develop the MPBP policies \* \* \*.

5225 (5) (a) \* \* \* If funds are available for that purpose, each  
5226 school in Mississippi shall have mentor teachers, as defined by  
5227 Sections 37-9-201 through 37-9-213, who shall receive additional  
5228 base compensation provided for by the State Legislature in the  
5229 amount of One Thousand Dollars (\$1,000.00) per each beginning  
5230 teacher that is being mentored. The additional state compensation  
5231 shall be limited to those mentor teachers that provide mentoring  
5232 services to beginning teachers. For the purposes of such funding,  
5233 a beginning teacher shall be defined as any teacher in any school  
5234 in Mississippi that has less than one (1) year of classroom  
5235 experience teaching in a public school. For the purposes of such  
5236 funding, no full-time academic teacher shall mentor more than two  
5237 (2) beginning teachers.

5238 (b) To be eligible for this state funding, the  
5239 individual school must have a classroom management program  
5240 approved by the local school board.

5241 (6) Effective with the 2014-2015 school year, the school  
5242 districts participating in the Pilot Performance-Based  
5243 Compensation System pursuant to Section 37-19-9 may award  
5244 additional teacher and administrator pay based thereon.

5245 **SECTION 64.** Section 37-21-6, Mississippi Code of 1972, is  
5246 amended as follows:



5247           37-21-6. The Mississippi Early Childhood Education Program  
5248 shall be the kindergarten program implemented by local school  
5249 districts \* \* \*.

5250           **SECTION 65.** Section 37-21-7, Mississippi Code of 1972, is  
5251 amended as follows:

5252           37-21-7. (1) This section shall be referred to as the  
5253 "Mississippi Elementary Schools Assistant Teacher Program," the  
5254 purpose of which shall be to provide an early childhood education  
5255 program that assists in the instruction of basic skills. The  
5256 State Board of Education is authorized, empowered and directed to  
5257 implement a statewide system of assistant teachers in kindergarten  
5258 classes and in the first, second and third grades. The assistant  
5259 teacher shall assist pupils in actual instruction under the strict  
5260 supervision of a licensed teacher.

5261           (2) (a) Except as otherwise authorized under subsection  
5262 (7), each school district shall employ the total number of  
5263 assistant teachers funded under subsection (6) of this section.  
5264 The superintendent of each district shall assign the assistant  
5265 teachers to the kindergarten, first-, second- and third-grade  
5266 classes in the district in a manner that will promote the maximum  
5267 efficiency, as determined by the superintendent, in the  
5268 instruction of skills such as verbal and linguistic skills,  
5269 logical and mathematical skills, and social skills.

5270           (b) If a licensed teacher to whom an assistant teacher  
5271 has been assigned is required to be absent from the classroom, the



5272 assistant teacher may assume responsibility for the classroom in  
5273 lieu of a substitute teacher. However, no assistant teacher shall  
5274 assume sole responsibility of the classroom for more than three  
5275 (3) consecutive school days. Further, in no event shall any  
5276 assistant teacher be assigned to serve as a substitute teacher for  
5277 any teacher other than the licensed teacher to whom that assistant  
5278 teacher has been assigned.

5279 (3) Assistant teachers shall have, at a minimum, a high  
5280 school diploma or a High School Equivalency Diploma equivalent,  
5281 and shall show demonstratable proficiency in reading and writing  
5282 skills. The State Department of Education shall develop a testing  
5283 procedure for assistant teacher applicants to be used in all  
5284 school districts in the state.

5285 (4) (a) In order to receive funding, each school district  
5286 shall:

5287 (i) Submit a plan on the implementation of a  
5288 reading improvement program to the State Department of Education;  
5289 and

5290 (ii) Develop a plan of educational accountability  
5291 and assessment of performance, including pretests and posttests,  
5292 for reading in Grades 1 through 6.

5293 (b) Additionally, each school district shall:

5294 (i) Provide annually a mandatory preservice  
5295 orientation session, using an existing in-school service day, for  
5296 administrators and teachers on the effective use of assistant



5297 teachers as part of a team in the classroom setting and on the  
5298 role of assistant teachers, with emphasis on program goals;

5299 (ii) Hold periodic workshops for administrators  
5300 and teachers on the effective use and supervision of assistant  
5301 teachers;

5302 (iii) Provide training annually on specific  
5303 instructional skills for assistant teachers;

5304 (iv) Annually evaluate their program in accordance  
5305 with their educational accountability and assessment of  
5306 performance plan; and

5307 (v) Designate the necessary personnel to supervise  
5308 and report on their program.

5309 (5) The State Department of Education shall:

5310 (a) Develop and assist in the implementation of a  
5311 statewide uniform training module, subject to the availability of  
5312 funds specifically appropriated therefor by the Legislature, which  
5313 shall be used in all school districts for training administrators,  
5314 teachers and assistant teachers. The module shall provide for the  
5315 consolidated training of each assistant teacher and teacher to  
5316 whom the assistant teacher is assigned, working together as a  
5317 team, and shall require further periodic training for  
5318 administrators, teachers and assistant teachers regarding the role  
5319 of assistant teachers;

5320 (b) Annually evaluate the program on the district and  
5321 state level. Subject to the availability of funds specifically



5322 appropriated therefor by the Legislature, the department shall  
5323 develop: (i) uniform evaluation reports, to be performed by the  
5324 principal or assistant principal, to collect data for the annual  
5325 overall program evaluation conducted by the department; or (ii) a  
5326 program evaluation model that, at a minimum, addresses process  
5327 evaluation; and

5328 (c) Promulgate rules, regulations and such other  
5329 standards deemed necessary to effectuate the purposes of this  
5330 section. Noncompliance with the provisions of this section and  
5331 any rules, regulations or standards adopted by the department may  
5332 result in a violation of compulsory accreditation standards as  
5333 established by the State Board of Education and the Commission on  
5334 School Accreditation.

5335 (6) \* \* \* No assistant teacher shall be paid less than the  
5336 amount he or she received in the prior school year. No school  
5337 district shall receive any funds under this section for any school  
5338 year during which the aggregate amount of the local contribution  
5339 to the salaries of assistant teachers by the district shall have  
5340 been reduced below such amount for the previous year.

5341 For the 2007-2008 school year and school years thereafter,  
5342 the minimum salary for assistant teachers shall be Twelve Thousand  
5343 Five Hundred Dollars (\$12,500.00).

5344 In addition, for each one percent (1%) that the Sine Die  
5345 General Fund Revenue Estimate Growth exceeds five percent (5%) in  
5346 fiscal year 2006, as certified by the Legislative Budget Office to



5347 the State Board of Education and subject to the specific  
5348 appropriation therefor by the Legislature, the State Board of  
5349 Education shall revise the salary scale in the appropriate year to  
5350 provide an additional one percent (1%) across\_the\_board increase  
5351 in the base salaries for assistant teachers. The State Board of  
5352 Education shall revise the salaries prescribed above for assistant  
5353 teachers to conform to any adjustments made in prior fiscal years  
5354 due to revenue growth over and above five percent (5%). The  
5355 assistant teachers shall not be restricted to working only in the  
5356 grades for which the funds were allotted, but may be assigned to  
5357 other classes as provided in subsection (2)(a) of this section.

5358 (7) (a) As an alternative to employing assistant teachers,  
5359 any school district may use the allotment provided under  
5360 subsection (6) of this section for the purpose of employing  
5361 licensed teachers for kindergarten, first-, second- and  
5362 third-grade classes; however, no school district shall be  
5363 authorized to use the allotment for assistant teachers for the  
5364 purpose of employing licensed teachers unless the district has  
5365 established that the employment of licensed teachers using such  
5366 funds will reduce the teacher:student ratio in the kindergarten,  
5367 first-, second- and third-grade classes. All state funds for  
5368 assistant teachers shall be applied to reducing teacher:student  
5369 ratio in Grades K-3.

5370 It is the intent of the Legislature that no school district  
5371 shall dismiss any assistant teacher for the purpose of using the



5372 assistant teacher allotment to employ licensed teachers. School  
5373 districts may rely only upon normal attrition to reduce the number  
5374 of assistant teachers employed in that district.

5375 (b) Districts meeting the highest levels of  
5376 accreditation standards, as defined by the State Board of  
5377 Education, shall be exempted from the provisions of subsection (4)  
5378 of this section.

5379 **SECTION 66.** Section 37-22-5, Mississippi Code of 1972, is  
5380 amended as follows:

5381 37-22-5. There is \* \* \* created an Emergency Fund Loss  
5382 Assistance Program to provide temporary grants to eligible school  
5383 districts. The purpose of the program shall be to provide relief  
5384 to school districts suffering losses of financial assistance under  
5385 federal programs, such as the IMPACT Program, designed to serve  
5386 the educational needs of children of government employees and  
5387 Choctaw Indian children. Any school district which has sustained  
5388 losses in direct payments from the federal government for the  
5389 purpose of educating the children of federal government employees  
5390 and Choctaw Indian children living on United States government  
5391 owned reservation land shall be entitled to an Emergency Fund Loss  
5392 Assistance Grant, in the amount of the reduction of the grant  
5393 funds received from the federal government from prior years. This  
5394 grant shall be limited to losses resulting from reductions in the  
5395 level of federal funding allocated to school districts from prior  
5396 years and not from reductions resulting from a loss of students



5397 served by the school districts. Losses incurred prior to July 1,  
5398 1987, shall not be considered for purposes of determining the  
5399 amount of the grant. There is hereby established an Emergency  
5400 Fund Loss Assistance Fund in the State Treasury which shall be  
5401 used to distribute the emergency grants to school districts.  
5402 Expenditures from this fund shall not exceed One Million Dollars  
5403 (\$1,000,000.00) in any fiscal year. If the total of all grant  
5404 entitlements from local school districts exceeds such sum, then  
5405 the grants to the school districts shall be prorated accordingly.

5406 \* \* \*

5407 **SECTION 67.** Section 37-23-1, Mississippi Code of 1972, is  
5408 amended as follows:

5409 37-23-1. The purpose of Sections 37-23-1 through 37-23-159  
5410 is to mandate free appropriate public educational services and  
5411 equipment for exceptional children in the age range three (3)  
5412 through twenty (20) for whom the regular school programs are not  
5413 adequate and to provide, on a permissive basis, a free appropriate  
5414 public education, as a part of the state's early intervention  
5415 system in accordance with regulations developed in collaboration  
5416 with the agency designated as "lead agency" under Part C of the  
5417 Individuals with Disabilities Education Act. The portion of the  
5418 regulations developed in collaboration with the lead agency which  
5419 are necessary to implement the programs under the authority of the  
5420 State Board of Education shall be presented to the State Board of  
5421 Education for adoption. This specifically includes, but shall not



5422 be limited to, provision for day schools for the deaf and blind of  
5423 an age under six (6) years, where early training is in accordance  
5424 with the most advanced and best approved scientific methods of  
5425 instruction, always taking into consideration the best interests  
5426 of the child and his improvement at a time during which he is most  
5427 susceptible of improvement. Educational programs to exceptional  
5428 children under the age of three (3) years shall be eligible  
5429 for \* \* \* uniform per student funding formula funds.

5430 All references in the laws of this state to the "Individuals  
5431 with Disabilities Education Act" or to the "IDEA" shall be  
5432 construed to include any subsequent amendments to that act.

5433 The educational programs and services provided for  
5434 exceptional children in Sections 37-23-1 through 37-23-15,  
5435 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77  
5436 shall be designed to provide individualized appropriate special  
5437 education and related services that enable a child to reach his or  
5438 her appropriate and uniquely designed goals for success. The  
5439 State Board of Education shall establish an accountability system  
5440 for special education programs and students with disabilities.  
5441 The system shall establish accountability standards for services  
5442 provided to improve the educational skills designed to prepare  
5443 children for life after their years in school. These standards  
5444 shall be a part of the accreditation system and shall be  
5445 implemented before July 1, 1996.



5446           The State Department of Education shall establish goals for  
5447 the performance of children with disabilities that will promote  
5448 the purpose of IDEA and are consistent, to the maximum extent  
5449 appropriate, with other goals and standards for children  
5450 established by the State Department of Education. Performance  
5451 indicators used to assess progress toward achieving those goals  
5452 that, at a minimum, address the performance of children with  
5453 disabilities on assessments, drop-out rates, and graduation rates  
5454 shall be developed. Every two (2) years, the progress toward  
5455 meeting the established performance goals shall be reported to the  
5456 public.

5457           **SECTION 68.** Section 37-23-15, Mississippi Code of 1972, is  
5458 amended as follows:

5459           37-23-15. (1) The State Department of Education, in  
5460 accordance with Sections 37-23-1 through 37-23-75, and any  
5461 additional authority granted in this chapter, shall:

5462           (a) Adopt pilot programs under which certain students  
5463 enrolled or enrolling in public schools in this state shall be  
5464 tested for dyslexia and related disorders as may be necessary.  
5465 The pilot programs shall provide that upon the request of a  
5466 parent, student, school nurse, classroom teacher or other school  
5467 personnel who has reason to believe that a student has a need to  
5468 be tested for dyslexia, such student shall be reviewed for  
5469 appropriate services. However, a student shall not be tested for  
5470 dyslexia whose parent or guardian objects thereto on grounds that



5471 such testing conflicts with his conscientiously held religious  
5472 beliefs.

5473           (b) In accordance with the pilot programs adopted by  
5474 the State Department of Education, such school boards shall  
5475 provide remediation in an appropriate multi-sensory, systematic  
5476 language-based regular education program or programs, as  
5477 determined by the school district, such as the Texas Scottish Rite  
5478 Hospital Dyslexia Training Program, pertinent to the child's  
5479 physical and educational disorders or the sensory area in need of  
5480 remediation for those students who do not qualify for special  
5481 education services.

5482           (c) The State Department of Education, by not later  
5483 than January 1, 1997, shall make recommendations to the school  
5484 boards designated for the pilot programs for the delivery of  
5485 services to students who are identified as dyslexic.

5486           (d) For the purposes of this section:

5487                   (i) "Dyslexia" means a language processing  
5488 disorder which may be manifested by difficulty processing  
5489 expressive or receptive, oral or written language despite adequate  
5490 intelligence, educational exposure and cultural opportunity.  
5491 Specific manifestations may occur in one or more areas, including  
5492 difficulty with the alphabet, reading comprehension, writing and  
5493 spelling.

5494                   (ii) "Related disorders" shall include disorders  
5495 similar to or related to dyslexia such as developmental auditory



5496 imperception, dysphasia, specific developmental dyslexia,  
5497 dyspraxia, developmental dysgraphia and developmental spelling  
5498 disability.

5499 (e) Local school districts designated for the pilot  
5500 programs may utilize any source of funds other than \* \* \* uniform  
5501 per student funding formula funds to provide any services under  
5502 this section.

5503 (f) Nothing in this section shall be construed to  
5504 require any school district to implement this section unless the  
5505 local school board, by resolution spread on its minutes,  
5506 voluntarily agrees to comply with this section and any regulations  
5507 promulgated under this section. Any local school board may  
5508 withdraw from participation in the program authorized under this  
5509 section by providing written notice of its determination to  
5510 withdraw to the State Department of Education no later than June 1  
5511 of the preceding fiscal year.

5512 (2) State funding for the pilot programs for testing  
5513 students for dyslexia shall be subject to the availability of  
5514 funds specifically appropriated therefor by the Legislature.

5515 (3) The State Department of Education shall prepare a report  
5516 for the 1999 Regular Session of the Legislature to be submitted to  
5517 the Chairmen of the Education Committees of the Senate and House  
5518 of Representatives not later than November 1, 1998, with  
5519 recommendations as to the effectiveness of the pilot programs for



5520 students with dyslexia and whether or not the pilot programs  
5521 should be expanded or discontinued.

5522         **SECTION 69.** Section 37-23-69, Mississippi Code of 1972, is  
5523 amended as follows:

5524         37-23-69. The State Department of Education may determine  
5525 and pay the amount of the financial assistance to be made  
5526 available to each applicant, and see that all applicants and the  
5527 programs for them meet the requirements of the program for  
5528 exceptional children. No financial assistance shall exceed the  
5529 obligation actually incurred by the applicant for educational  
5530 costs, which shall include special education and related services  
5531 as defined by the Mississippi Department of Education Policies and  
5532 Procedures Regarding Children with Disabilities under the federal  
5533 Individuals with Disabilities Education Act (IDEA). Within the  
5534 amount of available state funds \* \* \* for that purpose, each such  
5535 applicant may receive assistance according to the following  
5536 allowances:

5537             (a) If the applicant chooses to attend a private  
5538 school, a parochial school or a speech, hearing and/or language  
5539 clinic having an appropriate program for the applicant, and if the  
5540 school or clinic meets federal and state regulations, then the  
5541 educational costs reimbursement will be one hundred percent (100%)  
5542 of the first Six Hundred Dollars (\$600.00) in educational costs  
5543 charged by the school or clinic; or, if the applicant is under six  
5544 (6) years of age, and no program appropriate for the child exists



5545 in the public schools of his domicile, then the reimbursement  
5546 shall be one hundred percent (100%) of the first Six Hundred  
5547 Dollars (\$600.00) in educational costs charged by the school or  
5548 clinic, and fifty percent (50%) of the next Eight Hundred Dollars  
5549 (\$800.00) in educational costs charged by the school or clinic;

5550 (b) A public school district shall be reimbursed for  
5551 the educational costs of an applicant up to an annual maximum  
5552 based on a \* \* \* cost factor \* \* \* determined by the State Board  
5553 of Education if the following conditions are met: (i) an  
5554 applicant in the age range six (6) through twenty (20) requests  
5555 the public school district where he resides to provide an  
5556 education for him and the nature of the applicant's educational  
5557 problem is such that, according to best educational practices, it  
5558 cannot be met in the public school district where the child  
5559 resides; (ii) the public school district decides to provide the  
5560 applicant a free appropriate education by placing him in a private  
5561 school, a parochial school or a speech, hearing and/or language  
5562 clinic having an appropriate program for the applicant; (iii) the  
5563 program meets federal and state regulations; and (iv) the  
5564 applicant is approved for financial assistance by a State Level  
5565 Review Board established by the State Board of Education. The  
5566 Review Board will act on financial assistance requests within five  
5567 (5) working days of receipt. Nothing in this paragraph shall  
5568 prevent two (2) or more public school districts from forming a  
5569 cooperative to meet the needs of low incidence exceptional



5570 children, nor shall the public school be relieved of its  
5571 responsibility to provide an education for all children. If state  
5572 monies are not sufficient to fund all applicants, there will be a  
5573 ratable reduction for all recipients receiving state funds under  
5574 this section. School districts may pay additional educational  
5575 costs from available federal, state and local funds.

5576 If an exceptional child, as defined in Section 37-23-3, is  
5577 placed in a therapeutic or other group home licensed or approved  
5578 by the state that has no educational program associated with it,  
5579 the local school district in which the home is located shall offer  
5580 an appropriate educational program to that child.

5581 At any time that the Individualized Education Program (IEP)  
5582 Committee in the district where the home is located determines  
5583 that an exceptional child, as defined in Section 37-23-3, residing  
5584 in that home can no longer be provided a free appropriate public  
5585 education in that school district, and the State Department of  
5586 Education agrees with that decision, then the State Department of  
5587 Education shall recommend to the Department of Human Services  
5588 placement of the child by the Department of Human Services, which  
5589 shall take appropriate action. The placement of the exceptional  
5590 child in the facility shall be at no cost to the local school  
5591 district. Funds available under Sections 37-23-61 through  
5592 37-23-77, as well as any available federal funds, may be used to  
5593 provide the educational costs of the placement. If the  
5594 exceptional child is under the guardianship of the Department of



5595 Human Services or another state agency, the State Department of  
5596 Education shall pay only for the educational costs of that  
5597 placement, and the other agency shall be responsible for the room,  
5598 board and any other costs. The special education and related  
5599 services provided to the child shall be in compliance with State  
5600 Department of Education and any related federal regulations. The  
5601 State Board of Education may promulgate regulations that are  
5602 necessary to implement this section; and

5603 (c) If an appropriate local or regional system of care,  
5604 including a free appropriate public education, is available for  
5605 exceptional children who are currently being served in  
5606 out-of-district or Department of Human Services placements under  
5607 Section 37-23-69(b) or 37-23-77, then the state funds from the  
5608 State Department of Education that would have been used for those  
5609 placements may be paid into a pool of funds with funds from other  
5610 state agencies to be used for the implementation of the  
5611 individualized plans of care for those children. If there are  
5612 sufficient funds to serve additional exceptional children because  
5613 of cost savings as a result of serving these students at home  
5614 and/or matching the pooled funds with federal dollars, the funds  
5615 may be used to implement individualized plans of care for those  
5616 additional exceptional children. Each local or regional provider  
5617 of services included in the individualized plans of care shall  
5618 comply with all appropriate state and federal regulations. The



5619 State Board of Education may promulgate regulations that are  
5620 necessary to implement this section.

5621 The State Department of Education may also provide for the  
5622 payment of that financial assistance in installments and for  
5623 proration of that financial assistance in the case of children  
5624 attending a school or clinic for less than a full school session  
5625 and, if available funds are insufficient, may allocate the  
5626 available funds among the qualified applicants and local school  
5627 districts by reducing the maximum assistance provided for in this  
5628 section.

5629 Any monies provided an applicant under Sections 37-23-61  
5630 through 37-23-75 shall be applied by the receiving educational  
5631 institution as a reduction in the amount of the educational costs  
5632 paid by the applicant, and the total educational costs paid by the  
5633 applicant shall not exceed the total educational costs paid by any  
5634 other child in similar circumstances enrolled in the same program  
5635 in that institution. However, this limitation shall not prohibit  
5636 the waiving of all or part of the educational costs for a limited  
5637 number of children based upon demonstrated financial need, and the  
5638 State Department of Education may adopt and enforce reasonable  
5639 rules and regulations to carry out the intent of these provisions.

5640 **SECTION 70.** Section 37-23-109, Mississippi Code of 1972, is  
5641 amended as follows:

5642 37-23-109. Any child development center created under the  
5643 provisions of Sections 37-23-91 through 37-23-111 shall be



5644 entitled to receive all contributions and benefits allowed to the  
5645 other school districts from the federal and state governments  
5646 including, but not limited to, contributions on the basis of  
5647 the \* \* \* enrollment per child, school textbooks and school lunch  
5648 program.

5649         **SECTION 71.** Section 37-23-179, Mississippi Code of 1972, is  
5650 amended as follows:

5651             37-23-179. (1) The board shall specifically promulgate  
5652 rules, regulations and guidelines which establish model programs  
5653 of gifted education and also establish minimum criteria for gifted  
5654 education programs. In providing programs of gifted education,  
5655 the local district may use the model programs prepared by the  
5656 board or may itself develop programs of gifted education which,  
5657 prior to being implemented, shall be approved by the board,  
5658 provided, that no such plan or program shall be approved or  
5659 continued unless it meets the minimum criteria established by the  
5660 board.

5661             (2) There is hereby created within the department an office  
5662 for gifted education which shall be staffed by such professional,  
5663 support and clerical personnel as may be necessary to implement  
5664 the provisions of Sections 37-23-171 through 37-23-181.

5665             (3) All local school districts may have programs of gifted  
5666 education for intellectually, creatively and/or artistically  
5667 gifted students in Grades 2 through 12 and for academically gifted  
5668 students in Grades 9 through 12 approved by the board. Beginning



5669 with the 1993-1994 school year, all local school districts shall  
5670 have programs of gifted education for intellectually gifted  
5671 students in Grade 2, subject to the approval of the State Board of  
5672 Education and the availability of funds appropriated therefor by  
5673 line-item. Beginning with the 1994-1995 school year, all local  
5674 school districts shall have programs of gifted education for  
5675 intellectually gifted students in Grades 2 and 3, subject to the  
5676 approval of the State Board of Education. Beginning with the  
5677 1995-1996 school year, all local school districts shall have  
5678 programs of gifted education for intellectually gifted students in  
5679 Grades 2, 3 and 4 subject to the approval of the State Board of  
5680 Education. Beginning with the 1996-1997 school year, all local  
5681 school districts shall have programs of gifted education for  
5682 intellectually gifted students in Grades 2, 3, 4 and 5, subject to  
5683 the approval of the State Board of Education. Beginning with the  
5684 1997-1998 school year, all local school districts shall have  
5685 programs of gifted education for intellectually gifted students in  
5686 Grades 2, 3, 4, 5 and 6, subject to the approval of the State  
5687 Board of Education. \* \* \* Each local school district shall  
5688 include as a part of its five-year plan a description of any  
5689 proposed gifted education programs of the district. \* \* \*

5690       **SECTION 72.** Section 37-27-55, Mississippi Code of 1972, is  
5691 amended as follows:

5692       37-27-55. When any pupils shall attend any agricultural high  
5693 school or community or junior college under the provisions of



5694 Section 37-27-51, such pupils shall be reported and accounted for  
5695 the allocation of \* \* \* uniform per student funding formula funds  
5696 and building funds just as though such pupils were attending the  
5697 regular schools of the district in which they reside. For this  
5698 purpose reports shall be made to the board of trustees of the  
5699 school district involved by the agricultural high school or  
5700 community or junior college of the number of children in \* \* \*  
5701 enrollment, and the \* \* \* enrollment of such pupils shall  
5702 thereupon be included in reports made to the county or school  
5703 district under the provisions of Chapters 19 and 47 of this title.  
5704 The allocation of \* \* \* uniform per student funding formula funds  
5705 and state public school building funds shall be made for such  
5706 children just as though such children were attending the regular  
5707 schools of the district. However, all \* \* \* uniform per student  
5708 funding formula funds which accrue to any district as a result of  
5709 the pupils who are in attendance at such agricultural high school  
5710 or community or junior college \* \* \* shall be paid by the board of  
5711 trustees of the municipal separate school district or the county  
5712 board of education, as the case may be, to the agricultural high  
5713 school or community or junior college at which the pupils are in  
5714 attendance, and shall be expended by said agricultural high school  
5715 or community or junior college for the instruction of said  
5716 pupils \* \* \*. Funds allotted to the school district for building  
5717 purposes under Chapter 47 of this title, shall, however, be  
5718 retained by the school district entitled thereto. The term



5719 "school district" as used in Sections 37-27-51 through 37-27-59  
5720 shall be defined as including all public school districts in this  
5721 state and also all agricultural high schools not located on the  
5722 campus of a community or junior college.

5723         **SECTION 73.** Section 37-27-57, Mississippi Code of 1972, is  
5724 amended as follows:

5725         37-27-57. Any additional or supplemental expenses incurred  
5726 by the agricultural high school or community or junior college in  
5727 the instruction of such pupils above that defrayed by \* \* \*  
5728 uniform per student funding formula funds as provided in Section  
5729 37-27-55, shall be paid either from the amounts received from the  
5730 state appropriation for the support of agricultural high schools  
5731 or from the tax levy for the support of such agricultural high  
5732 school or community or junior college or from any other funds  
5733 which such agricultural high school or community or junior college  
5734 may have available for such purpose.

5735         **SECTION 74.** Section 37-28-5, Mississippi Code of 1972, is  
5736 amended as follows:

5737         37-28-5. As used in this chapter, the following words and  
5738 phrases have the meanings ascribed in this section unless the  
5739 context clearly indicates otherwise:

5740                 (a) "Applicant" means any person or group that develops  
5741 and submits an application for a charter school to the authorizer.



5742 (b) "Application" means a proposal from an applicant to  
5743 the authorizer to enter into a charter contract whereby the  
5744 proposed school obtains charter school status.

5745 (c) "Authorizer" means the Mississippi Charter School  
5746 Authorizer Board established under Section 37-28-7 to review  
5747 applications, decide whether to approve or reject applications,  
5748 enter into charter contracts with applicants, oversee charter  
5749 schools, and decide whether to renew, not renew, or revoke charter  
5750 contracts.

5751 (d) "Charter contract" means a fixed-term, renewable  
5752 contract between a charter school and the authorizer which  
5753 outlines the roles, powers, responsibilities and performance  
5754 expectations for each party to the contract.

5755 (e) "Charter school" means a public school that is  
5756 established and operating under the terms of charter contract  
5757 between the school's governing board and the authorizer. The term  
5758 "charter school" includes a conversion charter school and start-up  
5759 charter school.

5760 (f) "Conversion charter school" means a charter school  
5761 that existed as a noncharter public school before becoming a  
5762 charter school.

5763 (g) "Education service provider" means a charter  
5764 management organization, school design provider or any other  
5765 partner entity with which a charter school intends to contract for  
5766 educational design, implementation or comprehensive management.



5767           (h) "Governing board" means the independent board of a  
5768 charter school which is party to the charter contract with the  
5769 authorizer and whose members have been elected or selected  
5770 pursuant to the school's application.

5771           (i) "Noncharter public school" means a public school  
5772 that is under the direct management, governance and control of a  
5773 school board or the state.

5774           (j) "Parent" means a parent, guardian or other person  
5775 or entity having legal custody of a child.

5776           (k) "School board" means a school board exercising  
5777 management and control over a local school district and the  
5778 schools of that district pursuant to the State Constitution and  
5779 state statutes.

5780           (l) "School district" means a governmental entity that  
5781 establishes and supervises one or more public schools within its  
5782 geographical limits pursuant to state statutes.

5783           (m) "Start-up charter school" means a charter school  
5784 that did not exist as a noncharter public school before becoming a  
5785 charter school.

5786           (n) "Student" means any child who is eligible for  
5787 attendance in a public school in the state.

5788           (o) "Underserved students" means students participating  
5789 in the federal free lunch program \* \* \* and students who are  
5790 identified as having special educational needs.



5791           **SECTION 75.** Section 37-28-53, Mississippi Code of 1972, is  
5792 amended as follows:

5793           37-28-53. (1) Each charter school shall certify annually to  
5794 the State Department of Education its student enrollment \* \* \* and  
5795 student participation in the national school lunch program,  
5796 special education, vocational education, gifted education,  
5797 alternative school program and federal programs in the same manner  
5798 as school districts.

5799           (2) Each charter school shall certify annually to the school  
5800 board of the school district in which the charter school is  
5801 located the number of enrolled charter school students residing in  
5802 the school district.

5803           **SECTION 76.** Section 37-28-55, Mississippi Code of 1972, is  
5804 amended as follows:

5805           37-28-55. (1) (a) The State Department of Education shall  
5806 make payments to charter schools for each student in \* \* \*  
5807 enrollment at the charter school equal to the state share of  
5808 the \* \* \* uniform per student funding formula payments for each  
5809 student in \* \* \* enrollment at the school district in which the  
5810 charter school is located. In calculating the local contribution  
5811 for purposes of determining the state share of the \* \* \* uniform  
5812 per student funding formula payments, the department shall deduct  
5813 the pro rata local contribution of the school district in which  
5814 the student resides \* \* \*.



5815           (b) Payments made pursuant to this subsection by the  
5816 State Department of Education must be made at the same time and in  
5817 the same manner as \* \* \* uniform per student funding formula  
5818 payments are made to school districts under Sections 37-151-101  
5819 and 37-151-103. Amounts payable to a charter school must be  
5820 determined by the State Department of Education. Amounts payable  
5821 to a charter school over its charter term must be based on the  
5822 enrollment projections set forth over the term of the charter  
5823 contract. Such projections must be \* \* \* audited by the State  
5824 Auditor in the same manner and during the same months as student  
5825 enrollment is audited under Section 37-151-221(2) for the current  
5826 year for which \* \* \* uniform per student funding formula funds are  
5827 being appropriated and any necessary adjustments must be made to  
5828 payments during the school's following year of operation.

5829           (2) For students attending a charter school located in the  
5830 school district in which the student resides, the school district  
5831 in which a charter school is located shall pay directly to the  
5832 charter school an amount for each student enrolled in the charter  
5833 school equal to the ad valorem tax receipts and in-lieu payments  
5834 received per pupil for the support of the local school district in  
5835 which the student resides. The pro rata ad valorem receipts and  
5836 in-lieu receipts to be transferred to the charter school shall  
5837 include all levies for the support of the local school district  
5838 under Sections 37-57-1 (local contribution to the \* \* \* uniform  
5839 per student funding formula) and 37-57-105 (school district



5840 operational levy) and may not include any taxes levied for the  
5841 retirement of the local school district's bonded indebtedness or  
5842 short-term notes or any taxes levied for the support of  
5843 vocational-technical education programs. The amount of funds  
5844 payable to the charter school by the school district must be based  
5845 on the previous year's enrollment data and ad valorem receipts and  
5846 in-lieu receipts of the local school district in which the student  
5847 resides. The pro rata amount must be calculated by dividing the  
5848 local school district's months one (1) through nine (9) \* \* \*  
5849 student enrollment into the total amount of ad valorem receipts  
5850 and in-lieu receipts, as reported to the State Department of  
5851 Education by the local school district. The local school district  
5852 shall pay an amount equal to this pro rata amount multiplied by  
5853 the number of students enrolled in the charter school, based on  
5854 the charter school's end of first month enrollment for the current  
5855 school year. The amount must be paid by the school district to  
5856 the charter school before January 16 of the current fiscal year.  
5857 If the local school district does not pay the required amount to  
5858 the charter school before January 16, the State Department of  
5859 Education shall reduce the local school district's January  
5860 transfer of \* \* \* Mississippi Uniform Per Student Funding Formula  
5861 funds by the amount owed to the charter school and shall redirect  
5862 that amount to the charter school. Any such payments made under  
5863 this subsection (2) by the State Department of Education to a  
5864 charter school must be made at the same time and in the same



5865 manner as \* \* \* uniform per student funding formula payments are  
5866 made to school districts under Sections 37-151-101 and 37-151-103.

5867 (3) For students attending a charter school located in a  
5868 school district in which the student does not reside, the State  
5869 Department of Education shall pay to the charter school in which  
5870 the student is enrolled an amount as follows: the pro rata ad  
5871 valorem receipts and in-lieu payments per pupil for the support of  
5872 the local school district in which the student resides under  
5873 Sections 37-57-1 (local contribution to the \* \* \* uniform per  
5874 student funding formula) and 37-57-105 (school district  
5875 operational levy), however, not including any taxes levied for the  
5876 retirement of the local school district's bonded indebtedness or  
5877 short-term notes or any taxes levied for the support of  
5878 vocational-technical education programs. The amount of funds  
5879 payable to the charter school by the school district must be based  
5880 on the previous year's enrollment data and ad valorem receipts and  
5881 in-lieu receipts of the local school district in which the student  
5882 resides. The pro rata amount must be calculated by dividing the  
5883 local school district's months one (1) through nine (9) \* \* \*  
5884 student enrollment into the total amount of ad valorem receipts  
5885 and in-lieu receipts, as reported to the State Department of  
5886 Education by the transferor local school district. The payable  
5887 amount shall be equal to this pro rata amount multiplied by the  
5888 number of students enrolled in the charter school, based on the  
5889 charter school's end of first month enrollment for the current



5890 school year. The State Department of Education shall reduce the  
5891 school district's January transfer of \* \* \* Mississippi Uniform  
5892 Per Student Funding Formula funds by the amount owed to the  
5893 charter school and shall redirect that amount to the charter  
5894 school. Any such payments made under this subsection (3) by the  
5895 State Department of Education to a charter school must be made at  
5896 the same time and in the same manner as \* \* \* uniform per student  
5897 funding formula payments are made to school districts under  
5898 Sections 37-151-101 and 37-151-103.

5899 (4) (a) The State Department of Education shall direct the  
5900 proportionate share of monies generated under federal and state  
5901 categorical aid programs, including special education, vocational,  
5902 gifted and alternative school programs, to charter schools serving  
5903 students eligible for such aid. The department shall ensure that  
5904 charter schools with rapidly expanding enrollments are treated  
5905 equitably in the calculation and disbursement of all federal and  
5906 state categorical aid program dollars. Each charter school that  
5907 serves students who may be eligible to receive services provided  
5908 through such programs shall comply with all reporting requirements  
5909 to receive the aid.

5910 (b) A charter school shall pay to a local school  
5911 district any federal or state aid attributable to a student with a  
5912 disability attending the charter school in proportion to the level  
5913 of services for that student which the local school district  
5914 provides directly or indirectly.



5915           (c) Subject to the approval of the authorizer, a  
5916 charter school and a local school district may negotiate and enter  
5917 into a contract for the provision of and payment for special  
5918 education services, including, but not necessarily limited to, a  
5919 reasonable reserve not to exceed five percent (5%) of the local  
5920 school district's total budget for providing special education  
5921 services. The reserve may be used by the local school district  
5922 only to offset excess costs of providing services to students with  
5923 disabilities enrolled in the charter school.

5924           (5) \* \* \* A charter school may enter into a contract with a  
5925 school district or private provider to provide transportation to  
5926 the school's students.

5927           **SECTION 77.** Section 37-29-1, Mississippi Code of 1972, is  
5928 amended as follows:

5929           37-29-1. (1) The creation, establishment, maintenance and  
5930 operation of community colleges is authorized. Community colleges  
5931 may admit students if they have earned one (1) unit less than the  
5932 number of units required for high school graduation established by  
5933 State Board of Education policy or have earned a High School  
5934 Equivalency Diploma in courses correlated to those of senior  
5935 colleges or professional schools. Subject to the provisions of  
5936 Section 75-76-34, they shall offer, without limitation, education  
5937 and training preparatory for occupations such as agriculture,  
5938 industry of all kinds, business, homemaking and for other  
5939 occupations on the semiprofessional and vocational-technical



5940 level. They may offer courses and services to students regardless  
5941 of their previous educational attainment or further academic  
5942 plans.

5943 (2) The boards of trustees of the community college  
5944 districts are authorized to establish an early admission program  
5945 under which applicants having a minimum ACT composite score of  
5946 twenty-six (26) or the equivalent SAT score may be admitted as  
5947 full-time college students if the principal or guidance counselor  
5948 of the student recommends in writing that it is in the best  
5949 educational interest of the student. Such recommendation shall  
5950 also state that the student's age will not keep him from being a  
5951 successful full-time college student. Students admitted in the  
5952 early admission program shall not be counted for \* \* \* uniform per  
5953 student funding formula purposes in the \* \* \* enrollment of the  
5954 school district in which they reside, and transportation required  
5955 by a student to participate in the early admission program shall  
5956 be the responsibility of the parents or legal guardians of the  
5957 student. Grades and college credits earned by students admitted  
5958 to the early admission program shall be recorded on the college  
5959 transcript at the community college where the student attends  
5960 classes, and may be released to another institution or used for  
5961 college graduation requirements only after the student has  
5962 successfully completed one (1) full semester of course work.

5963 (3) The community colleges shall provide, through courses or  
5964 other acceptable educational measures, the general education



5965 necessary to individuals and groups which will tend to make them  
5966 capable of living satisfactory lives consistent with the ideals of  
5967 a democratic society.

5968         **SECTION 78.** Section 37-29-272, Mississippi Code of 1972, is  
5969 amended as follows:

5970         37-29-272. The board of trustees of any community college  
5971 district in the state maintaining and operating an agricultural  
5972 high school on July 1, 1994, is hereby authorized to transfer the  
5973 control, maintenance and operation of said agricultural high  
5974 school, including the transfer of title to all real and personal  
5975 property used for agricultural high school purposes, to the county  
5976 board of education of the county in which the school is located.  
5977 Upon the acceptance by the county board of education and before an  
5978 order authorizing such transfer shall be entered, the board of  
5979 trustees of the community college district and the county board of  
5980 education in which such school is located shall by joint  
5981 resolution agree in writing on the terms of such transfer, the  
5982 extent of the rights of use and occupancy of the school and  
5983 grounds, and the control, management, preservation and  
5984 responsibility of transportation of students to such premises, to  
5985 be spread upon the minutes of each governing authority. Upon such  
5986 transfer, the county board of education may abolish the  
5987 agricultural high school as a distinct school, and merge its  
5988 activities, programs and students into the regular high school  
5989 curricula of the school district. When a community college has



5990 transferred operation of an agricultural high school as provided  
5991 herein, the pupils attending such school shall be reported,  
5992 accounted for allocation of \* \* \* uniform per student funding  
5993 formula funds and entitled to school transportation as though such  
5994 pupils were attending the schools of the school district in which  
5995 they reside, as provided in Sections 37-27-53 and 37-27-55,  
5996 Mississippi Code of 1972. When any agricultural high school is  
5997 transferred by the board of trustees of a community college to the  
5998 county board of education as provided in this section, all laws  
5999 relating to agricultural high school tax levies for the support or  
6000 retirement of bonded indebtedness for agricultural high schools  
6001 shall continue in full force and effect for the transferring  
6002 community college district until current obligations on all bonded  
6003 indebtednesses related to agriculture high schools have been  
6004 satisfied and retired.

6005       **SECTION 79.** Section 37-29-303, Mississippi Code of 1972, is  
6006 amended as follows:

6007       37-29-303. As used in Sections 37-29-301 through 37-29-305,  
6008 the following terms shall be defined as provided in this section:

6009           (a) "Full-time equivalent (FTE) enrollment" means the  
6010 process by which the Southern Regional Education Board (SREB)  
6011 calculates FTE by taking total undergraduate semester credit hours  
6012 divided by thirty (30); total undergraduate quarter hours divided  
6013 by forty-five (45); total graduate semester credit hours divided



6014 by twenty-four (24); and total graduate quarter hours divided by  
6015 thirty-six (36).

6016 (b) "State funds" means all funds appropriated by the  
6017 Legislature including funds from the State General Fund, Education  
6018 Enhancement Fund, Budget Contingency Fund and Health Care  
6019 Expendable Fund.

6020 (c) "E & G operations" means education and general  
6021 expenses of the colleges and universities.

6022 (d) \* \* \* "Student enrollment" has the same meaning as  
6023 ascribed to that term under Section 37-151-203.

6024 **SECTION 80.** Section 37-31-13, Mississippi Code of 1972, is  
6025 amended as follows:

6026 37-31-13. (1) Any appropriation that may be made under the  
6027 provisions of Sections 37-31-1 through 37-31-15 shall be used by  
6028 the board for the promotion of vocational education as provided  
6029 for in the "Smith-Hughes Act" and for the purpose set forth in  
6030 Sections 37-31-1 through 37-31-15. The state appropriation shall  
6031 not be used for payments to high schools which are now receiving  
6032 other state funds, except in lieu of not more than one-half (1/2)  
6033 the amount that may be due such high schools from federal funds.  
6034 Only such portion of the state appropriation shall be used as may  
6035 be absolutely necessary to carry out the provisions of Sections  
6036 37-31-1 through 37-31-15, and to meet the federal requirements.  
6037 Except as provided in subsection (2) of this section, the state  
6038 appropriation shall not be used for payments to high schools for



6039 conducting vocational programs for more than ten (10) months in  
6040 any school year, and only funds other than \* \* \* uniform per  
6041 student funding formula funds may be expended for such purpose.

6042 (2) Subject to annual approval by the State Board of  
6043 Education, extended contracts for vocational agriculture education  
6044 services and other related vocational education services which  
6045 contribute to economic development may be conducted by local  
6046 school districts, and state appropriations may be used for  
6047 payments to school districts providing such services. The board  
6048 of trustees of each school district shall determine whether any  
6049 proposed services contribute to the economic development of the  
6050 area. Local districts may apply to the Division of Vocational and  
6051 Technical Education of the State Department of Education for any  
6052 state funds available for these extended contracts. The State  
6053 Board of Education shall establish the application process and the  
6054 selection criteria for this program. The number of state funded  
6055 extended contracts approved by the State Board of Education will  
6056 be determined by the availability of funds specified for this  
6057 purpose. The State Board of Education's decision shall be final.  
6058 Payments under this subsection shall only be available to those  
6059 high schools whose teachers of vocational programs are responsible  
6060 for the following programs of instruction during those months  
6061 between the academic years: (a) supervision and instruction of  
6062 students in agricultural or other vocational experience programs;  
6063 (b) group and individual instruction of farmers and



6064 agribusinessmen; (c) supervision of student members of youth  
6065 groups who are involved in leadership training or other activity  
6066 required by state or federal law; or (d) any program of vocational  
6067 agriculture or other vocational-related services established by  
6068 the Division of Vocational and Technical Education of the State  
6069 Department of Education that contribute to the economic  
6070 development of the geographic area.

6071         **SECTION 81.** Section 37-31-75, Mississippi Code of 1972, is  
6072 amended as follows:

6073         37-31-75. The various counties, municipalities, school  
6074 districts and junior college districts which may become parties to  
6075 any agreement authorized by Sections 37-31-71 through 37-31-79 are  
6076 authorized to appropriate and expend any and all funds which may  
6077 be required to carry out the terms of the agreement from any funds  
6078 available to any party to the agreement not otherwise appropriated  
6079 without limitation as to the source of the funds, including \* \* \*  
6080 uniform per student funding formula funds, sixteenth section  
6081 funds, funds received from the federal government or other sources  
6082 by way of grant, donation or otherwise, and funds which may be  
6083 available to any such party through the Department of Education or  
6084 any other agency of the state, regardless of the party to the  
6085 agreement designated by the agreement to be primarily responsible  
6086 for the construction or operation of the regional education center  
6087 and regardless of the limitation on the expenditure of any funds  
6088 imposed by any other statute. However, no funds whose use was



6089 originally limited to the construction of capital improvements  
6090 shall be utilized for the purpose of defraying the administrative  
6091 or operating costs of any regional education center. Any one or  
6092 more of the parties to an agreement may be designated as the  
6093 fiscal agent or contracting party in carrying out any of the  
6094 purposes of the agreement, and any and all funds authorized to be  
6095 spent by any of the parties may be paid over to the fiscal agent  
6096 or contracting party for disbursement by the fiscal agent or  
6097 contracting party. Disbursements shall be made and contracted for  
6098 under the laws and regulations applicable to the fiscal or  
6099 disbursing agent, except to the extent they may be extended or  
6100 modified by the provisions of Sections 37-31-71 through 37-31-79.  
6101 All of the parties to the agreement may issue bonds, negotiable  
6102 notes or other evidences of indebtedness for the purpose of  
6103 providing funds for the acquisition of land and for the  
6104 construction of buildings and permanent improvements under the  
6105 terms of the agreement under any existing laws authorizing the  
6106 issuance or sale of bonds, negotiable notes or other evidences of  
6107 indebtedness to provide funds for any capital improvement.

6108       **SECTION 82.** Section 37-35-3, Mississippi Code of 1972, is  
6109 amended as follows:

6110       37-35-3. (1) The board of trustees of any school district,  
6111 including any community or junior college, may establish and  
6112 maintain classes for adults, including general educational  
6113 development classes, under the regulations authorized in this



6114 chapter and pursuant to the standards prescribed in subsection  
6115 (3). The property and facilities of the public school districts  
6116 may be used for this purpose where such use does not conflict with  
6117 uses already established.

6118 (2) The trustees of any school district desiring to  
6119 establish such program may request the taxing authority of the  
6120 district to levy additional ad valorem taxes for the support of  
6121 this program. The board of supervisors, in the case of a county  
6122 school district, a special municipal separate school district, or  
6123 a community or junior college district, and the governing  
6124 authority of any municipality, in the case of a municipal separate  
6125 school district, is authorized, in its discretion, to levy a tax  
6126 not exceeding one (1) mill upon all the taxable property of the  
6127 district for the support of this program. The tax shall be in  
6128 addition to all other taxes authorized by law to be levied. In  
6129 addition to the funds realized from any such levy, the board of  
6130 trustees of any school district is authorized to use any surplus  
6131 funds that it may have or that may be made available to it from  
6132 local sources to supplement this program.

6133 (3) (a) Any student participating in an approved High  
6134 School Equivalency Diploma Option program administered by a local  
6135 school district or a local school district with an approved  
6136 contractual agreement with a community or junior college or other  
6137 local entity shall not be considered a dropout. Students in such  
6138 a program administered by a local school district shall be



6139 considered as enrolled within the school district of origin for  
6140 the purpose of enrollment for \* \* \* the uniform per student  
6141 funding formula only. Such students shall not be considered as  
6142 enrolled in the regular school program for academic or  
6143 programmatic purposes.

6144 (b) Students participating in an approved High School  
6145 Equivalency Diploma Option program shall have an individual career  
6146 plan developed at the time of placement to insure that the  
6147 student's academic and job skill needs will be met. The  
6148 Individual Career Plan will address, but is not limited to, the  
6149 following:

6150 (i) Academic and instructional needs of the  
6151 student;

6152 (ii) Job readiness needs of the student; and

6153 (iii) Work experience program options available  
6154 for the student.

6155 (c) Students participating in an approved High School  
6156 Equivalency Diploma Option program may participate in existing job  
6157 and skills development programs or in similar programs developed  
6158 in conjunction with the High School Equivalency Diploma Option  
6159 program and the vocational director.

6160 (d) High School Equivalency Diploma Option programs may  
6161 be operated by local school districts or may be operated by two  
6162 (2) or more adjacent school districts, pursuant to a contract  
6163 approved by the State Board of Education. When two (2) or more



6164 school districts contract to operate a High School Equivalency  
6165 Diploma Option program, the school board of a district designated  
6166 to be the lead district shall serve as the governing board of the  
6167 High School Equivalency Diploma Option program. Transportation  
6168 for students placed in the High School Equivalency Diploma Option  
6169 program shall be the responsibility of the school district of  
6170 origin. The expense of establishing, maintaining and operating  
6171 such High School Equivalency Diploma Option programs may be paid  
6172 from funds made available to the school district through  
6173 contributions, \* \* \* uniform per student funding formula funds or  
6174 from local district maintenance funds.

6175 (e) The State Department of Education will develop  
6176 procedures and criteria for placement of a student in the High  
6177 School Equivalency Diploma Option programs. Students placed in  
6178 High School Equivalency Diploma Option programs shall have  
6179 parental approval for such placement and must meet the following  
6180 criteria:

6181 (i) The student must be at least sixteen (16)  
6182 years of age;

6183 (ii) The student must be at least one (1) full  
6184 grade level behind his or her ninth grade cohort or must have  
6185 acquired less than four (4) Carnegie units;

6186 (iii) The student must have taken every  
6187 opportunity to continue to participate in coursework leading to a  
6188 diploma; and



6189 (iv) The student must be certified to be eligible  
6190 to participate in the GED course by the school district  
6191 superintendent, based on the developed criteria.

6192 (f) Students participating in an approved High School  
6193 Equivalency Diploma Option program, who are enrolled in subject  
6194 area courses through January 31 in a school with a traditional  
6195 class schedule or who are enrolled in subject area courses through  
6196 October 31 or through March 31 in a school on a block schedule,  
6197 shall be required to take the end-of-course subject area tests for  
6198 those courses in which they are enrolled.

6199 **SECTION 83.** Section 37-37-3, Mississippi Code of 1972, is  
6200 amended as follows:

6201 37-37-3. In addition to all auditors and other employees now  
6202 or hereafter provided by law, the State Auditor may appoint and  
6203 employ examiners in the Department of Audit. The examiners shall  
6204 make such audits as may be necessary to determine the correctness  
6205 and accuracy of all reports made to the State Department of  
6206 Education by any school district or school official concerning the  
6207 number of educable students in any school district, the number of  
6208 students enrolled in any school district, the number of students  
6209 in \* \* \* enrollment in any school district, and the number of  
6210 students being transported or entitled to transportation to any of  
6211 the public schools of this state.

6212 **SECTION 84.** Section 37-41-7, Mississippi Code of 1972, is  
6213 amended as follows:



6214           37-41-7. The local school board is hereby authorized,  
6215 empowered and directed to lay out all transportation routes and  
6216 provide transportation for all school children who are entitled to  
6217 transportation within their respective counties and school  
6218 districts.

6219           Any school district may, in the discretion of the school  
6220 board, expend funds from any funds available to the school  
6221 district other than \* \* \* uniform per student funding formula  
6222 funds, including the amounts derived from district tax levies,  
6223 sixteenth section funds, and all other available funds, for the  
6224 purpose of supplementing funds available to the school board for  
6225 paying transportation costs \* \* \* not covered by \* \* \* uniform per  
6226 student funding formula funds.

6227           **SECTION 85.** Section 37-45-49, Mississippi Code of 1972, is  
6228 amended as follows:

6229           37-45-49. Any cost or fees provided by this chapter to be  
6230 paid by any county board of education or board of trustees of a  
6231 municipal separate school district may be paid by the county board  
6232 of education from the administrative fund provided by Section  
6233 37-19-31, or from any school funds of the district other  
6234 than \* \* \* uniform per student funding formula funds, and by the  
6235 municipal separate school district from the maintenance funds of  
6236 the district, other than \* \* \* uniform per student funding formula  
6237 funds. Any fees or costs provided by this chapter to be paid by



6238 the \* \* \* department may be paid from the funds appropriated for  
6239 its operation.

6240 **SECTION 86.** Section 37-47-9, Mississippi Code of 1972, is  
6241 amended as follows:

6242 37-47-9. It is found and determined that the state should  
6243 make an annual grant of Twenty-four Dollars (\$24.00) for each  
6244 child in \* \* \* enrollment in the public schools of the various  
6245 school districts of this state during each school year, and that  
6246 such monies should be applied for the purpose of establishing and  
6247 maintaining adequate physical facilities for the public school  
6248 district and/or the payment of existing debt therefor.

6249 The grant to which each public school is entitled under the  
6250 provisions of this section shall be credited to the school  
6251 district of which such school is part. If any change is made in  
6252 the operation or boundaries of any such school district, equitable  
6253 reallocations shall be made by the \* \* \* department of all  
6254 balances to the credit of such school district, and all debits  
6255 charged against the districts affected by the change in the  
6256 boundaries or system of operation. The obligation of the state to  
6257 make remittance of the sums appropriated or otherwise provided to  
6258 make the annual grants provided by this section shall be  
6259 subordinate to the pledge made to secure the state school bonds  
6260 authorized under this chapter and the sinking fund created for  
6261 their retirement. The grants shall be computed annually as soon  
6262 as practicable after the end of the school year, and shall be



6263 based on the \* \* \* student enrollment for such school year in all  
6264 of the public schools operated by each school district as  
6265 determined by the State Department of Education.

6266 **SECTION 87.** Section 37-47-17, Mississippi Code of 1972, is  
6267 amended as follows:

6268 37-47-17. Applications for the expenditure of funds to the  
6269 credit of any school district in the state public school building  
6270 fund shall originate with the school board of the school district  
6271 entitled to such funds. Before any funds to the credit of a  
6272 school district shall be expended for capital improvements or the  
6273 retirement of outstanding bonded indebtedness, the school board of  
6274 such school district shall prepare and submit an application in  
6275 such form as may be prescribed by the \* \* \* department. There  
6276 shall be included with such application a statement in which there  
6277 is set forth the student enrollment \* \* \* in the schools of the  
6278 district divided as to schools and grades, the number of teachers  
6279 employed, the facilities in use, the facilities to be provided  
6280 with the funds to be expended, the outstanding school  
6281 indebtedness, and such other information as the \* \* \* department  
6282 may require. Such application and statement shall be submitted  
6283 directly to the \* \* \* department and approved or disapproved by  
6284 it. The decision of the \* \* \* department shall be final, unless  
6285 an appeal to the chancery court shall be taken in the manner  
6286 provided by law. In the event any application shall be  
6287 disapproved by the \* \* \* department, the school board submitting



6288 same shall be notified of such disapproval, which notice of  
6289 disapproval shall be accompanied by a statement of the reason or  
6290 reasons for such disapproval.

6291 The \* \* \* department shall approve only those applications  
6292 which are found to be proper under the provisions of this chapter  
6293 and the applicable rules and regulations of the \* \* \* department.  
6294 When an application is approved for the expenditure of funds for  
6295 capital improvements, the contract for the construction of such  
6296 capital improvements shall be entered into and awarded by the  
6297 school board of the school district in the manner provided in this  
6298 chapter; however, the contract for construction of a secondary  
6299 vocational and technical training center for exclusive use and  
6300 operation by a school district may be entered into and awarded by  
6301 the board of trustees of a \* \* \* community college district where  
6302 a grant of federal funds by the Appalachian Commission has been  
6303 made to the board of trustees of such \* \* \* community college  
6304 district to assist in financing construction of such secondary  
6305 vocational and technical training facility for such school  
6306 district.

6307 **SECTION 88.** Section 37-47-25, Mississippi Code of 1972, is  
6308 amended as follows:

6309 37-47-25. Whenever the State Department of Education shall  
6310 determine that any school district is in need of capital  
6311 improvements to an extent in excess of that which may be financed  
6312 by the credit then due such school district by the department, the



6313 department shall be empowered to advance or lend said school  
6314 district such sums as in the opinion of the department are  
6315 necessary to be expended for capital improvements by said school  
6316 district. Such loans or advances shall be evidenced by  
6317 appropriate agreements, and shall be repayable in principal by the  
6318 school district from the annual grants to which the school  
6319 district shall become entitled and from such other funds as may be  
6320 available. Such loans or advances shall not constitute a debt of  
6321 the school district within the meaning of any provision or  
6322 limitation of the Constitution or statutes of the State of  
6323 Mississippi. The department shall not advance or lend to any  
6324 school district any sum in excess of seventy-five percent (75%) of  
6325 the estimated sum which will accrue to the said school district on  
6326 account of grants to be made to the said school district within  
6327 the twenty (20) years next following the date of the loan or  
6328 advance. In determining the maximum allowable advance or loan,  
6329 the department shall assume that the \* \* \* student enrollment in  
6330 the schools of the school district for the past preceding  
6331 scholastic year as confirmed by the audit of \* \* \* student  
6332 enrollment made by the State Department of Audit will continue for  
6333 the period during which the loan is to be repaid.

6334       **SECTION 89.** Section 37-47-33, Mississippi Code of 1972, is  
6335 amended as follows:

6336       37-47-33. For the purpose of: (a) providing funds to enable  
6337 the State Board of Education to make loans or advances to school



6338 districts as provided by Section 37-47-25 \* \* \*; and for the  
6339 purpose of (b) providing funds for the payment and redemption of  
6340 certificates of credit issued to school districts under Section  
6341 37-47-23, when such funds are not otherwise available \* \* \*; or  
6342 for the purpose of (c) providing funds in an amount not exceeding  
6343 Twenty Million Dollars (\$20,000,000.00) for the payment of  
6344 allocations of Mississippi Adequate Education Program funds to  
6345 school districts for capital expenditures approved by the State  
6346 Board of Education which have not been pledged for debt by the  
6347 school district, when such funds are not otherwise  
6348 available \* \* \*; or for any of such purposes, the State Bond  
6349 Commission is authorized and empowered to issue state school bonds  
6350 under the conditions prescribed in this chapter. The aggregate  
6351 principal amount of such bonds outstanding at any one (1) time,  
6352 after deducting the amount of the sinking fund provided for the  
6353 retirement of bonds issued for such purposes, shall never exceed  
6354 the sum of One Hundred Million Dollars (\$100,000,000.00). Within  
6355 such limits, however, state school bonds may be issued from time  
6356 to time under the conditions prescribed in this chapter. None of  
6357 such bonds so issued shall have a maturity date later than July 1,  
6358 2021.

6359       **SECTION 90.** Section 37-57-1, Mississippi Code of 1972, is  
6360 amended as follows:

6361       37-57-1. (1) (a) The boards of supervisors of the counties  
6362 shall levy and collect all taxes for and on behalf of all school



6363 districts which were within the county school system or designated  
6364 as special municipal separate school districts prior to July 1,  
6365 1986. Such taxes shall be collected by the county tax collector  
6366 at the same time and in the same manner as county taxes are  
6367 collected by him, and the same penalties for delinquency shall be  
6368 applicable.

6369 The governing authorities of the municipalities shall levy  
6370 and collect all taxes for and on behalf of all school districts  
6371 which were designated as municipal separate school districts prior  
6372 to July 1, 1986. Such taxes shall be collected by the municipal  
6373 tax collector at the same time and in the same manner as municipal  
6374 taxes are collected by him, and the same penalties for delinquency  
6375 shall be applicable.

6376 Except as otherwise provided in Section 19-9-171, the county  
6377 or municipal tax collector, as the case may be, shall pay such tax  
6378 collections, except for taxes collected for the payment of the  
6379 principal of and interest on school bonds or notes and except for  
6380 taxes collected to defray collection costs, into the school  
6381 depository and report to the school board of the appropriate  
6382 school district at the same time and in the same manner as the tax  
6383 collector makes his payments and reports of other taxes collected  
6384 by him.

6385 Provided, however, the State Board of Education shall  
6386 determine the appropriate levying authority for any school  
6387 district created or reorganized after July 1, 1987.



6388 (b) For the purposes of this chapter and any other laws  
6389 pertaining to taxes levied or bonds or notes issued for and on  
6390 behalf of school districts, the term "levying authority" means the  
6391 board of supervisors of the county or the governing authorities of  
6392 the municipality, whichever levies taxes for and on behalf of the  
6393 particular school district as provided in paragraphs (a) and (b)  
6394 of this subsection.

6395 (2) The levying authority for the school district shall, at  
6396 the same time and in the same manner as other taxes are levied by  
6397 the levying authority, levy a tax of not less than twenty-eight  
6398 (28) mills for the then current fiscal year, less the estimated  
6399 amount of the yield of the School Ad Valorem Tax Reduction Fund  
6400 grant to the school district as determined by the State Department  
6401 of Education or twenty-seven percent (27%) of the \* \* \* uniform  
6402 per student funding formula cost for such school district,  
6403 whichever is a lesser amount, upon all of the taxable property of  
6404 the school district \* \* \*. However, in no case shall the minimum  
6405 local ad valorem tax effort for any school district be equal to an  
6406 amount that would require a millage rate exceeding fifty-five (55)  
6407 mills in that school district. Provided, however, that if a  
6408 levying authority is levying in excess of fifty-five (55) mills on  
6409 July 1, 1997, the levying authority may levy an additional amount  
6410 not exceeding three (3) mills in the aggregate for the period  
6411 beginning July 1, 1997, and ending June 30, 2003, subject to the  
6412 limitation on increased receipts from ad valorem taxes prescribed



6413 in Sections 37-57-105 and 37-57-107. Nothing in this subsection  
6414 shall be construed to require any school district that is levying  
6415 more than fifty-five (55) mills pursuant to Sections 37-57-1 and  
6416 37-57-105 to decrease its millage rate to fifty-five (55) mills or  
6417 less. In making such levy, the levying authority shall levy an  
6418 additional amount sufficient to cover anticipated delinquencies  
6419 and costs of collection so that the net amount of money to be  
6420 produced by such levy shall be equal to the amount which the  
6421 school district is required to contribute as its said minimum  
6422 local ad valorem tax effort. The tax so levied shall be collected  
6423 by the tax collector at the same time and in the same manner as  
6424 other ad valorem taxes are collected by him. The amount of taxes  
6425 so collected as a result of such levy shall be paid into the  
6426 district maintenance fund of the school district by the tax  
6427 collector at the same time and in the same manner as reports and  
6428 payments of other ad valorem taxes are made by said tax collector,  
6429 except that the amount collected to defray costs of collection may  
6430 be paid into the county general fund. The levying authority shall  
6431 have the power and authority to direct and cause warrants to be  
6432 issued against such fund for the purpose of refunding any amount  
6433 of taxes erroneously or illegally paid into such fund where such  
6434 refund has been approved in the manner provided by law.

6435       **SECTION 91.** Section 37-57-104, Mississippi Code of 1972, is  
6436 amended as follows:



6437           37-57-104. (1) Each school board shall submit to the  
6438 levying authority for the school district a certified copy of an  
6439 order adopted by the school board requesting an ad valorem tax  
6440 effort in dollars for the support of the school district. The  
6441 copy of the order shall be submitted by the school board when the  
6442 copies of the school district's budget are filed with the levying  
6443 authority pursuant to Section 37-61-9. Upon receipt of the school  
6444 board's order requesting the ad valorem tax effort in dollars, the  
6445 levying authority shall determine the millage rate necessary to  
6446 generate funds equal to the dollar amount requested by the school  
6447 board. For the purpose of calculating this millage rate, any  
6448 additional amount that is levied pursuant to Section 37-57-105(1)  
6449 to cover anticipated delinquencies and costs of collection or any  
6450 amount that may be levied for the payment of the principal and  
6451 interest on school bonds or notes shall be excluded from the  
6452 limitation of fifty-five (55) mills provided for in subsection (2)  
6453 of this section.

6454           (2) (a) Except as otherwise provided under paragraph (b) or  
6455 (c) of this subsection, if the millage rate necessary to generate  
6456 funds equal to the dollar amount requested by the school board is  
6457 greater than fifty-five (55) mills, and if this millage rate is  
6458 higher than the millage then being levied pursuant to the school  
6459 board's order requesting the ad valorem tax effort for the  
6460 currently existing fiscal year, then the levying authority shall  
6461 call a referendum on the question of exceeding, during the next



6462 fiscal year, the then existing millage rate being levied for  
6463 school district purposes. The referendum shall be scheduled for  
6464 not more than six (6) weeks after the date on which the levying  
6465 authority receives the school board's order requesting the ad  
6466 valorem tax effort.

6467         When a referendum has been called, notice of the referendum  
6468 shall be published at least five (5) days per week, unless the  
6469 only newspaper published in the school district is published less  
6470 than five (5) days per week, for at least three (3) consecutive  
6471 weeks, in at least one (1) newspaper published in the school  
6472 district. The notice shall be no less than one-fourth (1/4) page  
6473 in size, and the type used shall be no smaller than eighteen (18)  
6474 point and surrounded by a one-fourth-inch solid black border. The  
6475 notice may not be placed in that portion of the newspaper where  
6476 legal notices and classified advertisements appear. The first  
6477 publication of the notice shall be made not less than twenty-one  
6478 (21) days before the date fixed for the referendum, and the last  
6479 publication shall be made not more than seven (7) days before that  
6480 date. If no newspaper is published in the school district, then  
6481 the notice shall be published in a newspaper having a general  
6482 circulation in the school district. The referendum shall be held,  
6483 as far as is practicable, in the same manner as other referendums  
6484 and elections are held in the county or municipality. At the  
6485 referendum, all registered, qualified electors of the school  
6486 district may vote. The ballots used at the referendum shall have



6487 printed thereon a brief statement of the amount and purpose of the  
6488 increased tax levy and the words "FOR INCREASING THE MILLAGE  
6489 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY  
6490 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S  
6491 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR  
6492 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)  
6493 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)  
6494 MILLS." The voter shall vote by placing a cross (X) or checkmark  
6495 (✓) opposite his choice on the proposition.

6496 If a majority of the registered, qualified electors of the  
6497 school district who vote in the referendum vote in favor of the  
6498 question, then the ad valorem tax effort in dollars requested by  
6499 the school board shall be approved. However, if a majority of the  
6500 registered, qualified electors who vote in the referendum vote  
6501 against the question, the millage rate levied by the levying  
6502 authority shall not exceed the millage then being levied pursuant  
6503 to the school board's order requesting the ad valorem tax effort  
6504 for the then currently existing fiscal year.

6505 Nothing in this subsection shall be construed to require any  
6506 school district that is levying more than fifty-five (55) mills  
6507 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage  
6508 rate to fifty-five (55) mills or less. Further, nothing in this  
6509 subsection shall be construed to require a referendum in a school  
6510 district where the requested ad valorem tax effort in dollars  
6511 requires a millage rate of greater than fifty-five (55) mills but



6512 the requested dollar amount does not require any increase in the  
6513 then existing millage rate. Further, nothing in this subsection  
6514 shall be construed to require a referendum in a school district  
6515 where, because of a decrease in the assessed valuation of the  
6516 district, a millage rate of greater than fifty-five (55) mills is  
6517 necessary to generate funds equal to the dollar amount generated  
6518 by the ad valorem tax effort for the currently existing fiscal  
6519 year.

6520 (b) Provided, however, that if a levying authority is  
6521 levying in excess of fifty-five (55) mills on July 1, 1997, the  
6522 levying authority may levy an additional amount not exceeding  
6523 three (3) mills in the aggregate for the period beginning July 1,  
6524 1997, and ending June 30, 2003, subject to the limitation on  
6525 increased receipts from ad valorem taxes prescribed in Sections  
6526 37-57-105 and 37-57-107.

6527 (c) If the levying authority for any school district  
6528 lawfully has decreased the millage levied for school district  
6529 purposes, but subsequently determines that there is a need to  
6530 increase the millage rate due to a disaster in which the Governor  
6531 has declared a disaster emergency or the President of the United  
6532 States has declared an emergency or major disaster, then the  
6533 levying authority may increase the millage levied for school  
6534 district purposes up to an amount that does not exceed the millage  
6535 rate in any one (1) of the immediately preceding ten (10) fiscal



6536 years without any referendum that otherwise would be required  
6537 under this subsection.

6538 (3) If the millage rate necessary to generate funds equal to  
6539 the dollar amount requested by the school board is equal to  
6540 fifty-five (55) mills or less, but the dollar amount requested by  
6541 the school board exceeds the next preceding fiscal year's ad  
6542 valorem tax effort in dollars by more than four percent (4%), but  
6543 not more than seven percent (7%) (as provided for under subsection  
6544 (4) of this section), then the school board shall publish notice  
6545 thereof at least five (5) days per week, unless the only newspaper  
6546 published in the school district is published less than five (5)  
6547 days per week, for at least three (3) consecutive weeks in a  
6548 newspaper published in the school district. The notice shall be  
6549 no less than one-fourth (1/4) page in size, and the type used  
6550 shall be no smaller than eighteen (18) point and surrounded by a  
6551 one-fourth-inch solid black border. The notice may not be placed  
6552 in that portion of the newspaper where legal notices and  
6553 classified advertisements appear. The first publication shall be  
6554 made not less than fifteen (15) days before the final adoption of  
6555 the budget by the school board. If no newspaper is published in  
6556 the school district, then the notice shall be published in a  
6557 newspaper having a general circulation in the school district. If  
6558 at any time before the adoption of the budget a petition signed by  
6559 not less than twenty percent (20%) or fifteen hundred (1500),  
6560 whichever is less, of the registered, qualified electors of the



6561 school district is filed with the school board requesting that a  
6562 referendum be called on the question of exceeding the next  
6563 preceding fiscal year's ad valorem tax effort in dollars by more  
6564 than four percent (4%), then the school board shall adopt, not  
6565 later than the next regular meeting, a resolution calling a  
6566 referendum to be held within the school district upon the  
6567 question. The referendum shall be called and held, and notice  
6568 thereof shall be given, in the same manner provided for in  
6569 subsection (2) of this section. The ballot shall contain the  
6570 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and  
6571 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a  
6572 majority of the registered, qualified electors of the school  
6573 district who vote in the referendum vote in favor of the question,  
6574 then the increase requested by the school board shall be approved.  
6575 For the purposes of this subsection, the revenue sources excluded  
6576 from the increase limitation under Section 37-57-107 also shall be  
6577 excluded from the limitation described in this subsection in the  
6578 same manner as they are excluded under Section 37-57-107.  
6579 Provided, however, that any increases requested by the school  
6580 board as a result of the required local contribution to the \* \* \*  
6581 Mississippi Uniform Per Student Funding Formula, as certified to  
6582 the local school district by the State Board of Education under  
6583 Section \* \* \* 37-151-227, shall not be subject to the four percent  
6584 (4%) and/or seven percent (7%) tax increase limitations provided  
6585 in this section.



6586 (4) If the millage rate necessary to generate funds equal to  
6587 the dollar amount requested by the school board is equal to  
6588 fifty-five (55) mills or less, but the dollar amount requested by  
6589 the school board exceeds the seven percent (7%) increase  
6590 limitation provided for in Section 37-57-107, the school board may  
6591 exceed the seven percent (7%) increase limitation only after the  
6592 school board has determined the need for additional revenues and  
6593 three-fifths (3/5) of the registered, qualified electors voting in  
6594 a referendum called by the levying authority have voted in favor  
6595 of the increase. The notice and manner of holding the referendum  
6596 shall be as prescribed in subsection (2) of this section for a  
6597 referendum on the question of increasing the millage rate in  
6598 school districts levying more than fifty-five (55) mills for  
6599 school district purposes.

6600 (5) The aggregate receipts from ad valorem taxes levied for  
6601 school district purposes pursuant to Sections 37-57-1 and  
6602 37-57-105, excluding collection fees, additional revenue from the  
6603 ad valorem tax on any newly constructed properties or any existing  
6604 properties added to the tax rolls or any properties previously  
6605 exempt which were not assessed in the next preceding year, and  
6606 amounts received by school districts from the School Ad Valorem  
6607 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject  
6608 to the increase limitation under this section and Section  
6609 37-57-107.



6610           (6) The school board shall pay to the levying authority all  
6611 costs that are incurred by the levying authority in the calling  
6612 and holding of any election under this section.

6613           (7) The provisions of this section shall not be construed to  
6614 affect in any manner the authority of school boards to levy  
6615 millage for the following purposes:

6616                   (a) The issuance of bonds, notes and certificates of  
6617 indebtedness, as authorized in Sections 37-59-1 through 37-59-45  
6618 and Sections 37-59-101 through 37-59-115;

6619                   (b) The lease of property for school purposes, as  
6620 authorized under the Emergency School Leasing Authority Act of  
6621 1986 (Sections 37-7-351 through 37-7-359);

6622                   (c) The lease or lease-purchase of school buildings, as  
6623 authorized under Section 37-7-301;

6624                   (d) The issuance of promissory notes in the event of a  
6625 shortfall of ad valorem taxes and/or revenue from local sources,  
6626 as authorized under Section 27-39-333; and

6627                   (e) The construction of school buildings outside the  
6628 school district, as authorized under Section 37-7-401.

6629           Any millage levied for the purposes specified in this  
6630 subsection shall be excluded from the millage limitations  
6631 established under this section.

6632           **SECTION 92.** Section 37-57-105, Mississippi Code of 1972, is  
6633 amended as follows:



6634           37-57-105. (1) In addition to the taxes levied under  
6635 Section 37-57-1, the levying authority for the school district, as  
6636 defined in Section 37-57-1, upon receipt of a certified copy of an  
6637 order adopted by the school board of the school district  
6638 requesting an ad valorem tax effort in dollars for the support of  
6639 the school district, shall, at the same time and in the same  
6640 manner as other ad valorem taxes are levied, levy an annual ad  
6641 valorem tax in the amount fixed in such order upon all of the  
6642 taxable property of such school district, which shall not be less  
6643 than the millage rate certified by the State Board of Education as  
6644 the uniform minimum school district ad valorem tax levy for the  
6645 support of the \* \* \* uniform per student funding formula in such  
6646 school district under Section 37-57-1. Provided, however, that  
6647 any school district levying less than the uniform minimum school  
6648 district ad valorem tax levy on July 1, 1997, shall only be  
6649 required to increase its local district maintenance levy in four  
6650 (4) mill annual increments in order to attain such millage  
6651 requirements. In making such levy, the levying authority shall  
6652 levy an additional amount sufficient to cover anticipated  
6653 delinquencies and costs of collection so that the net amount of  
6654 money to be produced by such levy shall be equal to the amount  
6655 which is requested by said school board. The proceeds of such tax  
6656 levy, excluding levies for the payment of the principal of and  
6657 interest on school bonds or notes and excluding levies for costs  
6658 of collection, shall be placed in the school depository to the



6659 credit of the school district and shall be expended in the manner  
6660 provided by law for the purpose of supplementing teachers'  
6661 salaries, extending school terms, purchasing furniture, supplies  
6662 and materials, and for all other lawful operating and incidental  
6663 expenses of such school district, funds for which are not provided  
6664 by \* \* \* uniform per student funding formula allotments.

6665         The monies authorized to be received by school districts from  
6666 the School Ad Valorem Tax Reduction Fund pursuant to Section  
6667 37-61-35 shall be included as ad valorem tax receipts. The  
6668 levying authority for the school district, as defined in Section  
6669 37-57-1, shall reduce the ad valorem tax levy for such school  
6670 district in an amount equal to the amount distributed to such  
6671 school district from the School Ad Valorem Tax Reduction Fund each  
6672 calendar year pursuant to said Section 37-61-35. Such reduction  
6673 shall not be less than the millage rate necessary to generate a  
6674 reduction in ad valorem tax receipts equal to the funds  
6675 distributed to such school district from the School Ad Valorem Tax  
6676 Reduction Fund pursuant to Section 37-61-35. \* \* \* The millage  
6677 levy certified by the State Board of Education as the uniform  
6678 minimum ad valorem tax levy or the millage levy that would  
6679 generate funds in an amount equal to a school district's district  
6680 entitlement, as defined in Section 37-22-1(2)(e), shall be subject  
6681 to the provisions of this paragraph.

6682         In any county where there is located a nuclear generating  
6683 power plant on which a tax is assessed under Section 27-35-309(3),



6684 such required levy and revenue produced thereby may be reduced by  
6685 the levying authority in an amount in proportion to a reduction in  
6686 the base revenue of any such county from the previous year. Such  
6687 reduction shall be allowed only if the reduction in base revenue  
6688 equals or exceeds five percent (5%). "Base revenue" shall mean  
6689 the revenue received by the county from the ad valorem tax levy  
6690 plus the revenue received by the county from the tax assessed  
6691 under Section 27-35-309(3) and authorized to be used for any  
6692 purposes for which a county is authorized by law to levy an ad  
6693 valorem tax. For purposes of determining if the reduction equals  
6694 or exceeds five percent (5%), a levy of millage equal to the prior  
6695 year's millage shall be hypothetically applied to the current  
6696 year's ad valorem tax base to determine the amount of revenue to  
6697 be generated from the ad valorem tax levy. For the purposes of  
6698 this section and Section 37-57-107, the portion of the base  
6699 revenue used for the support of any school district shall be  
6700 deemed to be the aggregate receipts from ad valorem taxes for the  
6701 support of any school district. This paragraph shall apply to  
6702 taxes levied for the 1987 fiscal year and for each fiscal year  
6703 thereafter. If the Mississippi Supreme Court or another court  
6704 finally adjudicates that the tax levied under Section 27-35-309(3)  
6705 is unconstitutional, then this paragraph shall stand repealed.

6706 (2) When the tax is levied upon the territory of any school  
6707 district located in two (2) or more counties, the order of the  
6708 school board requesting the levying of such tax shall be certified



6709 to the levying authority of each of the counties involved, and  
6710 each of the levying authorities shall levy the tax in the manner  
6711 specified herein. The taxes so levied shall be collected by the  
6712 tax collector of the levying authority involved and remitted by  
6713 the tax collector to the school depository of the home county to  
6714 the credit of the school district involved as provided above,  
6715 except that taxes for collection fees may be retained by the  
6716 levying authority for deposit into its general fund.

6717 (3) The aggregate receipts from ad valorem taxes levied for  
6718 school district purposes, excluding collection fees, pursuant to  
6719 this section and Section 37-57-1 shall be subject to the increased  
6720 limitation under Section 37-57-107; however, if the ad valorem tax  
6721 effort in dollars requested by the school district for the fiscal  
6722 year exceeds the next preceding fiscal year's ad valorem tax  
6723 effort in dollars by more than four percent (4%) but not more than  
6724 seven percent (7%), then the school board shall publish notice  
6725 thereof once each week for at least three (3) consecutive weeks in  
6726 a newspaper having general circulation in the school district  
6727 involved, with the first publication thereof to be made not less  
6728 than fifteen (15) days prior to the final adoption of the budget  
6729 by the school board. If at any time prior to said adoption a  
6730 petition signed by not less than twenty percent (20%) or fifteen  
6731 hundred (1500), whichever is less, of the qualified electors of  
6732 the school district involved shall be filed with the school board  
6733 requesting that an election be called on the question of exceeding



6734 the next preceding fiscal year's ad valorem tax effort in dollars  
6735 by more than four percent (4%) but not more than seven percent  
6736 (7%), then the school board shall, not later than the next regular  
6737 meeting, adopt a resolution calling an election to be held within  
6738 such school district upon such question. The election shall be  
6739 called and held, and notice thereof shall be given, in the same  
6740 manner for elections upon the questions of the issuance of the  
6741 bonds of school districts, and the results thereof shall be  
6742 certified to the school board. The ballot shall contain the  
6743 language "For the School Tax Increase Over Four Percent (4%)" and  
6744 "Against the School Tax Increase Over Four Percent (4%)." If a  
6745 majority of the qualified electors of the school district who  
6746 voted in such election shall vote in favor of the question, then  
6747 the stated increase requested by the school board shall be  
6748 approved. For the purposes of this paragraph, the revenue sources  
6749 excluded from the increased limitation under Section 37-57-107  
6750 shall also be excluded from the limitation described herein in the  
6751 same manner as they are excluded under Section 37-57-107.

6752       **SECTION 93.** Section 37-57-107, Mississippi Code of 1972, is  
6753 amended as follows:

6754       37-57-107. (1) Beginning with the tax levy for the 1997  
6755 fiscal year and for each fiscal year thereafter, the aggregate  
6756 receipts from taxes levied for school district purposes pursuant  
6757 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate  
6758 receipts from those sources during any one (1) of the immediately



6759 preceding three (3) fiscal years, as determined by the school  
6760 board, plus an increase not to exceed seven percent (7%). For the  
6761 purpose of this limitation, the term "aggregate receipts" when  
6762 used in connection with the amount of funds generated in a  
6763 preceding fiscal year shall not include excess receipts required  
6764 by law to be deposited into a special account. However, the term  
6765 "aggregate receipts" includes any receipts required by law to be  
6766 paid to a charter school. The additional revenue from the ad  
6767 valorem tax on any newly constructed properties or any existing  
6768 properties added to the tax rolls or any properties previously  
6769 exempt which were not assessed in the next preceding year may be  
6770 excluded from the seven percent (7%) increase limitation set forth  
6771 herein. Taxes levied for payment of principal of and interest on  
6772 general obligation school bonds issued heretofore or hereafter  
6773 shall be excluded from the seven percent (7%) increase limitation  
6774 set forth herein. Any additional millage levied to fund any new  
6775 program mandated by the Legislature shall be excluded from the  
6776 limitation for the first year of the levy and included within such  
6777 limitation in any year thereafter. For the purposes of this  
6778 section, the term "new program" shall include, but shall not be  
6779 limited to, (a) the Early Childhood Education Program required to  
6780 commence with the 1986-1987 school year as provided by Section  
6781 37-21-7 and any additional millage levied and the revenue  
6782 generated therefrom, which is excluded from the limitation for the  
6783 first year of the levy, to support the mandated Early Childhood



6784 Education Program shall be specified on the minutes of the school  
6785 board and of the governing body making such tax levy; (b) any  
6786 additional millage levied and the revenue generated therefrom,  
6787 which shall be excluded from the limitation for the first year of  
6788 the levy, for the purpose of generating additional local  
6789 contribution funds required for the \* \* \* uniform per student  
6790 funding formula; and (c) any additional millage levied and the  
6791 revenue generated therefrom which shall be excluded from the  
6792 limitation for the first year of the levy, for the purpose of  
6793 support and maintenance of any agricultural high school which has  
6794 been transferred to the control, operation and maintenance of the  
6795 school board by the board of trustees of the community college  
6796 district under provisions of Section 37-29-272.

6797 (2) The seven percent (7%) increase limitation prescribed in  
6798 this section may be increased an additional amount only when the  
6799 school board has determined the need for additional revenues and  
6800 has held an election on the question of raising the limitation  
6801 prescribed in this section. The limitation may be increased only  
6802 if three-fifths (3/5) of those voting in the election shall vote  
6803 for the proposed increase. The resolution, notice and manner of  
6804 holding the election shall be as prescribed by law for the holding  
6805 of elections for the issuance of bonds by the respective school  
6806 boards. Revenues collected for the fiscal year in excess of the  
6807 seven percent (7%) increase limitation pursuant to an election  
6808 shall be included in the tax base for the purpose of determining



6809 aggregate receipts for which the seven percent (7%) increase  
6810 limitation applies for subsequent fiscal years.

6811 (3) Except as otherwise provided for excess revenues  
6812 generated pursuant to an election, if revenues collected as the  
6813 result of the taxes levied for the fiscal year pursuant to this  
6814 section and Section 37-57-1 exceed the increase limitation, then  
6815 it shall be the mandatory duty of the school board of the school  
6816 district to deposit such excess receipts over and above the  
6817 increase limitation into a special account and credit it to the  
6818 fund for which the levy was made. It will be the further duty of  
6819 such board to hold said funds and invest the same as authorized by  
6820 law. Such excess funds shall be calculated in the budgets for the  
6821 school districts for the purpose for which such levies were made,  
6822 for the succeeding fiscal year. Taxes imposed for the succeeding  
6823 year shall be reduced by the amount of excess funds available.  
6824 Under no circumstances shall such excess funds be expended during  
6825 the fiscal year in which such excess funds are collected.

6826 (4) For the purposes of determining ad valorem tax receipts  
6827 for a preceding fiscal year under this section, the term "fiscal  
6828 year" means the fiscal year beginning October 1 and ending  
6829 September 30.

6830 (5) Beginning with the 2013-2014 school year, each school  
6831 district in which a charter school is located shall pay to the  
6832 charter school an amount for each student enrolled in the charter  
6833 school equal to the ad valorem taxes levied per pupil for the



6834 support of the school district in which the charter school is  
6835 located. The pro rata ad valorem taxes to be transferred to the  
6836 charter school must include all levies for the support of the  
6837 school district under Sections 37-57-1 (local contribution to  
6838 the \* \* \* uniform per student funding formula) and 37-57-105  
6839 (school district operational levy) but may not include any taxes  
6840 levied for the retirement of school district bonded indebtedness  
6841 or short-term notes or any taxes levied for the support of  
6842 vocational-technical education programs. Payments made pursuant  
6843 to this subsection by a school district to a charter school must  
6844 be made before the expiration of three (3) business days after the  
6845 funds are distributed to the school district.

6846 **SECTION 94.** Section 37-61-3, Mississippi Code of 1972, is  
6847 amended as follows:

6848 37-61-3. The \* \* \* uniform per student funding formula  
6849 allotments \* \* \* to the public school districts and the funds  
6850 derived from the supplemental school district tax levies  
6851 authorized by law shall be used exclusively for the support,  
6852 maintenance and operation of the schools in the manner provided by  
6853 law for the fiscal years for which such funds were appropriated,  
6854 collected or otherwise made available, and no part of said funds  
6855 or allotments shall be used in paying any expenses incurred during  
6856 any preceding fiscal year. However, this shall not be construed to  
6857 prohibit the payment of expenses incurred during the fiscal year  
6858 after the close of such fiscal year from amounts remaining on hand



6859 at the end of such fiscal year, provided that such expenses were  
6860 properly payable from such amounts. Moreover, this shall not be  
6861 construed to prohibit the payment of the salaries of  
6862 superintendents, principals and teachers and other school  
6863 employees whose salaries are payable in twelve (12) monthly  
6864 installments after the close of the fiscal year from amounts on  
6865 hand for such purpose at the end of the fiscal year.

6866 **SECTION 95.** Section 37-61-5, Mississippi Code of 1972, is  
6867 amended as follows:

6868 37-61-5. If in any year there should remain a balance in  
6869 the \* \* \* uniform per student funding formula funds of any school  
6870 district on June 30 which amount is not to be used or is not  
6871 needed in the payment of expenses for the preceding fiscal year  
6872 properly payable out of such \* \* \* uniform per student funding  
6873 formula funds, then such balance on hand to the credit of  
6874 such \* \* \* uniform per student funding formula funds of the school  
6875 district shall be carried forward as a part of such \* \* \* uniform  
6876 per student funding formula funds for the next succeeding fiscal  
6877 year. The proper pro rata part of the amount so carried forward,  
6878 to be determined by the percentage which the state \* \* \* uniform  
6879 per student funding formula funds \* \* \* during the year bore to  
6880 the entire amount \* \* \* of the school district's uniform per  
6881 student funding formula funds, shall be charged against and  
6882 deducted from the amount which the school district is allotted  
6883 from state \* \* \* uniform per student funding formula funds for the



6884 succeeding fiscal year, in a manner prescribed by the State  
6885 Auditor. The remainder of the amount so carried forward may be  
6886 deducted from the amount which the school district is required to  
6887 produce as its local minimum ad valorem tax effort for the support  
6888 of the \* \* \* uniform per student funding formula for the  
6889 succeeding fiscal year \* \* \*.

6890 **SECTION 96.** Section 37-61-7, Mississippi Code of 1972, is  
6891 amended as follows:

6892 37-61-7. If at the end of any fiscal year there should  
6893 remain a balance in the school district fund of any school  
6894 district which is not needed and is not to be used for paying the  
6895 expenses properly payable out of such district fund for the  
6896 preceding fiscal year, such balance shall be carried forward as a  
6897 part of the school district fund for the next fiscal year and used  
6898 and expended in the manner otherwise provided by law. Nothing in  
6899 this section shall be construed as applying to balances \* \* \* of  
6900 uniform per student funding formula funds of a school district,  
6901 and balances remaining in such funds shall be governed by Section  
6902 37-61-5.

6903 **SECTION 97.** Section 37-61-19, Mississippi Code of 1972, is  
6904 amended as follows:

6905 37-61-19. It shall be the duty of the superintendents of  
6906 schools and the school boards of all school districts to limit the  
6907 expenditure of school funds during the fiscal year to the  
6908 resources available. It shall be unlawful for any school district



6909 to budget expenditures from a fund in excess of the resources  
6910 available within that fund. Furthermore, it shall be unlawful for  
6911 any contract to be entered into or any obligation incurred or  
6912 expenditure made in excess of the resources available for such  
6913 fiscal year. Any member of the school board, superintendent of  
6914 schools, or other school official, who shall knowingly enter into  
6915 any contract, incur any obligation, or make any expenditure in  
6916 excess of the amount available for the fiscal year shall be  
6917 personally liable for the amount of such excess. However, no  
6918 school board member, superintendent or other school official shall  
6919 be personally liable (a) in the event of any reduction in \* \* \*  
6920 uniform per student funding formula payments by action of the  
6921 Governor acting through the Department of Finance and  
6922 Administration, or (b) for claims, damages, awards or judgments,  
6923 on account of any wrongful or tortious act or omission or breach  
6924 of implied term or condition of any warranty or contract;  
6925 provided, however, that the foregoing immunity provisions shall  
6926 not be a defense in cases of fraud, criminal action or an  
6927 intentional breach of fiduciary obligations imposed by statute.

6928 **SECTION 98.** Section 37-61-29, Mississippi Code of 1972, is  
6929 amended as follows:

6930 37-61-29. The State Department of Audit is hereby authorized  
6931 and empowered to post-audit and investigate the financial affairs  
6932 and all transactions involving the school funds of the \* \* \*  
6933 school district including the \* \* \* uniform per student funding



6934 formula funds and supplementary district school funds, and to make  
6935 separate and special audits thereof, as now provided by Sections  
6936 7-7-201 through 7-7-215 \* \* \*.

6937         **SECTION 99.** Section 37-61-33, Mississippi Code of 1972, is  
6938 amended as follows:

6939             37-61-33. (1) There is created within the State Treasury a  
6940 special fund to be designated the "Education Enhancement Fund"  
6941 into which shall be deposited all the revenues collected pursuant  
6942 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

6943             (2) Of the amount deposited into the Education Enhancement  
6944 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be  
6945 appropriated each fiscal year to the State Department of Education  
6946 to be distributed to all school districts. Such money shall be  
6947 distributed to all school districts in the proportion that  
6948 the \* \* \* student enrollment of each school district bears to  
6949 the \* \* \* student enrollment of all school districts within the  
6950 state for the following purposes:

6951             (a) Purchasing, erecting, repairing, equipping,  
6952 remodeling and enlarging school buildings and related facilities,  
6953 including gymnasiums, auditoriums, lunchrooms, vocational training  
6954 buildings, libraries, teachers' homes, school barns,  
6955 transportation vehicles (which shall include new and used  
6956 transportation vehicles) and garages for transportation vehicles,  
6957 and purchasing land therefor.



6958                   (b) Establishing and equipping school athletic fields  
6959 and necessary facilities connected therewith, and purchasing land  
6960 therefor.

6961                   (c) Providing necessary water, light, heating,  
6962 air-conditioning and sewerage facilities for school buildings, and  
6963 purchasing land therefor.

6964                   (d) As a pledge to pay all or a portion of the debt  
6965 service on debt issued by the school district under Sections  
6966 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
6967 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
6968 and 37-41-81, or debt issued by boards of supervisors for  
6969 agricultural high schools pursuant to Section 37-27-65, if such  
6970 pledge is accomplished pursuant to a written contract or  
6971 resolution approved and spread upon the minutes of an official  
6972 meeting of the district's school board or board of supervisors.  
6973 The annual grant to such district in any subsequent year during  
6974 the term of the resolution or contract shall not be reduced below  
6975 an amount equal to the district's grant amount for the year in  
6976 which the contract or resolution was adopted. The intent of this  
6977 provision is to allow school districts to irrevocably pledge a  
6978 certain, constant stream of revenue as security for long-term  
6979 obligations issued under the code sections enumerated in this  
6980 paragraph or as otherwise allowed by law. It is the intent of the  
6981 Legislature that the provisions of this paragraph shall be  
6982 cumulative and supplemental to any existing funding programs or



6983 other authority conferred upon school districts or school boards.  
6984 Debt of a district secured by a pledge of sales tax revenue  
6985 pursuant to this paragraph shall not be subject to any debt  
6986 limitation contained in the foregoing enumerated code sections.

6987 (3) The remainder of the money deposited into the Education  
6988 Enhancement Fund shall be appropriated as follows:

6989 (a) To the State Department of Education as follows:

6990 (i) Sixteen and sixty-one one-hundredths percent  
6991 (16.61%) to the cost of the \* \* \* uniform per student funding  
6992 formula determined under \* \* \* Chapter 151, Title 37, Mississippi  
6993 Code of 1972; of the funds generated by the percentage set forth  
6994 in this section for the support of the \* \* \* uniform per student  
6995 funding formula, one and one hundred seventy-eight one-thousandths  
6996 percent (1.178%) of the funds shall be appropriated to be used by  
6997 the State Department of Education for the purchase of textbooks to  
6998 be loaned under Sections 37-43-1 through 37-43-59 to approved  
6999 nonpublic schools, as described in Section 37-43-1. The funds to  
7000 be distributed to each nonpublic school shall be in the proportion  
7001 that the \* \* \* student enrollment of each nonpublic school bears  
7002 to the total \* \* \* student enrollment of all nonpublic schools;

7003 (ii) Seven and ninety-seven one-hundredths percent  
7004 (7.97%) to assist the funding of transportation operations and  
7005 maintenance \* \* \*; and

7006 (iii) Nine and sixty-one one-hundredths percent  
7007 (9.61%) for classroom supplies, instructional materials and



7008 equipment, including computers and computer software, to be  
7009 distributed to all eligible teachers within the state through the  
7010 use of procurement cards. Classroom supply funds shall not be  
7011 expended for administrative purposes. On or before September 1 of  
7012 each year, local school districts shall determine and submit to  
7013 the State Department of Education the number of teachers eligible  
7014 to receive an allocation for the current year. For purposes of  
7015 this subparagraph, "teacher" means any employee of the school  
7016 board of a school district, or the Mississippi School for the  
7017 Arts, the Mississippi School for Math and Science, the Mississippi  
7018 School for the Blind or the Mississippi School for the Deaf, who  
7019 is required by law to obtain a teacher's license from the State  
7020 Department of Education and who is assigned to an instructional  
7021 area of work as defined by the department, but shall not include a  
7022 federally funded teacher. It is the intent of the Legislature  
7023 that all classroom teachers shall utilize these funds in a manner  
7024 that addresses individual classroom needs and supports the overall  
7025 goals of the school regarding supplies, instructional materials,  
7026 equipment, computers or computer software under the provisions of  
7027 this subparagraph, including the type, quantity and quality of  
7028 such supplies, materials and equipment. Classroom supply funds  
7029 allocated under this subparagraph shall supplement, not replace,  
7030 other local and state funds available for the same purposes. The  
7031 State Board of Education shall develop and promulgate rules and  
7032 regulations for the administration of this subparagraph consistent



7033 with the above criteria, with particular emphasis on allowing the  
7034 individual teachers to expend funds as they deem appropriate.  
7035 Effective with the 2013-2014 school year, the local school board  
7036 shall require each school to issue procurement cards provided by  
7037 the Department of Finance and Administration under the provisions  
7038 of Section 31-7-9(1)(c) for the use of teachers and necessary  
7039 support personnel in making instructional supply fund expenditures  
7040 under this section, consistent with the regulations of the  
7041 Mississippi Department of Finance and Administration pursuant to  
7042 Section 31-7-9. Such procurement cards shall be issued at the  
7043 beginning of the school year and shall be issued in equal amounts  
7044 per teacher determined by the total number of qualifying personnel  
7045 and the current state appropriation for classroom supplies with  
7046 the Education Enhancement Fund. Such cards will expire on a  
7047 pre-determined date at the end of each school year. All  
7048 unexpended amounts will be carried forward, combined with the  
7049 following year's allocation of Education Enhancement Fund  
7050 instructional supplies funds and reallocated for the following  
7051 year;

7052 (b) Twenty-two and nine one-hundredths percent (22.09%)  
7053 to the Board of Trustees of State Institutions of Higher Learning  
7054 for the purpose of supporting institutions of higher learning; and

7055 (c) Fourteen and forty-one one-hundredths percent  
7056 (14.41%) to the Mississippi Community College Board for the  
7057 purpose of providing support to community and junior colleges.



7058 (4) The amount remaining in the Education Enhancement Fund  
7059 after funds are distributed as provided in subsections (2) and (3)  
7060 of this section shall be disbursed as follows:

7061 (a) Twenty-five Million Dollars (\$25,000,000.00) shall  
7062 be deposited into the Working Cash-Stabilization Reserve Fund  
7063 created pursuant to Section 27-103-203(1), until the balance in  
7064 such fund reaches the maximum balance of seven and one-half  
7065 percent (7-1/2%) of the General Fund appropriations in the  
7066 appropriate fiscal year. After the maximum balance in the Working  
7067 Cash-Stabilization Reserve Fund is reached, such money shall  
7068 remain in the Education Enhancement Fund to be appropriated in the  
7069 manner provided for in paragraph (b) of this subsection.

7070 (b) The remainder shall be appropriated for other  
7071 educational needs.

7072 (5) None of the funds appropriated pursuant to subsection  
7073 (3) (a) of this section shall be used to reduce the state's General  
7074 Fund appropriation \* \* \* pursuant to \* \* \* subsection (3) (a) (ii)  
7075 of this section \* \* \* in the amount of Thirty-six Million Seven  
7076 Hundred Thousand Dollars (\$36,700,000.00) \* \* \* . \* \* \*

7077 (6) Any funds appropriated from the Education Enhancement  
7078 Fund that are unexpended at the end of a fiscal year shall lapse  
7079 into the Education Enhancement Fund, except as otherwise provided  
7080 in subsection (3) (a) (iii) of this section.

7081 **SECTION 100.** Section 37-61-35, Mississippi Code of 1972, is  
7082 amended as follows:



7083           37-61-35. There is hereby created a special fund in the  
7084 State Treasury to be designated School Ad Valorem Tax Reduction  
7085 Fund into which proceeds collected pursuant to Sections  
7086 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with  
7087 the 1994 state fiscal year, the entire amount of monies in such  
7088 special fund shall be appropriated annually to the State  
7089 Department of Education which shall distribute the appropriated  
7090 amount to the various school districts in the proportion that  
7091 the \* \* \* student enrollment of each school district bears to  
7092 the \* \* \* student enrollment of all school districts within the  
7093 state. On or before June 1, 1993, and on or before June 1 of each  
7094 succeeding year, the State Department of Education shall notify  
7095 each school district of the amount to which such district is  
7096 entitled pursuant to this section.

7097           **SECTION 101.** Section 37-61-37, Mississippi Code of 1972, is  
7098 amended as follows:

7099           37-61-37. There is established in the State Treasury a fund  
7100 known as the "Mississippi Public Education Support Fund"  
7101 (hereinafter referred to as "fund"). The fund shall consist of  
7102 monies required to be deposited therein under Section 27-19-56.34,  
7103 and such other monies as the Legislature may authorize or direct  
7104 to be deposited into the fund. Monies in the fund, upon  
7105 appropriation by the Legislature, may be expended by the  
7106 Mississippi Department of Education for classroom supplies,  
7107 instructional materials and equipment, including computers and



7108 computer software, to be distributed to all school districts in  
7109 the proportion that the \* \* \* student enrollment of each school  
7110 district bears to the \* \* \* student enrollment of all school  
7111 districts within the state. Unexpended amounts remaining in the  
7112 fund at the end of the fiscal year shall not lapse into the State  
7113 General Fund, and any interest earned or investment earnings on  
7114 amounts in the fund shall be deposited to the credit of the fund.

7115 **SECTION 102.** Section 37-131-7, Mississippi Code of 1972, is  
7116 amended as follows:

7117 37-131-7. When any pupils shall attend any demonstration or  
7118 practice school under the provisions of Section 37-131-3, such  
7119 children shall be reported and accounted for the allocation  
7120 of \* \* \* uniform per student funding formula funds and state  
7121 public school building funds just as though such children were  
7122 attending the regular schools of the district in which they  
7123 reside. For this purpose, reports shall be made to the school  
7124 district involved by the demonstration or practice school of the  
7125 number of pupils in \* \* \* enrollment, and the \* \* \* enrollment of  
7126 such children shall thereupon be included in reports made to the  
7127 State Board of Education \* \* \* by the \* \* \* school district \* \* \*.

7128 Allocation of \* \* \* uniform per student funding formula funds  
7129 shall be made by the State Board of Education for such children  
7130 just as though such children were attending the regular schools of  
7131 the district. All \* \* \* uniform per student funding formula  
7132 funds \* \* \* which accrue to any district as a result of such



7133 children who are in attendance at a demonstration or practice  
7134 school shall be paid by the board of trustees of the municipal  
7135 separate school district or by the county board of education to  
7136 the demonstration or practice school, and shall be used to defray  
7137 the cost and expense of maintaining, operating and conducting such  
7138 demonstration or practice school.

7139 All state public school building funds which accrue as a  
7140 result of such children in attendance at a demonstration or  
7141 practice school shall be credited directly to such demonstration  
7142 or practice school, and all of the provisions of Chapter 47 of  
7143 this title shall be fully applicable thereto.

7144 **SECTION 103.** Section 37-131-9, Mississippi Code of 1972, is  
7145 amended as follows:

7146 37-131-9. In addition to the amounts paid to the  
7147 demonstration or practice school from \* \* \* uniform per student  
7148 funding formula funds, as provided in Section 37-131-7, the board  
7149 of trustees of the school district involved may contract with the  
7150 said demonstration or practice school for the payment of  
7151 additional amounts thereto to defray expenses over and above those  
7152 defrayed by \* \* \* uniform per student funding formula funds, which  
7153 additional amounts shall be paid from any funds available to the  
7154 school district other than \* \* \* uniform per student funding  
7155 formula funds, whether produced by a supplemental district tax  
7156 levy or otherwise.



7157           If the total funds paid to the demonstration or practice  
7158 school by the school district are inadequate to defray the cost  
7159 and expense of maintaining and operating such demonstration or  
7160 practice school then the president or executive head of the  
7161 institution may, subject to the approval of the Board of Trustees  
7162 of State Institutions of Higher Learning, require the payment of  
7163 additional fees or tuition in an amount to be fixed by the  
7164 president or executive head of the institution, subject to the  
7165 approval of the Board of Trustees of State Institutions of Higher  
7166 Learning, which amount shall be paid by and collected from the  
7167 student or his parents.

7168           Boards of trustees of school districts involved may designate  
7169 an area within the jurisdiction of the board as an attendance  
7170 center as provided by law, and may require students in such area  
7171 to attend demonstration or practice schools, subject to a  
7172 satisfactory contract between the school board and the president  
7173 or executive head of the institution operating the demonstration  
7174 or practice school. In such event, all fees and tuition must be  
7175 borne by the school district and in no case shall the child or the  
7176 parents of the child assigned to such demonstration or practice  
7177 school be required to pay any fees or tuition.

7178           The president or executive head of the institution, subject  
7179 to the approval of the Board of Trustees of State Institutions of  
7180 Higher Learning, may also fix the amount of fees and tuition to be  
7181 paid by students desiring to attend such demonstration or practice



7182 school in cases where there is no contract with the board of  
7183 trustees of the school district in which the students reside  
7184 therefor.

7185 All funds received by an institution, under the provisions of  
7186 this section, shall be deposited in a special fund and shall be  
7187 used and expended solely for the purpose of defraying and paying  
7188 the cost and expense of operating, maintaining and conducting such  
7189 teachers demonstration and practice school. Such funds may be  
7190 supplemented by and used in connection with any other funds  
7191 available to the institutions for such purpose whether made  
7192 available by legislative appropriation or otherwise.

7193 **SECTION 104.** Section 37-131-11, Mississippi Code of 1972, is  
7194 amended as follows:

7195 37-131-11. All demonstration or practice schools established  
7196 under the provisions of Section 37-131-1 shall, as far as may be  
7197 practicable, be subject to and governed by the same laws as other  
7198 public schools of the State of Mississippi, and shall make all  
7199 reports required by law to be made by public schools to the State  
7200 Board of Education \* \* \* at the same time and in the same manner  
7201 as such reports are made by other public schools. However, for  
7202 the purpose of the allocation of \* \* \* uniform per student funding  
7203 formula funds, the reports of children in \* \* \* enrollment shall  
7204 be made to the school district involved by said demonstration or  
7205 practice school, and a copy thereof shall be filed with the State  
7206 Board of Education. The school district shall use said reports so



7207 filed with it in making its reports to the State Board of  
7208 Education for the purpose of the allocation of \* \* \* uniform per  
7209 student funding formula funds but the \* \* \* enrollment of the  
7210 pupils attending such demonstration or practice school shall be  
7211 segregated and separated in such reports from the \* \* \* student  
7212 enrollment in the regular schools of the district.

7213 **SECTION 105.** Section 37-151-7.1, Mississippi Code of 1972,  
7214 is amended as follows:

7215 37-151-7.1. (1) Before February 1 of each year, the tax  
7216 assessor of each county shall file a report or reports with the  
7217 State Department of Education which provide information essential  
7218 to the department in determining the amount that each school  
7219 district shall be required to provide toward the cost of the \* \* \*  
7220 Mississippi Uniform Per Student Funding Formula. A separate  
7221 report must be filed for each school district or part of a school  
7222 district situated in the county and must include the following  
7223 information:

7224 (a) The total assessed valuation of nonexempt property  
7225 for school purposes in the school district;

7226 (b) The assessed value of exempt property owned by  
7227 homeowners aged sixty-five (65) or older or disabled, as defined  
7228 in Section 27-33-67(2), in the school district;

7229 (c) The school district's tax loss from exemptions  
7230 provided to applicants under the age of sixty-five (65) and not  
7231 disabled, as defined in Section 27-33-67(1); and



7232 (d) The school district's homestead reimbursement  
7233 revenues.

7234 (2) The State Department of Education shall prepare and make  
7235 available to the tax assessor of each county a form for the  
7236 reports required under this section.

7237 **SECTION 106.** Section 37-151-9, Mississippi Code of 1972, is  
7238 amended as follows:

7239 37-151-9. (1) The State Board of Education and State  
7240 Superintendent of Education shall establish within the State  
7241 Department of Education a special unit at the division level  
7242 called the Office of Educational Accountability. The Director of  
7243 the Office of Educational Accountability shall hold a position  
7244 comparable to a deputy superintendent and shall be appointed by  
7245 the State Board of Education with the advice and consent of the  
7246 Senate. He shall serve at the will and pleasure of the State  
7247 Board of Education and may employ necessary professional,  
7248 administrative and clerical staff. The Director of the Office of  
7249 Educational Accountability shall provide all reports to the  
7250 Legislature, Governor, Mississippi Commission on School  
7251 Accreditation and State Board of Education and respond to any  
7252 inquiries for information.

7253 (2) The Office of Educational Accountability is responsible  
7254 for monitoring and reviewing programs developed under the  
7255 Education Reform Act, the Mississippi Adequate Education Program  
7256 Act of 1994, the Education Enhancement Fund, the Mississippi



7257 Uniform Per Student Funding Formula Act of 2018, and subsequent  
7258 education initiatives, and shall provide information,  
7259 recommendations and an annual assessment to the Legislature,  
7260 Governor, Mississippi Commission on School Accreditation and the  
7261 State Board of Education. \* \* \* The annual assessment of  
7262 education reform programs shall be performed by the Office of  
7263 Educational Accountability by December 1 of each year. \* \* \*

7264 (3) In addition, the Office of Educational Accountability  
7265 shall have the following specific duties and responsibilities:

7266 (a) Developing and maintaining a system of  
7267 communication with school district personnel;

7268 (b) Provide opportunities for public comment on the  
7269 current functions of the State Department of Education's programs,  
7270 needed public education services and innovative suggestions; and

7271 (c) Assess both positive and negative impact on school  
7272 districts of new education programs, including but not limited to  
7273 The Mississippi Report Card and alternative school programs.

7274 **SECTION 107.** Section 37-151-10, Mississippi Code of 1972, is  
7275 amended as follows:

7276 37-151-10. (1) There is established a Center for Education  
7277 Analysis which shall be an advisory group attached to the Public  
7278 Education Forum of Mississippi. The Center for Education Analysis  
7279 shall create a structure to systematically collect, compile and  
7280 coordinate data that can be disseminated to business, legislative  
7281 and education entities for decision-making purposes relating to



7282 public education. The Center for Education Analysis may enter  
7283 into a contractual agreement with the Public Education Forum of  
7284 Mississippi in order to place the center within the administrative  
7285 framework of the Public Education Forum under the following  
7286 conditions:

7287 (a) All new programs authorized in this section are  
7288 subject to the availability of funds specifically appropriated  
7289 therefor by the Legislature from the Education Enhancement Fund to  
7290 the Public Education Forum for the support and maintenance of the  
7291 programs of the Center for Education Analysis.

7292 (b) The Public Education Forum will provide a business  
7293 framework to coordinate its recommendations and reports with the  
7294 programs of the Center for Education Analysis.

7295 (c) The Public Education Forum shall employ a director  
7296 for the Center for Education Analysis with appropriate  
7297 qualifications. Any public funds expended pursuant to this  
7298 section shall be audited by the Mississippi Department of Audit.

7299 There is created in the State Treasury a special fund to be  
7300 known as the "Center for Education Analysis Fund." Monies may be  
7301 expended out of such funds pursuant to appropriation by the  
7302 Legislature, to implement the public education analysis program  
7303 established under the provisions of this section. Disbursements  
7304 from such fund shall be made only upon requisition of the Director  
7305 for the Center for Education Analysis.



7306 (2) The Center for Education Analysis established in  
7307 subsection (1) shall develop and submit to the Legislature and the  
7308 Governor an annual report on the implementation of the \* \* \*  
7309 uniform per student funding formula and the Interim School  
7310 District Capital Expenditure Fund program. \* \* \* The report shall  
7311 become a distinct part of the Mississippi Report Card  
7312 describing \* \* \* implementation of the \* \* \* uniform per student  
7313 funding formula. The annual report shall include the following:

7314 (a) A description of the amount of \* \* \* Mississippi  
7315 Uniform Per Student Funding Formula funds available to each school  
7316 district \* \* \*;

7317 (b) A description of each school district's capital  
7318 expenditure plan, including:

7319 (i) A listing of the school district facilities to  
7320 be constructed, purchased, repaired, renovated, remodeled or  
7321 enlarged, with designation of the nature of each such project as  
7322 new construction, retrofitting/renovation, or site work and/or  
7323 preparation;

7324 (ii) For each completed capital improvement  
7325 project and upon the completion of any approved capital  
7326 expenditure plan, a listing by individual project of:

7327 (A) The total dimensions of each  
7328 construction, renovation or site preparation project;

7329 (B) The total project cost in dollars;



7330 (C) The project cost per square foot of newly  
7331 constructed space or, in the case of renovation, per square foot  
7332 of the principal structure affected by such renovation;

7333 (D) The total cost of all furniture and  
7334 equipment per project;

7335 (E) The total amount of nonconstruction fees  
7336 per project;

7337 (F) The total of other costs associated with  
7338 the project not otherwise included in items (A) through (E) above;  
7339 and

7340 (G) The number of classrooms created and/or  
7341 affected by the project;

7342 (iii) A listing of all school district State Aid  
7343 Capital Improvement Bonds secured by Mississippi Adequate  
7344 Education Program funds issued by school districts and the capital  
7345 improvements funded through such bond issue;

7346 (iv) A description of any other local bond issue  
7347 proceeds combined with such funds for capital improvement  
7348 purposes; and

7349 (v) Any other appropriate information relating to  
7350 capital improvements by school districts as determined by the  
7351 State Board of Education;

7352 (c) An annual assessment of the impact of additional or  
7353 less funding under the \* \* \* Mississippi Uniform Per Student



7354 Funding Formula on \* \* \* school districts with less than a \* \* \*  
7355 "C" designation under the state accreditation system; and

7356 (d) An annual assessment of the impact of teacher  
7357 recruitment incentives on the employment of licensed teachers in  
7358 critical teacher shortage geographic areas \* \* \*.

7359 **SECTION 108.** Section 37-151-87, Mississippi Code of 1972, is  
7360 amended as follows:

7361 37-151-87. No school district shall pay any teacher less  
7362 than the state minimum salary. \* \* \* However, \* \* \* school  
7363 districts are authorized to reduce the state minimum salary by a  
7364 pro rata daily amount in order to comply with the school district  
7365 employee furlough provisions of Section 37-7-308. From and after  
7366 July 1, 2012, no school district shall receive any funds under the  
7367 provisions of this chapter for any school year during which the  
7368 aggregate amount of local supplement \* \* \* is reduced below such  
7369 amount for the previous year. However, (a) where there has been a  
7370 reduction in \* \* \* uniform per student funding formula allocations  
7371 for such district in such year, (b) where there has been a  
7372 reduction in the amount of federal funds to such district below  
7373 the previous year, or (c) where there has been a reduction in ad  
7374 valorem taxes to such school district for the 1986-1987 school  
7375 year below the amount for the previous year due to the exemption  
7376 of nuclear generating plants from ad valorem taxation pursuant to  
7377 Section 27-35-309, \* \* \* the aggregate amount of local supplement  
7378 in such district may be reduced in the discretion of the local



7379 school board without loss of funds under this chapter. No school  
7380 district may receive any funds under the provisions of this  
7381 chapter for any school year if the aggregate amount of support  
7382 from ad valorem taxation shall be reduced during such school year  
7383 below such amount for the previous year; however, where there is a  
7384 loss in \* \* \* uniform per student funding formula allocations, or  
7385 where there is or heretofore has been a decrease in the total  
7386 assessed value of taxable property within a school district, the  
7387 aggregate amount of such support may be reduced proportionately.  
7388 Nothing herein contained shall prohibit any school district from  
7389 adopting or continuing a program or plan whereby teachers are paid  
7390 varying salaries according to the teaching ability, classroom  
7391 performance and other similar standards.

7392 For purposes of this section, the term "local supplement"  
7393 means the additional amount paid to an individual teacher over and  
7394 above the salary schedule prescribed in Section 37-19-7 for the  
7395 performance of regular teaching duties by that teacher.

7396 **SECTION 109.** Section 37-151-89, Mississippi Code of 1972, is  
7397 amended as follows:

7398 37-151-89. The minimum base pay for all classroom teachers  
7399 may be increased by the district from any funds available to  
7400 it \* \* \*.

7401 **SECTION 110.** Section 37-151-91, Mississippi Code of 1972, is  
7402 amended as follows:



7403           37-151-91. The school boards of all school districts may  
7404 establish salary schedules based on training, experience and other  
7405 such factors as may be incorporated therein, including student  
7406 progress and performance as developed by the State Board of  
7407 Education, paying teachers greater amounts than the scale  
7408 provided \* \* \* in Section 37-19-7, but no teacher may be paid less  
7409 than the amount based upon the minimum scale of pay provided  
7410 in \* \* \* Section 37-19-7, \* \* \* and all supplements paid from  
7411 local funds shall be based upon the salary schedules so  
7412 established. The school boards may call upon the State Department  
7413 of Education for aid and assistance in formulating and  
7414 establishing such salary schedules, and it shall be the duty of  
7415 the State Department of Education, when so called upon, to render  
7416 such aid and assistance. The amount actually paid to each teacher  
7417 shall be based upon and determined by the type of \* \* \* license  
7418 held by such teacher.

7419           **SECTION 111.** Section 37-151-93, Mississippi Code of 1972, is  
7420 amended as follows:

7421           37-151-93. (1) Legally transferred students going from one  
7422 school district to another shall be counted for \* \* \* uniform per  
7423 student funding formula allotments by the school district wherein  
7424 the pupils attend school \* \* \*. The school boards of the school  
7425 districts which approve the transfer of a student under the  
7426 provisions of Section 37-15-31 shall enter into an agreement and  
7427 contract for the payment or nonpayment of any portion of their



7428 local maintenance funds which they deem fair and equitable in  
7429 support of any transferred student. Except as provided in  
7430 subsection (2) of this section, local maintenance funds shall be  
7431 transferred only to the extent specified in the agreement and  
7432 contract entered into by the affected school districts. The terms  
7433 of any local maintenance fund payment transfer contract shall be  
7434 spread upon the minutes of both of the affected school district  
7435 school boards. The school district accepting any transfer  
7436 students shall be authorized to accept tuition from such students  
7437 under the provisions of Section 37-15-31(1) and such agreement may  
7438 remain in effect for any length of time designated in the  
7439 contract. The terms of such student transfer contracts and the  
7440 amounts of any tuition charged any transfer student shall be  
7441 spread upon the minutes of both of the affected school boards. No  
7442 school district accepting any transfer students under the  
7443 provisions of Section 37-15-31(2), which provides for the transfer  
7444 of certain school district employee dependents, shall be  
7445 authorized to charge such transfer students any tuition fees.

7446 (2) Local maintenance funds shall be paid by the home school  
7447 district to the transferee school district for students granted  
7448 transfers under the provisions of Sections 37-15-29(3) and  
7449 37-15-31(3), \* \* \* not to exceed the \* \* \* student base amount, as  
7450 defined in Section \* \* \* 37-151-203, multiplied by the number of  
7451 such legally transferred students.



7452           **SECTION 112.** Section 37-151-95, Mississippi Code of 1972, is  
7453 amended as follows:

7454           37-151-95. \* \* \* Uniform per student funding formula funds  
7455 shall \* \* \* cover one hundred percent (100%) of the cost of the  
7456 State and School Employees' Life and Health Insurance Plan created  
7457 under Article 7, Chapter 15, Title 25, Mississippi Code of 1972,  
7458 for all district employees who work no less than twenty (20) hours  
7459 during each week and regular nonstudent school bus drivers  
7460 employed by the district.

7461           Where the use of federal funding is allowable to defray, in  
7462 full or in part, the cost of participation in the insurance plan  
7463 by district employees who work no less than twenty (20) hours  
7464 during each week and regular nonstudent school bus drivers, whose  
7465 salaries are paid, in full or in part, by federal funds, the \* \* \*  
7466 use of uniform per student funding formula funds as required under  
7467 this section shall be reduced to the extent of the federal  
7468 funding. Where the use of federal funds is allowable but not  
7469 available, it is the intent of the Legislature that school  
7470 districts contribute the cost of participation for such employees  
7471 from local funds, except that parent fees for child nutrition  
7472 programs shall not be increased to cover such cost.

7473           The State Department of Education, in accordance with rules  
7474 and regulations established by the State Board of Education, may  
7475 withhold a school district's \* \* \* uniform per student funding  
7476 formula funds for failure of the district to timely report



7477 student, fiscal and personnel data necessary to meet state and/or  
7478 federal requirements. The rules and regulations promulgated by  
7479 the State Board of Education shall require the withholding  
7480 of \* \* \* uniform per student funding formula funds for those  
7481 districts that fail to remit premiums, interest penalties and/or  
7482 late charges under the State and School Employees' Life and Health  
7483 Insurance Plan. Noncompliance with such rules and regulations  
7484 shall result in a violation of compulsory accreditation standards  
7485 as established by the State Board of Education and Commission on  
7486 School Accreditation.

7487 **SECTION 113.** Section 37-151-97, Mississippi Code of 1972, is  
7488 amended as follows:

7489 37-151-97. The State Department of Education shall develop  
7490 an annual reporting process to inform the Legislature, local  
7491 district personnel and the general public as to the ongoing and  
7492 future plans for the state's educational programs. The annual  
7493 reporting process will include those vital statistics that are  
7494 commonly reported by schools and districts and that can provide  
7495 clear demographic, strategic and educational information to  
7496 constituencies such as, but not limited to, the following  
7497 information:

7498 (a) Student enrollment \* \* \* and attendance \* \* \*  
7499 reported in the aggregate and specifically for each student  
7500 population that is subject to weighting under the uniform per  
7501 student funding formula, and drop-out and graduation data;



7502 (b) Overall student and district achievement;

7503 (c) Budget, administrative costs and other pertinent

7504 fiscal information, including:

7505 (i) The receipts and disbursements of all school

7506 funds handled by the board;

7507 (ii) Reports of expenditures for public schools,

7508 which, upon request must be made available on an individual

7509 district basis by the State Department of Education;

7510 1. Total Student Expenditures:

7511 a. Instruction (1000s);

7512 b. Other Student Instructional

7513 Expenditures (2100s, 2200s);

7514 2. General Administration (2300s and 2500s);

7515 3. School Administration (2400s);

7516 4. Other Expenditures (2600s, 2700s, 2800s,

7517 3100s, 3200s); and

7518 5. Nonoperational Expenditures (4000s, 5000s,

7519 6000s);

7520 (iii) The number of school districts, school

7521 teachers employed, school administrators employed, pupils taught

7522 and the attendance record of pupils therein;

7523 (iv) County and district levies for each school

7524 district and agricultural high school;

7525 (v) The condition of vocational education, a list

7526 of schools to which federal and state aid has been given, and a



7527 detailed statement of the expenditures of federal funds and the  
7528 state funds that may be provided, and the ranking of subjects  
7529 taught as compared with the state's needs.

7530 (d) Other as directed by the State Board of Education.

7531 Further, the reporting process will include an annual report  
7532 developed specifically to relate the mission and goals of the  
7533 State Board of Education, state superintendent and departments.  
7534 This document will become the method through which the strategic  
7535 planning and management process of the department is articulated  
7536 to the public. It will explain and inform the public of the major  
7537 initiatives of the department and clearly identify rationale for  
7538 program development and/or elimination. The report will establish  
7539 benchmarks, future plans and discuss the effectiveness of  
7540 educational programs.

7541 In addition to the information specified herein, the State  
7542 Board of Education shall have full and plenary authority and power  
7543 to require the furnishing of such further, additional and  
7544 supplementary information as it may deem necessary for the purpose  
7545 of determining the cost of the \* \* \* uniform per student funding  
7546 formula in such school district for the succeeding fiscal year,  
7547 the amount of the \* \* \* uniform per student funding formula funds  
7548 to be allotted to each school district for the succeeding fiscal  
7549 year, and for any other purpose authorized by law or deemed  
7550 necessary by said State Board of Education.



7551           It shall be the duty of the State Department of Education to  
7552 prescribe the forms for the reports provided for in this section.

7553           **SECTION 114.** Section 37-151-99, Mississippi Code of 1972, is  
7554 amended as follows:

7555           37-151-99. Based upon the information obtained pursuant to  
7556 Section 37-151-97 and upon such other and further information as  
7557 provided by law, the State Department of Education shall, on or  
7558 before June 1 of each year, or as soon thereafter as is practical,  
7559 furnish each school board the preliminary estimate of the amount  
7560 each will receive from \* \* \* the \* \* \* uniform per student funding  
7561 formula for the succeeding scholastic year, and at the same time  
7562 shall furnish each such school board with a tentative estimate of  
7563 the cost of the \* \* \* uniform per student funding formula in the  
7564 school district for such succeeding fiscal year.

7565           **SECTION 115.** Section 37-151-101, Mississippi Code of 1972,  
7566 is amended as follows:

7567           37-151-101. It shall be the duty of the State Department of  
7568 Education to file with the State Treasurer and the State Fiscal  
7569 Officer such data and information as may be required to enable the  
7570 said State Treasurer and State Fiscal Officer to distribute  
7571 the \* \* \* uniform per student funding formula funds by electronic  
7572 funds transfer to the several school districts and charter schools  
7573 at the time required and provided under the provisions of this  
7574 chapter. Such data and information so filed shall show in detail  
7575 the amount of funds to which each school district and charter



7576 school is entitled \* \* \* under the uniform per student funding  
7577 formula. Such data and information so filed may be revised from  
7578 time to time as necessitated by law. At the time provided by law,  
7579 the State Treasurer and the State Fiscal Officer shall distribute  
7580 to the several school districts and charter schools the amounts to  
7581 which they are entitled \* \* \* under the uniform per student  
7582 funding formula as provided by this chapter. Such distribution  
7583 shall be made by electronic funds transfer to the depositories of  
7584 the several school districts and charter schools designated in  
7585 writing to the State Treasurer based upon the data and information  
7586 supplied by the State Department of Education for such  
7587 distribution. In such instances, the State Treasurer shall submit  
7588 a request for an electronic funds transfer to the State Fiscal  
7589 Officer, which shall set forth the purpose, amount and payees, and  
7590 shall be in such form as may be approved by the State Fiscal  
7591 Officer so as to provide the necessary information as would be  
7592 required for a requisition and issuance of a warrant. A copy of  
7593 the record of said electronic funds transfers shall be transmitted  
7594 by the school district and charter school depositories to the  
7595 Treasurer, who shall file duplicates with the State Fiscal  
7596 Officer. The Treasurer and State Fiscal Officer shall jointly  
7597 promulgate regulations for the utilization of electronic funds  
7598 transfers to school districts and charter schools.

7599       **SECTION 116.** Section 37-151-103, Mississippi Code of 1972,  
7600 is amended as follows:



7601           37-151-103. (1) Funds due each school district and charter  
7602 school under \* \* \* the \* \* \* Mississippi Uniform Per Student  
7603 Funding Formula shall be paid in the following manner: Two (2)  
7604 business days prior to the last working day of each month there  
7605 shall be paid to each school district and charter school, by  
7606 electronic funds transfer, one-twelfth (1/12) of the funds to  
7607 which the district or charter school is entitled from funds  
7608 appropriated for the \* \* \* Mississippi Uniform Per Student Funding  
7609 Formula. However, in December those payments shall be made on  
7610 December 15th or the next business day after that date. All  
7611 school districts shall process a single monthly payroll for  
7612 licensed employees and may process a single monthly or a  
7613 semimonthly payroll for nonlicensed employees, in the discretion  
7614 of the local school board, with electronic settlement of payroll  
7615 checks secured through direct deposit of net pay for all school  
7616 district employees. In addition, the State Department of  
7617 Education may pay school districts and charter schools \* \* \* under  
7618 the \* \* \* Mississippi Uniform Per Student Funding Formula on a  
7619 date earlier than provided for by this section if it is determined  
7620 that it is in the best interest of school districts and charter  
7621 schools to do so.

7622           \* \* \* However, \* \* \* if the cash balance in the State  
7623 General Fund is not adequate on the due date to pay the amounts  
7624 due to all school districts and charter schools in the state as  
7625 determined by the State Superintendent of Public Education, the



7626 State Fiscal Officer shall not transfer said funds payable to any  
7627 school district or districts or charter schools until money is  
7628 available to pay the amount due to all districts and charter  
7629 schools.

7630 \* \* \*

7631 ( \* \* \*2) In the event of an inordinately large number of  
7632 absentees in any school district or charter school as a result of  
7633 epidemic, natural disaster, or any concerted activity discouraging  
7634 school attendance, then in such event school attendance for the  
7635 purposes of determining \* \* \* student enrollment for the \* \* \*  
7636 uniform per student funding formula shall be based upon the \* \* \*  
7637 student enrollment for the preceding school year for such school  
7638 district or charter school.

7639 **SECTION 117.** Section 37-151-105, Mississippi Code of 1972,  
7640 is amended as follows:

7641 37-151-105. The State Board of Education shall have the  
7642 authority to make such regulations not inconsistent with law which  
7643 it deems necessary for the administration of this chapter. The  
7644 State Board of Education, if it deems such practice necessary, may  
7645 use reports of the first six (6) months of school for the purpose  
7646 of determining \* \* \* student enrollment.

7647 **SECTION 118.** Section 37-151-107, Mississippi Code of 1972,  
7648 is amended as follows:

7649 37-151-107. Any superintendent of education, member of the  
7650 local school board of any school district, superintendent,



7651 principal, teacher, carrier, bus driver or member or employee of  
7652 the State Department of Education or State Board of Education, or  
7653 any other person, who shall willfully violate any of the  
7654 provisions of this chapter, or who shall willfully make any false  
7655 report, list or record, or who shall willfully make use of any  
7656 false report, list or record, concerning the number of school  
7657 children in \* \* \* enrollment shall be guilty of a misdemeanor and  
7658 upon conviction shall be punished by imprisonment in the county  
7659 jail for a period not to exceed sixty (60) days or by a fine of  
7660 not less than One Hundred Dollars (\$100.00), nor more than Three  
7661 Hundred Dollars (\$300.00), or by both such fine and imprisonment,  
7662 in the discretion of the court. In addition, any such person  
7663 shall be civilly liable for all amounts of public funds which are  
7664 illegally, unlawfully or wrongfully expended or paid out by virtue  
7665 of or pursuant to such false report, list or record, and upon  
7666 conviction or adjudication of civil liability hereunder, such  
7667 person shall forfeit his license to teach for a period of three  
7668 (3) years, if such person is the holder of such a license. Any  
7669 suit to recover such funds illegally, unlawfully or wrongfully  
7670 expended or paid out may be brought in the name of the State of  
7671 Mississippi by the Attorney General or the proper district  
7672 attorney or county attorney, and, in the event such suit be  
7673 brought against a person who is under bond, the sureties upon such  
7674 bond shall likewise be liable for such amount illegally,  
7675 unlawfully or wrongfully expended or paid out.



7676           **SECTION 119.** Section 37-173-9, Mississippi Code of 1972, is  
7677 amended as follows:

7678           37-173-9. (1) (a) The parent or legal guardian is not  
7679 required to accept the offer of enrolling in another public school  
7680 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship  
7681 to a nonpublic school. However, if the parent or legal guardian  
7682 chooses the public school option, the student may continue  
7683 attending a public school chosen by the parent or legal guardian  
7684 until the student completes Grade 12.

7685           (b) If the parent or legal guardian chooses a public  
7686 school within the district, the school district shall provide  
7687 transportation to the public school selected by the parent or  
7688 legal guardian. However, if the parent or legal guardian chooses  
7689 a public school in another district, the parent or legal guardian  
7690 is responsible to provide transportation to the school of choice.

7691           (2) Each local school district shall make an initial  
7692 determination of whether a student diagnosed with dyslexia  
7693 qualifies under the Individuals with Disabilities Education Act  
7694 (IDEA) to receive services and funding under the provisions of the  
7695 IDEA before proceeding to the development of a 504 Plan for each  
7696 dyslexic student eligible for educational services or equipment,  
7697 or both, under Sections 37-23-1 through 37-23-157. If a student's  
7698 diagnosis of dyslexia results in a determination that the  
7699 disability is not a disability which would qualify the student as  
7700 eligible under the IDEA, then in developing the written 504 Plan



7701 for each dyslexia student, there shall be a presumption that  
7702 proficiency in spelling, reading and writing are essential for the  
7703 student to achieve appropriate educational progress. Each local  
7704 school district shall develop interventions and strategies to  
7705 address the needs of those students diagnosed with dyslexia which  
7706 provide the necessary accommodations to enable the student to  
7707 achieve appropriate educational progress. The interventions and  
7708 strategies developed shall include, but not be limited to, the use  
7709 of the 3-Tier Instructional Model and the utilization of  
7710 provisions of the IDEA and Section 504 to address those needs.

7711 Furthermore, these provisions do not prohibit a parent or  
7712 legal guardian of a student diagnosed with dyslexia, at any time,  
7713 from choosing the option of a Mississippi Dyslexia Therapy  
7714 Scholarship which would allow the student to attend another public  
7715 school or nonpublic special purpose school.

7716 (3) If the parent or legal guardian chooses the nonpublic  
7717 school option and the student is accepted by the nonpublic school  
7718 pending the availability of a space for the student, the parent or  
7719 legal guardian of the student must notify the department thirty  
7720 (30) days before the first scholarship payment and before entering  
7721 the nonpublic school in order to be eligible for the scholarship  
7722 when a space becomes available for the student in the nonpublic  
7723 school.

7724 (4) The parent or legal guardian of a student may choose, as  
7725 an alternative, to enroll the student in and transport the student



7726 to a public school in an adjacent school district which has  
7727 available space and has a program with dyslexia services that  
7728 provide daily dyslexia therapy sessions delivered by a department  
7729 licensed dyslexia therapist, and that school district shall accept  
7730 the student and report the student for purposes of the district's  
7731 funding under the Mississippi \* \* \* Uniform Per Student Funding  
7732 Formula.

7733 **SECTION 120.** Section 37-173-13, Mississippi Code of 1972, is  
7734 amended as follows:

7735 37-173-13. (1) The maximum scholarship granted per eligible  
7736 student with dyslexia shall be an amount equivalent to the \* \* \*  
7737 student base amount under the Mississippi Uniform Per Student  
7738 Funding Formula.

7739 (2) (a) The nonpublic school under this program shall  
7740 report to the Mississippi Department of Education the number of  
7741 students with dyslexia who are enrolled in nonpublic schools on  
7742 the Mississippi Dyslexia Therapy Scholarships as of September 30  
7743 of each year in order to determine funding for the subsequent  
7744 year. Funds may not be transferred from any funding provided to  
7745 the Mississippi School for the Deaf and the Blind for program  
7746 participants who are eligible under Section 37-173-5.

7747 (b) The Mississippi Department of Education will  
7748 disburse payments to nonpublic schools under this program in  
7749 twelve (12) substantially equal installments. The initial payment  
7750 shall be made after department verification of admission



7751 acceptance, and subsequent payments shall be made upon  
7752 verification of continued enrollment and attendance at the  
7753 nonpublic school.

7754 **SECTION 121.** Section 37-175-13, Mississippi Code of 1972, is  
7755 amended as follows:

7756 37-175-13. (1) The maximum scholarship granted per eligible  
7757 student with speech-language impairment shall be an amount  
7758 equivalent to the \* \* \* student base amount under the Mississippi  
7759 Uniform Per Student Funding Formula.

7760 (2) (a) Any nonpublic school under this program shall  
7761 report to the State Department of Education the number of students  
7762 with speech-language impairment who are enrolled in nonpublic  
7763 schools on the Mississippi Speech-Language Therapy Scholarships as  
7764 of September 30 of each year in order to determine funding for the  
7765 subsequent year. Funds may not be transferred from any funding  
7766 provided to the Mississippi School for the Deaf and the Blind for  
7767 program participants who are eligible under Section 37-175-5.

7768 (b) The State Department of Education shall make  
7769 payments to nonpublic schools for each student at the nonpublic  
7770 school equal to the state share of the \* \* \* uniform per student  
7771 funding formula payments for each student in \* \* \* enrollment at  
7772 the school district from which the student transferred. In  
7773 calculating the local contribution for purposes of determining the  
7774 state share of the \* \* \* uniform per student funding formula  
7775 payments, the department shall deduct the pro rata local



7776 contribution of the school district in which the student resides,  
7777 to be determined as provided in Section \* \* \* 37-151-227(1).

7778 (c) Payments made pursuant to this subsection by the  
7779 State Department of Education must be made at the same time and in  
7780 the same manner as \* \* \* uniform per student funding formula  
7781 payments are made to school districts under Sections 37-151-101  
7782 and 37-151-103. Amounts payable to a nonpublic school must be  
7783 determined by the State Department of Education.

7784 (3) If the parent opts to remove a child from a public  
7785 school to a nonpublic special purpose school and to receive a  
7786 scholarship under this chapter, then transportation shall be  
7787 provided at the parent's or guardian's expense.

7788 **SECTION 122.** Section 37-179-3, Mississippi Code of 1972, is  
7789 amended as follows:

7790 37-179-3. (1) A district which is an applicant to be  
7791 designated as a district of innovation under Section 37-179-1  
7792 shall:

7793 (a) Establish goals and performance targets for the  
7794 district of innovation proposal, which may include:

7795 (i) Reducing achievement gaps among groups of  
7796 public school students by expanding learning experiences for  
7797 students who are identified as academically low-achieving;

7798 (ii) Increasing pupil learning through the  
7799 implementation of high, rigorous standards for pupil performance;



7800 (iii) Increasing the participation of students in  
7801 various curriculum components and instructional components within  
7802 selected schools to enhance at each grade level;

7803 (iv) Increasing the number of students who are  
7804 college and career-ready;

7805 (v) Motivating students at different grade levels  
7806 by offering more curriculum choices and student learning  
7807 opportunities to parents and students within the district;

7808 (b) Identify changes needed in the district and schools  
7809 to lead to better prepared students for success in life and work;

7810 (c) Have a district wide plan of innovation that  
7811 describes and justifies which schools and innovative practices  
7812 will be incorporated;

7813 (d) Provide documentation of community, educator,  
7814 parental, and the local board's support of the proposed  
7815 innovations;

7816 (e) Provide detailed information regarding the  
7817 rationale of requests for waivers from Title 37, Mississippi Code  
7818 of 1972, which relate to the elementary and secondary education of  
7819 public school students, and administrative regulations, and  
7820 exemptions for selected schools regarding waivers of local school  
7821 board policies;

7822 (f) Document the fiscal and human resources the board  
7823 will provide throughout the term of the implementation of the  
7824 innovations within its plan; and



7825 (g) Provide other materials as required by the  
7826 department in compliance with the board's administrative  
7827 regulations and application procedures.

7828 (2) The district and all schools participating in a  
7829 district's innovation plan shall:

7830 (a) Ensure the same health, safety, civil rights, and  
7831 disability rights requirements as are applied to all public  
7832 schools;

7833 (b) Ensure students meet compulsory attendance  
7834 requirements under Sections 37-13-91 and 37-13-92;

7835 (c) Ensure that high school course offerings meet or  
7836 exceed the minimum required under Sections 37-16-7 and 37-3-49,  
7837 for high school graduation or meet early graduation requirements  
7838 that may be enacted by the Mississippi Legislature;

7839 (d) Ensure the student performance standards meet or  
7840 exceed those adopted by the State Board of Education as required  
7841 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance  
7842 with the statewide assessment system specified in Chapter 16,  
7843 Title 37, Mississippi Code of 1972;

7844 (e) Adhere to the same financial audits, audit  
7845 procedures, and audit requirements as are applied under Section  
7846 7-7-211(e);

7847 (f) Require state and criminal background checks for  
7848 staff and volunteers as required of all public school employees



7849 and volunteers within the public schools and specified in Section  
7850 37-9-17;

7851 (g) Comply with open records and open meeting  
7852 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

7853 (h) Comply with purchasing requirements and limitations  
7854 under Chapter 39, Title 37, Mississippi Code of 1972;

7855 (i) Provide overall instructional time that is  
7856 equivalent to or greater than that required under Sections 37-1-11  
7857 and 37-13-67, but which may include on-site instruction, distance  
7858 learning, online courses, and work-based learning on  
7859 nontraditional school days or hours; and

7860 (j) Provide data to the department as deemed necessary  
7861 to generate school and district reports.

7862 (3) (a) Only schools that choose to be designated as  
7863 schools of innovation shall be included in a district's  
7864 application;

7865 (b) As used in this paragraph, "eligible employees"  
7866 means employees that are regularly employed at the school and  
7867 those employees whose primary job duties will be affected by the  
7868 plan; and

7869 (c) Notwithstanding the provisions of paragraph (a) of  
7870 this subsection, a local school board may require a school that  
7871 has been identified as a persistently low-achieving school under  
7872 provisions of Section 37-17-6 to participate in the district's  
7873 plan of innovation.



7874 (4) Notwithstanding any statutes to the contrary, the board  
7875 may approve the requests of districts of innovation to:

7876 (a) Use capital outlay funds for operational costs;

7877 (b) Hire persons for classified positions in  
7878 nontraditional school and district assignments who have bachelors  
7879 and advanced degrees from postsecondary education institutions  
7880 accredited by a regional accrediting association (Southern  
7881 Association of Colleges and Schools) or by an organization  
7882 affiliated with the National Commission on Accrediting;

7883 (c) Employ teachers on extended employment contracts or  
7884 extra duty contracts and compensate them on a salary schedule  
7885 other than the single salary schedule;

7886 (d) Extend the school days as is appropriate within the  
7887 district with compensation for the employees as determined  
7888 locally;

7889 (e) Establish alternative education programs and  
7890 services that are delivered in nontraditional hours and which may  
7891 be jointly provided in cooperation with another school district or  
7892 consortia of districts;

7893 (f) Establish online classes within the district for  
7894 delivering alternative classes in a blended environment to meet  
7895 high school graduation requirements;

7896 (g) Use a flexible school calendar;

7897 (h) Convert existing schools into schools of  
7898 innovation; and



7899 (i) Modify the formula under \* \* \* Chapter 151, Title  
7900 37, Mississippi Code of 1972, for distributing \* \* \* uniform per  
7901 student funding formula funds for students in \* \* \* enrollment in  
7902 nontraditional programming time, including alternative programs  
7903 and virtual programs. Funds granted to a district shall not  
7904 exceed those that would have otherwise been distributed based  
7905 on \* \* \* student enrollment during regular instructional days.

7906 **SECTION 123.** Section 37-181-7, Mississippi Code of 1972, is  
7907 amended as follows:

7908 37-181-7. (1) The ESA program created in this chapter shall  
7909 be limited to five hundred (500) students in the school year  
7910 2015-2016, with new enrollment limited to five hundred (500)  
7911 additional students each year thereafter. Subject to  
7912 appropriation from the General Fund, each student's ESA shall be  
7913 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school  
7914 year 2015-2016. For each subsequent year, this amount shall  
7915 increase or decrease by the same proportion as the \* \* \* student  
7916 base amount under Section \* \* \* 37-151-207 is increased or  
7917 decreased.

7918 (2) Subject to appropriation, eligible students shall be  
7919 approved for participation in the program as follows:

7920 (a) Until participation in the program reaches fifty  
7921 percent (50%) of the annual enrollment limits in subsection (1) of  
7922 this section, students shall be approved on a first-come,



7923 first-served basis, with applications being reviewed on a rolling  
7924 basis;

7925 (b) After participation reaches fifty percent (50%) of  
7926 the annual enrollment limits in subsection (1) of this section,  
7927 the department shall set annual application deadlines for the  
7928 remaining number of available ESAs and begin to maintain a waiting  
7929 list of eligible students. If the number of eligible students who  
7930 apply for the program exceeds the remaining number of ESAs  
7931 available, the department shall fill the available spaces using a  
7932 random selection process that gives preference to students with an  
7933 active Individualized Education Program (IEP); and

7934 (c) Participating students who remain eligible for the  
7935 program are automatically approved for participation for the  
7936 following year and are not subject to the random selection  
7937 process.

7938 (3) No funds for an ESA may be expended from the \* \* \*  
7939 Mississippi Uniform Per Student Funding Formula, nor shall any  
7940 school district be required to provide funding for an ESA.

7941 **SECTION 124.** Section 41-79-5, Mississippi Code of 1972, is  
7942 amended as follows:

7943 41-79-5. (1) There is hereby established within the State  
7944 Department of Health a school nurse intervention program,  
7945 available to all public school districts in the state.

7946 (2) By the school year 1998-1999, each public school  
7947 district shall have employed a school nurse, to be known as a



7948 Health Service Coordinator, pursuant to the school nurse  
7949 intervention program prescribed under this section. The school  
7950 nurse intervention program shall offer any of the following  
7951 specific preventive services, and other additional services  
7952 appropriate to each grade level and the age and maturity of the  
7953 pupils:

7954           (a) Reproductive health education and referral to  
7955 prevent teen pregnancy and sexually transmitted diseases, which  
7956 education shall include abstinence;

7957           (b) Child abuse and neglect identification;

7958           (c) Hearing and vision screening to detect problems  
7959 which can lead to serious sensory losses and behavioral and  
7960 academic problems;

7961           (d) Alcohol, tobacco and drug abuse education to reduce  
7962 abuse of these substances;

7963           (e) Scoliosis screening to detect this condition so  
7964 that costly and painful surgery and lifelong disability can be  
7965 prevented;

7966           (f) Coordination of services for handicapped children  
7967 to ensure that these children receive appropriate medical  
7968 assistance and are able to remain in public school;

7969           (g) Nutrition education and counseling to prevent  
7970 obesity and/or other eating disorders which may lead to  
7971 life-threatening conditions, for example, hypertension;



7972           (h) Early detection and treatment of head lice to  
7973 prevent the spread of the parasite and to reduce absenteeism;  
7974           (i) Emergency treatment of injury and illness to  
7975 include controlling bleeding, managing fractures, bruises or  
7976 contusions and cardiopulmonary resuscitation (CPR);  
7977           (j) Applying appropriate theory as the basis for  
7978 decision making in nursing practice;  
7979           (k) Establishing and maintaining a comprehensive school  
7980 health program;  
7981           (l) Developing individualized health plans;  
7982           (m) Assessing, planning, implementing and evaluating  
7983 programs and other school health activities, in collaboration with  
7984 other professionals;  
7985           (n) Providing health education to assist students,  
7986 families and groups to achieve optimal levels of wellness;  
7987           (o) Participating in peer review and other means of  
7988 evaluation to assure quality of nursing care provided for students  
7989 and assuming responsibility for continuing education and  
7990 professional development for self while contributing to the  
7991 professional growth of others;  
7992           (p) Participating with other key members of the  
7993 community responsible for assessing, planning, implementing and  
7994 evaluating school health services and community services that  
7995 include the broad continuum or promotion of primary, secondary and  
7996 tertiary prevention; and



7997                   (q) Contributing to nursing and school health through  
7998 innovations in theory and practice and participation in research.

7999                   (3) Public school nurses shall be specifically prohibited  
8000 from providing abortion counseling to any student or referring any  
8001 student to abortion counseling or abortion clinics. Any violation  
8002 of this subsection shall disqualify the school district employing  
8003 such public school nurse from receiving any state administered  
8004 funds under this section.

8005                   (4) Repealed.

8006                   (5) Beginning with the 1997-1998 school year, to the extent  
8007 that federal or state funds are available therefor and pursuant to  
8008 appropriation therefor by the Legislature, in addition to the  
8009 school nurse intervention program funds administered under  
8010 subsection (4), the State Department of Health shall establish and  
8011 implement a Prevention of Teen Pregnancy Pilot Program to be  
8012 located in the public school districts with the highest numbers of  
8013 teen pregnancies. The Teen Pregnancy Pilot Program shall provide  
8014 the following education services directly through public school  
8015 nurses in the pilot school districts: health education sessions  
8016 in local schools, where contracted for or invited to provide,  
8017 which target issues including reproductive health, teen pregnancy  
8018 prevention and sexually transmitted diseases, including syphilis,  
8019 HIV and AIDS. When these services are provided by a school nurse,  
8020 training and counseling on abstinence shall be included.



8021           (6) In addition to the school nurse intervention program  
8022 funds administered under subsection (4) and the Teen Pregnancy  
8023 Pilot Program funds administered under subsection (5), to the  
8024 extent that federal or state funds are available therefor and  
8025 pursuant to appropriation therefor by the Legislature, the State  
8026 Department of Health shall establish and implement an Abstinence  
8027 Education Pilot Program to provide abstinence education,  
8028 mentoring, counseling and adult supervision to promote abstinence  
8029 from sexual activity, with a focus on those groups which are most  
8030 likely to bear children out of wedlock. Such abstinence education  
8031 services shall be provided by the State Department of Health  
8032 through its clinics, public health nurses, school nurses and  
8033 through contracts with rural and community health centers in order  
8034 to reach a larger number of targeted clients. For purposes of  
8035 this subsection, the term "abstinence education" means an  
8036 educational or motivational program which:

8037           (a) Has as its exclusive purpose, teaching the social,  
8038 psychological and health gains to be realized by abstaining from  
8039 sexual activity;

8040           (b) Teaches abstinence from sexual activity outside  
8041 marriage as the expected standard for all school-age children;

8042           (c) Teaches that abstinence from sexual activity is the  
8043 only certain way to avoid out-of-wedlock pregnancy, sexually  
8044 transmitted diseases and other associated health problems;



8045           (d) Teaches that a mutually faithful monogamous  
8046 relationship in context of marriage is the expected standard of  
8047 human sexual activity;

8048           (e) Teaches that sexual activity outside of the context  
8049 of marriage is likely to have harmful psychological and physical  
8050 effects;

8051           (f) Teaches that bearing children out of wedlock is  
8052 likely to have harmful consequences for the child, the child's  
8053 parents and society;

8054           (g) Teaches young people how to reject sexual advances  
8055 and how alcohol and drug use increase vulnerability to sexual  
8056 advances; and

8057           (h) Teaches the importance of attaining  
8058 self-sufficiency before engaging in sexual activity.

8059           (7) \* \* \* Pursuant to appropriation therefor by the  
8060 Legislature, in addition to other funds allotted under the \* \* \*  
8061 uniform per student funding formula, each school district shall be  
8062 allotted an additional \* \* \* amount for the purpose of employing  
8063 qualified public school nurses in such school district, which in  
8064 no event shall be less than one (1) \* \* \* nurse per school  
8065 district, for such purpose. In the event the Legislature provides  
8066 less funds than the total state funds needed for the public school  
8067 nurse allotment, those school districts with fewer \* \* \* nurses  
8068 per the number of students in enrollment shall be the first funded  
8069 for such purpose, to the extent of funds available.



8070 (8) Prior to the 1998-1999 school year, nursing staff  
8071 assigned to the program shall be employed through the local county  
8072 health department and shall be subject to the supervision of the  
8073 State Department of Health with input from local school officials.  
8074 Local county health departments may contract with any  
8075 comprehensive private primary health care facilities within their  
8076 county to employ and utilize additional nursing staff. Beginning  
8077 with the 1998-1999 school year, nursing staff assigned to the  
8078 program shall be employed by the local school district and shall  
8079 be designated as "health service coordinators," and shall be  
8080 required to possess a bachelor's degree in nursing as a minimum  
8081 qualification.

8082 (9) Upon each student's enrollment, the parent or guardian  
8083 shall be provided with information regarding the scope of the  
8084 school nurse intervention program. The parent or guardian may  
8085 provide the school administration with a written statement  
8086 refusing all or any part of the nursing service. No child shall  
8087 be required to undergo hearing and vision or scoliosis screening  
8088 or any other physical examination or tests whose parent objects  
8089 thereto on the grounds such screening, physical examination or  
8090 tests are contrary to his sincerely held religious beliefs.

8091 (10) A consent form for reproductive health education shall  
8092 be sent to the parent or guardian of each student upon his  
8093 enrollment. If a response from the parent or guardian is not  
8094 received within seven (7) days after the consent form is sent, the



8095 school shall send a letter to the student's home notifying the  
8096 parent or guardian of the consent form. If the parent or guardian  
8097 fails to respond to the letter within ten (10) days after it is  
8098 sent, then the school principal shall be authorized to allow the  
8099 student to receive reproductive health education. Reproductive  
8100 health education shall include the teaching of total abstinence  
8101 from premarital sex and, wherever practicable, reproductive health  
8102 education should be taught in classes divided according to gender.  
8103 All materials used in the reproductive health education program  
8104 shall be placed in a convenient and easily accessible location for  
8105 parental inspection. School nurses shall not dispense birth  
8106 control pills or contraceptive devices in the school. Dispensing  
8107 of such shall be the responsibility of the State Department of  
8108 Health on a referral basis only.

8109 (11) No provision of this section shall be construed as  
8110 prohibiting local school districts from accepting financial  
8111 assistance of any type from the State of Mississippi or any other  
8112 governmental entity, or any contribution, donation, gift, decree  
8113 or bequest from any source which may be utilized for the  
8114 maintenance or implementation of a school nurse intervention  
8115 program in a public school system of this state.

8116 **SECTION 125.** Section 43-17-5, Mississippi Code of 1972, is  
8117 amended as follows:

8118 43-17-5. (1) The amount of Temporary Assistance for Needy  
8119 Families (TANF) benefits which may be granted for any dependent



8120 child and a needy caretaker relative shall be determined by the  
8121 county department with due regard to the resources and necessary  
8122 expenditures of the family and the conditions existing in each  
8123 case, and in accordance with the rules and regulations made by the  
8124 Department of Human Services which shall not be less than the  
8125 Standard of Need in effect for 1988, and shall be sufficient when  
8126 added to all other income (except that any income specified in the  
8127 federal Social Security Act, as amended, may be disregarded) and  
8128 support available to the child to provide such child with a  
8129 reasonable subsistence compatible with decency and health. The  
8130 first family member in the dependent child's budget may receive an  
8131 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;  
8132 the second family member in the dependent child's budget may  
8133 receive an amount not to exceed Thirty-six Dollars (\$36.00) per  
8134 month; and each additional family member in the dependent child's  
8135 budget an amount not to exceed Twenty-four Dollars (\$24.00) per  
8136 month. The maximum for any individual family member in the  
8137 dependent child's budget may be exceeded for foster or medical  
8138 care or in cases of children with an intellectual disability or a  
8139 physical disability. TANF benefits granted shall be specifically  
8140 limited only (a) to children existing or conceived at the time the  
8141 caretaker relative initially applies and qualifies for such  
8142 assistance, unless this limitation is specifically waived by the  
8143 department, or (b) to a child born following a



8144 twelve-consecutive-month period of discontinued benefits by the  
8145 caretaker relative.

8146 (2) TANF benefits in Mississippi shall be provided to the  
8147 recipient family by an online electronic benefits transfer system.

8148 (3) The Department of Human Services shall deny TANF  
8149 benefits to the following categories of individuals, except for  
8150 individuals and families specifically exempt or excluded for good  
8151 cause as allowed by federal statute or regulation:

8152 (a) Families without a minor child residing with the  
8153 custodial parent or other adult caretaker relative of the child;

8154 (b) Families which include an adult who has received  
8155 TANF assistance for sixty (60) months after the commencement of  
8156 the Mississippi TANF program, whether or not such period of time  
8157 is consecutive;

8158 (c) Families not assigning to the state any rights a  
8159 family member may have, on behalf of the family member or of any  
8160 other person for whom the family member has applied for or is  
8161 receiving such assistance, to support from any other person, as  
8162 required by law;

8163 (d) Families who fail to cooperate in establishing  
8164 paternity or obtaining child support, as required by law;

8165 (e) Any individual who has not attained eighteen (18)  
8166 years of age, is not married to the head of household, has a minor  
8167 child at least twelve (12) weeks of age in his or her care, and  
8168 has not successfully completed a high school education or its



8169 equivalent, if such individual does not participate in educational  
8170 activities directed toward the attainment of a high school diploma  
8171 or its equivalent, or an alternative educational or training  
8172 program approved by the department;

8173 (f) Any individual who has not attained eighteen (18)  
8174 years of age, is not married, has a minor child in his or her  
8175 care, and does not reside in a place or residence maintained by a  
8176 parent, legal guardian or other adult relative or the individual  
8177 as such parent's, guardian's or adult relative's own home;

8178 (g) Any minor child who has been, or is expected by a  
8179 parent or other caretaker relative of the child to be, absent from  
8180 the home for a period of more than thirty (30) days;

8181 (h) Any individual who is a parent or other caretaker  
8182 relative of a minor child who fails to notify the department of  
8183 the absence of the minor child from the home for the thirty-day  
8184 period specified in paragraph (g), by the end of the five-day  
8185 period that begins with the date that it becomes clear to the  
8186 individual that the minor child will be absent for the thirty-day  
8187 period;

8188 (i) Any individual who fails to comply with the  
8189 provisions of the Employability Development Plan signed by the  
8190 individual which prescribe those activities designed to help the  
8191 individual become and remain employed, or to participate  
8192 satisfactorily in the assigned work activity, as authorized under  
8193 subsection (6) (c) and (d), or who does not engage in applicant job



8194 search activities within the thirty-day period for TANF  
8195 application approval after receiving the advice and consultation  
8196 of eligibility workers and/or caseworkers of the department  
8197 providing a detailed description of available job search venues in  
8198 the individual's county of residence or the surrounding counties;

8199 (j) A parent or caretaker relative who has not engaged  
8200 in an allowable work activity once the department determines the  
8201 parent or caretaker relative is ready to engage in work, or once  
8202 the parent or caretaker relative has received TANF assistance  
8203 under the program for twenty-four (24) months, whether or not  
8204 consecutive, whichever is earlier;

8205 (k) Any individual who is fleeing to avoid prosecution,  
8206 or custody or confinement after conviction, under the laws of the  
8207 jurisdiction from which the individual flees, for a crime, or an  
8208 attempt to commit a crime, which is a felony under the laws of the  
8209 place from which the individual flees, or who is violating a  
8210 condition of probation or parole imposed under federal or state  
8211 law;

8212 (l) Aliens who are not qualified under federal law;

8213 (m) For a period of ten (10) years following  
8214 conviction, individuals convicted in federal or state court of  
8215 having made a fraudulent statement or representation with respect  
8216 to the individual's place of residence in order to receive TANF,  
8217 food stamps or Supplemental Security Income (SSI) assistance under  
8218 Title XVI or Title XIX simultaneously from two (2) or more states;



8219 (n) Individuals who are recipients of federal  
8220 Supplemental Security Income (SSI) assistance; and  
8221 (o) Individuals who are eighteen (18) years of age or  
8222 older who are not in compliance with the drug testing and  
8223 substance use disorder treatment requirements of Section 43-17-6.

8224 (4) (a) Any person who is otherwise eligible for TANF  
8225 benefits, including custodial and noncustodial parents, shall be  
8226 required to attend school and meet the monthly attendance  
8227 requirement as provided in this subsection if all of the following  
8228 apply:

8229 (i) The person is under age twenty (20);

8230 (ii) The person has not graduated from a public or  
8231 private high school or obtained a High School Equivalency Diploma  
8232 equivalent;

8233 (iii) The person is physically able to attend  
8234 school and is not excused from attending school; and

8235 (iv) If the person is a parent or caretaker  
8236 relative with whom a dependent child is living, child care is  
8237 available for the child.

8238 The monthly attendance requirement under this subsection  
8239 shall be attendance at the school in which the person is enrolled  
8240 for each day during a month that the school conducts classes in  
8241 which the person is enrolled, with not more than two (2) absences  
8242 during the month for reasons other than the reasons listed in  
8243 paragraph (e)(iv) of this subsection. Persons who fail to meet



8244 participation requirements in this subsection shall be subject to  
8245 sanctions as provided in paragraph (f) of this subsection.

8246 (b) As used in this subsection, "school" means any one  
8247 (1) of the following:

8248 (i) A school as defined in Section 37-13-91(2);

8249 (ii) A vocational, technical and adult education  
8250 program; or

8251 (iii) A course of study meeting the standards  
8252 established by the State Department of Education for the granting  
8253 of a declaration of equivalency of high school graduation.

8254 (c) If any compulsory-school-age child, as defined in  
8255 Section 37-13-91(2), to which TANF eligibility requirements apply  
8256 is not in compliance with the compulsory school attendance  
8257 requirements of Section 37-13-91(6), the superintendent of schools  
8258 of the school district in which the child is enrolled or eligible  
8259 to attend shall notify the county department of human services of  
8260 the child's noncompliance. The Department of Human Services shall  
8261 review school attendance information as provided under this  
8262 paragraph at all initial eligibility determinations and upon  
8263 subsequent report of unsatisfactory attendance.

8264 (d) The signature of a person on an application for  
8265 TANF benefits constitutes permission for the release of school  
8266 attendance records for that person or for any child residing with  
8267 that person. The department shall request information from the  
8268 child's school district about the child's attendance in the school



8269 district's most recently completed semester of attendance. If  
8270 information about the child's previous school attendance is not  
8271 available or cannot be verified, the department shall require the  
8272 child to meet the monthly attendance requirement for one (1)  
8273 semester or until the information is obtained. The department  
8274 shall use the attendance information provided by a school district  
8275 to verify attendance for a child. The department shall review  
8276 with the parent or caretaker relative a child's claim that he or  
8277 she has a good cause for not attending school.

8278 A school district shall provide information to the department  
8279 about the attendance of a child who is enrolled in a public school  
8280 in the district within five (5) working days of the receipt of a  
8281 written request for that information from the department. The  
8282 school district shall define how many hours of attendance count as  
8283 a full day and shall provide that information, upon request, to  
8284 the department. In reporting attendance, the school district may  
8285 add partial days' absence together to constitute a full day's  
8286 absence.

8287 If a school district fails to provide to the department the  
8288 information about the school attendance of any child within  
8289 fifteen (15) working days after a written request, the department  
8290 shall notify the Department of Audit within three (3) working days  
8291 of the school district's failure to comply with that requirement.  
8292 The Department of Audit shall begin audit proceedings within five  
8293 (5) working days of notification by the Department of Human



8294 Services to determine the school district's compliance with the  
8295 requirements of this subsection (4). If the Department of Audit  
8296 finds that the school district is not in compliance with the  
8297 requirements of this subsection, the school district shall be  
8298 penalized as follows: The Department of Audit shall notify the  
8299 State Department of Education of the school district's  
8300 noncompliance, and the Department of Education shall reduce the  
8301 calculation of the school district's \* \* \* student enrollment that  
8302 is used to determine the allocation of \* \* \* Mississippi Uniform  
8303 Per Student Funding Formula funds by the number of children for  
8304 which the district has failed to provide to the Department of  
8305 Human Services the required information about the school  
8306 attendance of those children. The reduction in the calculation of  
8307 the school district's \* \* \* student enrollment under this  
8308 paragraph shall be effective for a period of one (1) year.

8309 (e) A child who is required to attend school to meet  
8310 the requirements under this subsection shall comply except when  
8311 there is good cause, which shall be demonstrated by any of the  
8312 following circumstances:

8313 (i) The minor parent is the caretaker of a child  
8314 less than twelve (12) weeks old; or

8315 (ii) The department determines that child care  
8316 services are necessary for the minor parent to attend school and  
8317 there is no child care available; or



8318 (iii) The child is prohibited by the school  
8319 district from attending school and an expulsion is pending. This  
8320 exemption no longer applies once the teenager has been expelled;  
8321 however, a teenager who has been expelled and is making  
8322 satisfactory progress towards obtaining a High School Equivalency  
8323 Diploma equivalent shall be eligible for TANF benefits; or

8324 (iv) The child failed to attend school for one or  
8325 more of the following reasons:

- 8326 1. Illness, injury or incapacity of the child  
8327 or the minor parent's child;
- 8328 2. Court-required appearances or temporary  
8329 incarceration;
- 8330 3. Medical or dental appointments for the  
8331 child or minor parent's child;
- 8332 4. Death of a close relative;
- 8333 5. Observance of a religious holiday;
- 8334 6. Family emergency;
- 8335 7. Breakdown in transportation;
- 8336 8. Suspension; or
- 8337 9. Any other circumstance beyond the control  
8338 of the child, as defined in regulations of the department.

8339 (f) Upon determination that a child has failed without  
8340 good cause to attend school as required, the department shall  
8341 provide written notice to the parent or caretaker relative



8342 (whoever is the primary recipient of the TANF benefits) that  
8343 specifies:

8344 (i) That the family will be sanctioned in the next  
8345 possible payment month because the child who is required to attend  
8346 school has failed to meet the attendance requirement of this  
8347 subsection;

8348 (ii) The beginning date of the sanction, and the  
8349 child to whom the sanction applies;

8350 (iii) The right of the child's parents or  
8351 caretaker relative (whoever is the primary recipient of the TANF  
8352 benefits) to request a fair hearing under this subsection.

8353 The child's parent or caretaker relative (whoever is the  
8354 primary recipient of the TANF benefits) may request a fair hearing  
8355 on the department's determination that the child has not been  
8356 attending school. If the child's parents or caretaker relative  
8357 does not request a fair hearing under this subsection, or if,  
8358 after a fair hearing has been held, the hearing officer finds that  
8359 the child without good cause has failed to meet the monthly  
8360 attendance requirement, the department shall discontinue or deny  
8361 TANF benefits to the child thirteen (13) years old, or older, in  
8362 the next possible payment month. The department shall discontinue  
8363 or deny twenty-five percent (25%) of the family grant when a child  
8364 six (6) through twelve (12) years of age without good cause has  
8365 failed to meet the monthly attendance requirement. Both the child  
8366 and family sanction may apply when children in both age groups



8367 fail to meet the attendance requirement without good cause. A  
8368 sanction applied under this subsection shall be effective for one  
8369 (1) month for each month that the child failed to meet the monthly  
8370 attendance requirement. In the case of a dropout, the sanction  
8371 shall remain in force until the parent or caretaker relative  
8372 provides written proof from the school district that the child has  
8373 reenrolled and met the monthly attendance requirement for one (1)  
8374 calendar month. Any month in which school is in session for at  
8375 least ten (10) days during the month may be used to meet the  
8376 attendance requirement under this subsection. This includes  
8377 attendance at summer school. The sanction shall be removed the  
8378 next possible payment month.

8379 (5) All parents or caretaker relatives shall have their  
8380 dependent children receive vaccinations and booster vaccinations  
8381 against those diseases specified by the State Health Officer under  
8382 Section 41-23-37 in accordance with the vaccination and booster  
8383 vaccination schedule prescribed by the State Health Officer for  
8384 children of that age, in order for the parents or caretaker  
8385 relatives to be eligible or remain eligible to receive TANF  
8386 benefits. Proof of having received such vaccinations and booster  
8387 vaccinations shall be given by presenting the certificates of  
8388 vaccination issued by any health care provider licensed to  
8389 administer vaccinations, and submitted on forms specified by the  
8390 State Board of Health. If the parents without good cause do not  
8391 have their dependent children receive the vaccinations and booster



8392 vaccinations as required by this subsection and they fail to  
8393 comply after thirty (30) days' notice, the department shall  
8394 sanction the family's TANF benefits by twenty-five percent (25%)  
8395 for the next payment month and each subsequent payment month until  
8396 the requirements of this subsection are met.

8397         (6) (a) If the parent or caretaker relative applying for  
8398 TANF assistance is work eligible, as determined by the Department  
8399 of Human Services, the person shall be required to engage in an  
8400 allowable work activity once the department determines the parent  
8401 or caretaker relative is determined work eligible, or once the  
8402 parent or caretaker relative has received TANF assistance under  
8403 the program for twenty-four (24) months, whether or not  
8404 consecutive, whichever is earlier. No TANF benefits shall be  
8405 given to any person to whom this section applies who fails without  
8406 good cause to comply with the Employability Development Plan  
8407 prepared by the department for the person, or who has refused to  
8408 accept a referral or offer of employment, training or education in  
8409 which he or she is able to engage, subject to the penalties  
8410 prescribed in paragraph (e) of this subsection. A person shall be  
8411 deemed to have refused to accept a referral or offer of  
8412 employment, training or education if he or she:

8413                         (i) Willfully fails to report for an interview  
8414 with respect to employment when requested to do so by the  
8415 department; or



8416 (ii) Willfully fails to report to the department  
8417 the result of a referral to employment; or

8418 (iii) Willfully fails to report for allowable work  
8419 activities as prescribed in paragraphs (c) and (d) of this  
8420 subsection.

8421 (b) The Department of Human Services shall operate a  
8422 statewide work program for TANF recipients to provide work  
8423 activities and supportive services to enable families to become  
8424 self-sufficient and improve their competitive position in the  
8425 workforce in accordance with the requirements of the federal  
8426 Personal Responsibility and Work Opportunity Reconciliation Act of  
8427 1996 (Public Law 104-193), as amended, and the regulations  
8428 promulgated thereunder, and the Deficit Reduction Act of 2005  
8429 (Public Law 109-171), as amended. Within sixty (60) days after  
8430 the initial application for TANF benefits, the TANF recipient must  
8431 participate in a job search skills training workshop or a job  
8432 readiness program, which shall include resume writing, job search  
8433 skills, employability skills and, if available at no charge, the  
8434 General Aptitude Test Battery or its equivalent. All adults who  
8435 are not specifically exempt shall be referred by the department  
8436 for allowable work activities. An adult may be exempt from the  
8437 mandatory work activity requirement for the following reasons:

8438 (i) Incapacity;

8439 (ii) Temporary illness or injury, verified by  
8440 physician's certificate;



8441 (iii) Is in the third trimester of pregnancy, and  
8442 there are complications verified by the certificate of a  
8443 physician, nurse practitioner, physician assistant, or any other  
8444 licensed health care professional practicing under a protocol with  
8445 a licensed physician;

8446 (iv) Caretaker of a child under twelve (12)  
8447 months, for not more than twelve (12) months of the sixty-month  
8448 maximum benefit period;

8449 (v) Caretaker of an ill or incapacitated person,  
8450 as verified by physician's certificate;

8451 (vi) Age, if over sixty (60) or under eighteen  
8452 (18) years of age;

8453 (vii) Receiving treatment for substance abuse, if  
8454 the person is in compliance with the substance abuse treatment  
8455 plan;

8456 (viii) In a two-parent family, the caretaker of a  
8457 severely disabled child, as verified by a physician's certificate;  
8458 or

8459 (ix) History of having been a victim of domestic  
8460 violence, which has been reported as required by state law and is  
8461 substantiated by police reports or court records, and being at  
8462 risk of further domestic violence, shall be exempt for a period as  
8463 deemed necessary by the department but not to exceed a total of  
8464 twelve (12) months, which need not be consecutive, in the  
8465 sixty-month maximum benefit period. For the purposes of this



8466 subparagraph (ix), "domestic violence" means that an individual  
8467 has been subjected to:

8468                   1. Physical acts that resulted in, or  
8469 threatened to result in, physical injury to the individual;

8470                   2. Sexual abuse;

8471                   3. Sexual activity involving a dependent  
8472 child;

8473                   4. Being forced as the caretaker relative of  
8474 a dependent child to engage in nonconsensual sexual acts or  
8475 activities;

8476                   5. Threats of, or attempts at, physical or  
8477 sexual abuse;

8478                   6. Mental abuse; or

8479                   7. Neglect or deprivation of medical care.

8480           (c) For all families, all adults who are not  
8481 specifically exempt shall be required to participate in work  
8482 activities for at least the minimum average number of hours per  
8483 week specified by federal law or regulation, not fewer than twenty  
8484 (20) hours per week (thirty-five (35) hours per week for  
8485 two-parent families) of which are attributable to the following  
8486 allowable work activities:

8487                   (i) Unsubsidized employment;

8488                   (ii) Subsidized private employment;

8489                   (iii) Subsidized public employment;



8490 (iv) Work experience (including work associated  
8491 with the refurbishing of publicly assisted housing), if sufficient  
8492 private employment is not available;

8493 (v) On-the-job training;

8494 (vi) Job search and job readiness assistance  
8495 consistent with federal TANF regulations;

8496 (vii) Community service programs;

8497 (viii) Vocational educational training (not to  
8498 exceed twelve (12) months with respect to any individual);

8499 (ix) The provision of child care services to an  
8500 individual who is participating in a community service program;

8501 (x) Satisfactory attendance at high school or in a  
8502 course of study leading to a high school equivalency certificate,  
8503 for heads of household under age twenty (20) who have not  
8504 completed high school or received such certificate;

8505 (xi) Education directly related to employment, for  
8506 heads of household under age twenty (20) who have not completed  
8507 high school or received such equivalency certificate.

8508 (d) The following are allowable work activities which  
8509 may be attributable to hours in excess of the minimum specified  
8510 in \* \* \* paragraph (c) of this subsection:

8511 (i) Job skills training directly related to  
8512 employment;



8513                   (ii) Education directly related to employment for  
8514 individuals who have not completed high school or received a high  
8515 school equivalency certificate;

8516                   (iii) Satisfactory attendance at high school or in  
8517 a course of study leading to a high school equivalency, for  
8518 individuals who have not completed high school or received such  
8519 equivalency certificate;

8520                   (iv) Job search and job readiness assistance  
8521 consistent with federal TANF regulations.

8522                   (e) If any adult or caretaker relative refuses to  
8523 participate in allowable work activity as required under this  
8524 subsection (6), the following full family TANF benefit penalty  
8525 will apply, subject to due process to include notification,  
8526 conciliation and a hearing if requested by the recipient:

8527                   (i) For the first violation, the department shall  
8528 terminate the TANF assistance otherwise payable to the family for  
8529 a two-month period or until the person has complied with the  
8530 required work activity, whichever is longer;

8531                   (ii) For the second violation, the department  
8532 shall terminate the TANF assistance otherwise payable to the  
8533 family for a six-month period or until the person has complied  
8534 with the required work activity, whichever is longer;

8535                   (iii) For the third violation, the department  
8536 shall terminate the TANF assistance otherwise payable to the



8537 family for a twelve-month period or until the person has complied  
8538 with the required work activity, whichever is longer;

8539 (iv) For the fourth violation, the person shall be  
8540 permanently disqualified.

8541 For a two-parent family, unless prohibited by state or  
8542 federal law, Medicaid assistance shall be terminated only for the  
8543 person whose failure to participate in allowable work activity  
8544 caused the family's TANF assistance to be sanctioned under  
8545 this \* \* \* paragraph (e), unless an individual is pregnant, but  
8546 shall not be terminated for any other person in the family who is  
8547 meeting that person's applicable work requirement or who is not  
8548 required to work. Minor children shall continue to be eligible  
8549 for Medicaid benefits regardless of the disqualification of their  
8550 parent or caretaker relative for TANF assistance under this  
8551 subsection (6), unless prohibited by state or federal law.

8552 (f) Any person enrolled in a two-year or four-year  
8553 college program who meets the eligibility requirements to receive  
8554 TANF benefits, and who is meeting the applicable work requirements  
8555 and all other applicable requirements of the TANF program, shall  
8556 continue to be eligible for TANF benefits while enrolled in the  
8557 college program for as long as the person meets the requirements  
8558 of the TANF program, unless prohibited by federal law.

8559 (g) No adult in a work activity required under this  
8560 subsection (6) shall be employed or assigned (i) when any other  
8561 individual is on layoff from the same or any substantially



8562 equivalent job within six (6) months before the date of the TANF  
8563 recipient's employment or assignment; or (ii) if the employer has  
8564 terminated the employment of any regular employee or otherwise  
8565 caused an involuntary reduction of its workforce in order to fill  
8566 the vacancy so created with an adult receiving TANF assistance.  
8567 The Mississippi Department of Employment Security, established  
8568 under Section 71-5-101, shall appoint one or more impartial  
8569 hearing officers to hear and decide claims by employees of  
8570 violations of this paragraph (g). The hearing officer shall hear  
8571 all the evidence with respect to any claim made hereunder and such  
8572 additional evidence as he may require and shall make a  
8573 determination and the reason therefor. The claimant shall be  
8574 promptly notified of the decision of the hearing officer and the  
8575 reason therefor. Within ten (10) days after the decision of the  
8576 hearing officer has become final, any party aggrieved thereby may  
8577 secure judicial review thereof by commencing an action, in the  
8578 circuit court of the county in which the claimant resides, against  
8579 the department for the review of such decision, in which action  
8580 any other party to the proceeding before the hearing officer shall  
8581 be made a defendant. Any such appeal shall be on the record which  
8582 shall be certified to the court by the department in the manner  
8583 provided in Section 71-5-531, and the jurisdiction of the court  
8584 shall be confined to questions of law which shall render its  
8585 decision as provided in that section.



8586 (7) The Department of Human Services may provide child care  
8587 for eligible participants who require such care so that they may  
8588 accept employment or remain employed. The department may also  
8589 provide child care for those participating in the TANF program  
8590 when it is determined that they are satisfactorily involved in  
8591 education, training or other allowable work activities. The  
8592 department may contract with Head Start agencies to provide child  
8593 care services to TANF recipients. The department may also arrange  
8594 for child care by use of contract or vouchers, provide vouchers in  
8595 advance to a caretaker relative, reimburse a child care provider,  
8596 or use any other arrangement deemed appropriate by the department,  
8597 and may establish different reimbursement rates for child care  
8598 services depending on the category of the facility or home. Any  
8599 center-based or group home child care facility under this  
8600 subsection shall be licensed by the State Department of Health  
8601 pursuant to law. When child care is being provided in the child's  
8602 own home, in the home of a relative of the child, or in any other  
8603 unlicensed setting, the provision of such child care may be  
8604 monitored on a random basis by the Department of Human Services or  
8605 the State Department of Health. Transitional child care  
8606 assistance may be continued if it is necessary for parents to  
8607 maintain employment once support has ended, unless prohibited  
8608 under state or federal law. Transitional child care assistance  
8609 may be provided for up to twenty-four (24) months after the last



8610 month during which the family was eligible for TANF assistance, if  
8611 federal funds are available for such child care assistance.

8612 (8) The Department of Human Services may provide  
8613 transportation or provide reasonable reimbursement for  
8614 transportation expenses that are necessary for individuals to be  
8615 able to participate in allowable work activity under the TANF  
8616 program.

8617 (9) Medicaid assistance shall be provided to a family of  
8618 TANF program participants for up to twenty-four (24) consecutive  
8619 calendar months following the month in which the participating  
8620 family would be ineligible for TANF benefits because of increased  
8621 income, expiration of earned income disregards, or increased hours  
8622 of employment of the caretaker relative; however, Medicaid  
8623 assistance for more than twelve (12) months may be provided only  
8624 if a federal waiver is obtained to provide such assistance for  
8625 more than twelve (12) months and federal and state funds are  
8626 available to provide such assistance.

8627 (10) The department shall require applicants for and  
8628 recipients of public assistance from the department to sign a  
8629 personal responsibility contract that will require the applicant  
8630 or recipient to acknowledge his or her responsibilities to the  
8631 state.

8632 (11) The department shall enter into an agreement with the  
8633 State Personnel Board and other state agencies that will allow  
8634 those TANF participants who qualify for vacant jobs within state



8635 agencies to be placed in state jobs. State agencies participating  
8636 in the TANF work program shall receive any and all benefits  
8637 received by employers in the private sector for hiring TANF  
8638 recipients. This subsection (11) shall be effective only if the  
8639 state obtains any necessary federal waiver or approval and if  
8640 federal funds are available therefor.

8641 (12) Any unspent TANF funds remaining from the prior fiscal  
8642 year may be expended for any TANF allowable activities.

8643 (13) The Mississippi Department of Human Services shall  
8644 provide TANF applicants information and referral to programs that  
8645 provide information about birth control, prenatal health care,  
8646 abstinence education, marriage education, family preservation and  
8647 fatherhood.

8648 (14) No new TANF program requirement or restriction  
8649 affecting a person's eligibility for TANF assistance, or allowable  
8650 work activity, which is not mandated by federal law or regulation  
8651 may be implemented by the Department of Human Services after July  
8652 1, 2004, unless such is specifically authorized by an amendment to  
8653 this section by the Legislature.

8654 **SECTION 126.** Section 65-26-9, Mississippi Code of 1972, is  
8655 amended as follows:

8656 65-26-9. (1) There is hereby created in the State Treasury  
8657 a special fund to be known as the Tennessee-Tombigbee Waterway  
8658 Bridge Bond Retirement Fund. All revenues pledged for the payment  
8659 of the principal of and interest on the bonds authorized to be



8660 issued by this chapter shall be deposited into the bond retirement  
8661 fund. Expenditures from the bond retirement fund shall be made  
8662 only in accordance with this section.

8663 (2) Subject to the provisions of subsection (3) of this  
8664 section, amounts on deposit in the bond retirement fund and not  
8665 immediately required for the making of any payments therefrom  
8666 shall be invested in interest-bearing certificates of deposit in  
8667 accordance with the provisions of Section 27-105-33, except  
8668 interest so earned shall be credited to the bond retirement fund.

8669 (3) (a) There is hereby established within the bond  
8670 retirement fund two (2) separate accounts as follows: (i) the  
8671 "Tennessee-Tombigbee General Account"; and (ii) the  
8672 "Tennessee-Tombigbee Principal and Interest Account."

8673 (b) (i) All amounts held in the bond retirement fund  
8674 on April 23, 1986, and all amounts thereafter deposited in the  
8675 bond retirement fund, shall be credited to the Tennessee-Tombigbee  
8676 General Account.

8677 (ii) Until such time as the transfer of funds from  
8678 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee  
8679 Principal and Interest Account occurs as provided in paragraph  
8680 (b)(iii) of this subsection, amounts in the general account shall  
8681 be applied to the following purposes and in the following order of  
8682 priority: first, to the extent required, to the payment, the  
8683 principal of, redemption premium, if any, and interest on general  
8684 obligation bonds; second, to the extent required, to the General



8685 Fund of the state to reimburse the state for expenditures in  
8686 excess of twenty-five percent (25%) of the total costs of the  
8687 principal and interest on bonds issued under authority of  
8688 subsection (1) of Section 65-26-15 and for all expenditures for  
8689 costs of the principal of and interest on bonds issued under  
8690 authority of subsection (2) of Section 65-26-15; and third, to the  
8691 extent required, if any, to the bridge construction fund created  
8692 in Section 65-26-25 to make current payments to meet contractual  
8693 obligations for bridge construction.

8694 (iii) Upon certification of the State Treasurer,  
8695 filed with and approved by the State Bond Commission, that the  
8696 amount on deposit in the Tennessee-Tombigbee General Account,  
8697 together with earnings on investments to accrue to it, is equal to  
8698 or greater than the aggregate of the entire principal, redemption  
8699 premium, if any, and interest due and to become due, until the  
8700 final maturity date or earlier scheduled redemption date thereof,  
8701 on all general obligation bonds outstanding as of the date of such  
8702 certification, then the State Treasurer shall transfer from the  
8703 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee  
8704 Principal and Interest Account an amount equal to the entire  
8705 principal, redemption premium, if any, and interest due and to  
8706 become due, until the final maturity date or scheduled redemption  
8707 date thereof, on all general obligation bonds outstanding as of  
8708 the date of such transfer. The State of Mississippi hereby  
8709 covenants with the holders from time to time of general obligation



8710 bonds that amounts deposited in the Tennessee-Tombigbee Principal  
8711 and Interest Account will be applied solely to the payment of the  
8712 principal of, redemption premium, if any, and interest on general  
8713 obligation bonds.

8714                   (iv) After the date of the transfer from the  
8715 general account to the principal and interest account contemplated  
8716 by paragraph (b)(iii) of this subsection, amounts from time to  
8717 time on deposit in the Tennessee-Tombigbee General Account shall  
8718 be applied monthly to the following purposes and in the following  
8719 order of priority: first, to the extent required, to the payment  
8720 of the principal of, redemption premium, if any, and interest on  
8721 general obligation bonds issued under this chapter; second, to the  
8722 extent required, to the General Fund of the state to reimburse the  
8723 state for expenditures in excess of twenty-five percent (25%) of  
8724 the total costs of the principal and interest on bonds issued  
8725 under authority of subsection (1) of Section 65-26-15 and for all  
8726 expenditures for costs of the principal of and interest on bonds  
8727 issued under authority of subsection (2) of Section 65-26-15; and  
8728 third, to the extent required, if any, to the bridge construction  
8729 fund created in Section 65-26-25 to make current payments to meet  
8730 contractual obligations for bridge construction.

8731           (4) It is the intent of the Legislature that all outstanding  
8732 general obligation bonds issued under this chapter shall be  
8733 retired by the State Bond Commission on the earliest scheduled  
8734 redemption date thereof, provided that there are sufficient funds



8735 in the bond retirement fund together with earnings on investments  
8736 to accrue to it. When the principal of, redemption premium, if  
8737 any, and interest on all such outstanding general obligation bonds  
8738 are paid in full, then any amounts remaining in the bond  
8739 retirement fund, or separate accounts therein, together with  
8740 earnings on investments to accrue to it, shall be apportioned and  
8741 paid as follows:

8742 (a) Three Million Five Hundred Thousand Dollars  
8743 (\$3,500,000.00) of such funds shall be paid into the appropriate  
8744 fund for use by the Yellow Creek State Inland Port Authority for  
8745 equipment or facilities necessary to the operation of the port.

8746 (b) Three Million Five Hundred Thousand Dollars  
8747 (\$3,500,000.00) shall be paid into the State General Fund.

8748 (c) Seven Million Five Hundred Thousand Dollars  
8749 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven  
8750 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two  
8751 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be  
8752 placed by the county in a special trust fund, the principal of  
8753 which shall remain inviolate and the interest on which shall be  
8754 expended solely for improvement of elementary and secondary  
8755 education in Tishomingo County and distributed among the school  
8756 districts therein based on the \* \* \* student enrollment in each,  
8757 and (ii) Five Million Dollars (\$5,000,000.00) shall be placed in  
8758 the county general fund and may be expended for general county  
8759 purposes.



8760 (d) The balance of such funds shall be paid to the  
8761 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,  
8762 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such  
8763 funds shall be paid to such counties in the proportion that each  
8764 county's contribution to the bridge bond fund bears to the total  
8765 contribution from all twelve (12) counties; however, no county  
8766 shall be paid more than Five Million Dollars (\$5,000,000.00) under  
8767 this paragraph (d). Such funds shall be deposited by the county  
8768 into a special account to be expended solely for economic  
8769 development purposes. No expenditure of funds from the special  
8770 account shall be made unless the amount to be expended from the  
8771 special account is matched by other county funds in an amount  
8772 equal to fifteen percent (15%) of the special account funds to be  
8773 expended and until the Mississippi \* \* \* Development Authority,  
8774 upon application by the board of supervisors, has certified that  
8775 the proposed expenditure is for economic development purposes and  
8776 has approved the expenditure for such purposes; provided, however,  
8777 the fifteen percent (15%) match hereinabove imposed shall not be  
8778 required when the proposed expenditure for economic development  
8779 purposes is on land owned or leased by the federal, state, county  
8780 or municipal government.

8781 **SECTION 127.** Section 37-13-153, Mississippi Code of 1972,  
8782 which required state funding for home economics teachers to be  
8783 included as a line item in the education appropriations bills for  
8784 fiscal years 1995, 1996 and 1997, is repealed.



8785           **SECTION 128.** Sections 37-151-1, 37-151-5, 37-151-6,  
8786 37-151-7, 37-151-8, 37-151-77, 37-151-79, 37-151-81, 37-151-83 and  
8787 37-151-85, Mississippi Code of 1972, which define certain terms  
8788 and establish the formula to be used in determining the annual  
8789 allocation of funds to each school district under the Mississippi  
8790 Adequate Education Program (MAEP), are repealed.

8791           **SECTION 129.** Section 37-152-1, Mississippi Code of 1972,  
8792 which creates the Commission on Restructuring the Mississippi  
8793 Adequate Education Program (MAEP), is repealed.

8794           **SECTION 130.** This act shall take effect and be in force from  
8795 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 THE  
29 FUNDING FORMULA TO BE DETERMINED ON THE BASIS OF STUDENT  
30 ENROLLMENT AND TO REQUIRE AUDITS TO BE CONDUCTED BY THE STATE  
31 AUDITOR DURING SPECIFIED WEEKS; TO CREATE NEW SECTION 37-151-223,  
32 MISSISSIPPI CODE OF 1972, TO REQUIRE PERIODIC RECOMMENDATIONS FOR  
33 REVISIONS TO THE FORMULA TO BE MADE TO THE LEGISLATURE; TO CREATE  
34 NEW SECTION 37-151-225, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT  
35 A SCHOOL DISTRICT HAS AUTONOMY, SUBJECT TO REGULATORY AND  
36 STATUTORY RESTRICTIONS, IN THE SPENDING OF ALL FUNDS ALLOCATED TO  
37 THAT DISTRICT REGARDLESS OF THE COUNT OF STUDENTS IN CERTAIN  
38 GRADES AND WEIGHTED STUDENT CATEGORIES; TO CREATE NEW SECTION  
39 37-151-227, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE  
40 DEPARTMENT OF EDUCATION TO ANNUALLY DETERMINE THE AMOUNT THAT  
41 LOCAL SCHOOL DISTRICTS MUST CONTRIBUTE TO THE COST OF THE FUNDING  
42 FORMULA AND TO ESTABLISH LIMITATIONS ON STATE FUNDING INCREASES  
43 AND DECREASES FOR SCHOOL DISTRICTS DURING EACH OF THE NEXT SEVEN  
44 FISCAL YEARS; TO CREATE NEW SECTION 37-151-229, MISSISSIPPI CODE  
45 OF 1972, TO RECODIFY EXISTING MAXIMUM STUDENT-TEACHER RATIOS; TO  
46 CREATE NEW SECTION 37-151-231, MISSISSIPPI CODE OF 1972, TO  
47 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO INCORPORATE  
48 ADDITIONAL REPORTING REQUIREMENTS IN THE ACCOUNTING MANUAL FOR  
49 SCHOOL DISTRICTS IN ORDER TO FACILITATE GREATER TRANSPARENCY; TO  
50 CREATE NEW SECTION 37-151-233, MISSISSIPPI CODE OF 1972, TO  
51 REQUIRE THE DEPARTMENT TO IMPLEMENT A FISCAL TRANSPARENCY SYSTEM  
52 THAT COMPARES FINANCIAL INVESTMENT IN A SCHOOL DISTRICT WITH  
53 ACADEMIC GROWTH AND WHICH ALLOWS COMPARISONS WITH DATA FROM PEER  
54 SCHOOL DISTRICTS; TO REQUIRE THE INFORMATION RELATING TO SCHOOL  
55 DISTRICT SPENDING AND OUTCOMES TO BE PUBLISHED ON THE STATE  
56 DEPARTMENT OF EDUCATION'S WEBSITE; TO CREATE NEW SECTION  
57 37-151-235, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT TO  
58 ESTABLISH A FINANCIAL RATING MODEL FOR SCHOOL DISTRICTS AND TO  
59 ESTABLISH SANCTIONS FOR SCHOOL DISTRICTS HAVING POOR OUTCOMES; TO  
60 CREATE NEW SECTION 37-151-237, MISSISSIPPI CODE OF 1972, TO  
61 REQUIRE THE DEPARTMENT TO REVIEW RULES AND REGULATIONS OF THE  
62 DEPARTMENT AND STATE BOARD OF EDUCATION WHICH INDIRECTLY CREATE A  
63 FISCAL IMPACT ON SCHOOL DISTRICTS AND TO REVISE SUCH RULES AND  
64 REGULATIONS AS APPROPRIATE TO FURTHER DISTRICT AUTONOMY UNDER THE  
65 FUNDING FORMULA; TO ESTABLISH THE JOINT LEGISLATIVE STUDY  
66 COMMITTEE ON STATUTORY EDUCATION ACCREDITATION STANDARDS FOR THE  
67 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.

