

By: Representative Denny

To: Education; Apportionment
and Elections

HOUSE BILL NO. 1129

1 AN ACT TO PROVIDE FOR THE ADMINISTRATIVE REORGANIZATION OF
2 PUBLIC SCHOOL DISTRICTS IN MISSISSIPPI INTO 81 DISTRICTS WITH
3 COUNTYWIDE JURISDICTION; TO AMEND SECTION 37-7-103, MISSISSIPPI
4 CODE OF 1972, TO PROVIDE THAT FROM AND AFTER JULY 1, 2008, ALL
5 MUNICIPAL SEPARATE, CONSOLIDATED, LINE CONSOLIDATED AND SPECIAL
6 MUNICIPAL SCHOOL DISTRICTS IN EACH COUNTY SHALL BE ABOLISHED AND
7 MERGED INTO A COUNTYWIDE SCHOOL DISTRICT WITH ONE COUNTY BOARD OF
8 EDUCATION AND ONE APPOINTED COUNTY SUPERINTENDENT OF EDUCATION, TO
9 DIRECT THE STATE BOARD OF EDUCATION TO PUBLISH A CONSOLIDATION
10 LIST OF DISTRICTS AFFECTED IN ORDER TO CREATE A COUNTYWIDE SCHOOL
11 DISTRICT IN EACH COUNTY AND TO REQUIRE ALL SCHOOL DISTRICTS TO
12 COMPLY WITH ADMINISTRATIVE CONSOLIDATION ORDERS ISSUED BY THE
13 STATE BOARD OF EDUCATION, TO PROVIDE FOR THE TRANSFER OF REAL AND
14 PERSONAL PROPERTY OF AFFECTED SCHOOL DISTRICTS, TO PROVIDE FOR
15 EMPLOYEE CONTRACTS IN SCHOOL DISTRICTS SUBJECT TO ADMINISTRATIVE
16 CONSOLIDATION, TO PROVIDE FOR THE DUTY TO PAY THE OUTSTANDING DEBT
17 OF SCHOOL DISTRICTS AFFECTED BY SUCH CONSOLIDATION, TO PROVIDE
18 THAT SUCH ADMINISTRATIVE CONSOLIDATION SHALL NOT REQUIRE THE
19 CLOSING OF ANY SCHOOL OR FACILITY, TO PROVIDE FOR THE RULEMAKING
20 AUTHORITY OF THE STATE BOARD OF EDUCATION REGARDING SUCH
21 CONSOLIDATION AND THE SUBMISSION OF THE CONSOLIDATION TO THE
22 UNITED STATES JUSTICE DEPARTMENT; TO AMEND SECTION 37-15-13,
23 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO CHANGE IN THE
24 ATTENDANCE ZONE OF ANY SCHOOL DISTRICT SHALL BE MADE BY A NEWLY
25 ELECTED COUNTY BOARD OF EDUCATION WHICH SUCCEEDS TO THE TERRITORY
26 OF A SCHOOL DISTRICT WHICH IS ADMINISTRATIVELY CONSOLIDATED; TO
27 AMEND SECTIONS 37-5-1, 37-5-7, 37-5-9 AND 37-5-19, MISSISSIPPI
28 CODE OF 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS OF ALL COUNTY
29 BOARDS OF EDUCATION IN NOVEMBER 2007 AND EVERY 4 YEARS THEREAFTER
30 FOR FOUR-YEAR TERMS, TO PROVIDE THAT SUCH ELECTION IS BY
31 SUPERVISORS DISTRICT WITH ALL ELECTORS RESIDING THEREIN ELIGIBLE
32 TO VOTE IN SUCH ELECTION, TO PROVIDE FOR THE ELECTION OF A MEMBER
33 AT LARGE FROM ANY COUNTY HAVING NO HIGH SCHOOL ATTENDANCE CENTER,
34 AND TO PROVIDE FOR VACANCIES TO SUCH COUNTY BOARD OF EDUCATION; TO
35 AMEND SECTIONS 37-9-13, 37-5-61 AND 37-9-25, MISSISSIPPI CODE OF
36 1972, TO PROVIDE THAT ON JULY 1, 2008, THE NEWLY ELECTED COUNTY
37 BOARD OF EDUCATION IN ALL COUNTIES SHALL APPOINT A COUNTY
38 SUPERINTENDENT OF EDUCATION TO SUPERVISE ALL SCHOOLS IN THE COUNTY
39 AND TO PROVIDE FOR A CONTRACT WITH THE COUNTY SUPERINTENDENT OF
40 EDUCATION FOR UP TO 4 SCHOLASTIC YEARS; TO AMEND SECTIONS 37-6-3,
41 37-6-5, 37-6-7, 37-6-9, 37-6-11, 37-6-13, 37-6-15 AND 37-7-301,
42 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
43 37-57-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF
44 SUPERVISORS SHALL BE THE LEVYING AUTHORITY FOR ALL AD VALOREM
45 TAXES FOR THE SUPPORT OF SCHOOLS IN THE COUNTY; TO REPEAL SECTIONS
46 37-7-105 THROUGH 37-7-115, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
47 PROCEDURES FOR THE ABOLITION, ALTERATION AND CREATION OF PUBLIC
48 SCHOOL DISTRICTS BY LOCAL SCHOOL BOARDS AND BY PETITION OF THE
49 ELECTORATE; TO REPEAL SECTIONS 37-5-3, MISSISSIPPI CODE OF 1972,
50 WHICH PROVIDES CERTAIN RESIDENCY REQUIREMENTS FOR MEMBERS OF
51 COUNTY BOARDS OF EDUCATION AND 37-5-18, MISSISSIPPI CODE OF 1972,
52 WHICH PROVIDES FOR THE ELECTION OF MEMBERS OF COUNTY BOARDS OF

53 EDUCATION FROM SPECIAL DISTRICTS; TO REPEAL SECTIONS 37-9-12,
54 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE
55 QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY
56 SUPERINTENDENT OF EDUCATION AND 37-5-63 THROUGH 37-5-75,
57 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF COUNTY
58 SUPERINTENDENTS OF EDUCATION; TO REPEAL SECTIONS 37-7-201 THROUGH
59 37-7-229 AND 37-7-701 THROUGH 37-7-725, MISSISSIPPI CODE OF 1972,
60 WHICH PROVIDE QUALIFICATIONS, ELECTION PROCEDURES, TERMS OF
61 OFFICE, PETITION PROCEDURES, VACANCY PROCEDURES AND OPTIONAL
62 SELECTION METHODS FOR BOARDS OF TRUSTEES OF MUNICIPAL SEPARATE
63 SCHOOL DISTRICTS, CONSOLIDATED SCHOOL DISTRICTS, LINE CONSOLIDATED
64 SCHOOL DISTRICTS AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS;
65 AND FOR RELATED PURPOSES.

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

67 **SECTION 1.** Section 37-7-103, Mississippi Code of 1972, is
68 amended as follows:

69 37-7-103. (1) From and after July 1, 2008, each county in
70 the State of Mississippi shall constitute a school district and
71 shall be known as the "School District of _____County,
72 Mississippi." Each school district shall constitute a unit for
73 the control, organization and administration of schools. The
74 responsibility for the actual operation and administration of all
75 schools within the districts in conformity with rules and minimum
76 standards prescribed by the state, and also the responsibility for
77 the provision of any desirable and practicable opportunities
78 authorized by the law beyond those required by the state, are
79 delegated by law to the members of the county boards of education,
80 with an appointed county superintendent of education as executive
81 officer for the board.

82 (2) For purposes of this section, the term "administrative
83 consolidation" means the joining of two (2) or more school
84 districts to create a new single school district in the county
85 with one (1) administrative unit, one (1) school board and one (1)
86 school superintendent, and which is not required to close school
87 facilities. No administratively consolidated school district
88 shall have more than one (1) superintendent of schools. By
89 February 1, 2008, the State Department of Education shall publish
90 a consolidation list that includes all school districts in the
91 state which are not countywide school districts embracing an

92 entire county. The county board of education elected in November
93 2005 shall provide for the administrative consolidation of all
94 school districts in the county into one (1) countywide school
95 district embracing the entire county on or before July 1, 2008.
96 Any school district on the consolidation list that does not
97 voluntarily consolidate with the countywide school district shall
98 be administratively consolidated by the State Board of Education
99 with the countywide school district in which such district is
100 located by June 1, 2008, to be effective on July 1, 2008. The
101 State Board of Education shall promptly move on its own motion to
102 administratively consolidate a school district on the
103 consolidation list in order to enable the affected school
104 districts to reasonably accomplish the resulting administrative
105 consolidation into a countywide school district by July 1, 2008.
106 All school districts on the consolidation list shall comply with
107 any consolidation order issued by the county board of education or
108 the State Board of Education, as the case may be, on or before
109 July 1, 2008.

110 (3) On July 1, 2008, the board of trustees of any municipal
111 separate, special municipal separate, consolidated or line
112 consolidated school district on the administrative consolidation
113 list issued by the State Board of Education shall be abolished.
114 All real and personal property which is owned or titled in the
115 name of a school district on the administrative consolidation list
116 issued by the State Board of Education shall be transferred to the
117 countywide school district of the county in which such school
118 district is located. If a school district is located in two (2)
119 or more counties, the State Board of Education shall issue an
120 order directing the transfer of real and personal property to the
121 appropriate countywide school district. Each school board shall
122 be responsible for establishing the contracts for teachers and
123 principals for the next school year with the consultation of the
124 newly elected successor county board of education. The selection

125 of the county superintendent of education in the successor
126 countywide school district shall be the responsibility of the
127 successor county board of education. It shall be the
128 responsibility of the successor county board of education to
129 prepare and approve the budget of the new countywide district, and
130 the county board of education may use staff from the existing
131 districts to prepare the budget. Any proposed order of a county
132 board of education directing the transfer of the assets, real or
133 personal property of a school district on the administrative
134 consolidation list issued by the State Board of Education shall be
135 submitted and approved by the State Board of Education. The
136 finding of the State Board of Education shall be final and
137 conclusive for the purposes of the transfer of property required
138 by an administrative consolidation. Any person or school district
139 aggrieved by an order of a school board adopted pursuant to the
140 requirements of this section may appeal therefrom to the State
141 Board of Education within ten (10) days from the date of the
142 adjournment of the meeting at which such order is entered. Such
143 appeal shall be de novo, and the finding of the State Board of
144 Education upon such question shall be final and conclusive for the
145 purpose of the approval or disapproval of the action by the board.
146 Any special municipal school district embracing the territory of
147 an entire county shall be abolished on July 1, 2008, and
148 reconstituted as a countywide school district with a county board
149 of education.

150 (4) When any school district on the administrative
151 consolidation list issued by the State Board of Education is
152 abolished under this section, the abolition thereof shall not
153 impair or release the property of such school district from
154 liability for the payment of the bonds or other indebtedness of
155 such district. It shall be the duty of the board of supervisors
156 of the county to levy taxes on the property of the abolished

157 district from year to year according to the terms of such
158 indebtedness until same shall be fully paid.

159 (5) Nothing in this section shall be construed to require
160 the closing of any school or school facility, unless such facility
161 is an unneeded administrative office. All administrative
162 consolidations under this section shall be accomplished so as not
163 to delay or in any manner negatively affect the desegregation of
164 another school district in the county pursuant to court order.
165 In the administratively consolidated countywide school district
166 created under this section, the ad valorem tax rate shall be
167 determined as set forth under Section 37-57-1 et seq. No school
168 district administratively consolidated with a school district
169 designated by the State Board of Education as being in academic or
170 fiscal distress or under state conservatorship shall be subject to
171 academic or fiscal distress sanctions for a period of three (3)
172 years from the effective date of the required administrative
173 consolidation.

174 (6) The State Board of Education shall promulgate rules and
175 regulations to facilitate the administrative consolidation of
176 school districts required under this section. When the orders of
177 all successor county boards of education adopting the boundaries
178 of the successor countywide school district have been entered and
179 are final, as approved by the State Board of Education, the new
180 district lines shall be submitted by the State Board of Education,
181 with the assistance of the Attorney General, to the Attorney
182 General of the United States for preclearance or to the United
183 States District Court for the District of Columbia for a
184 declaratory judgment in accordance with the provisions of the
185 Voting Rights Act of 1965, as amended and extended. If the change
186 in the school district lines are precleared or approved, the State
187 Board of Education formally shall declare the new lines as the new
188 boundaries of the school districts in the State of Mississippi.

189 **SECTION 2.** Section 37-15-13, Mississippi Code of 1972, is
190 amended as follows:

191 37-15-13. When any child qualified under the requirements of
192 Section 37-15-9 shall apply or present himself for enrollment in
193 or admission to the public schools of any school district of this
194 state, the county board of education of such school district shall
195 have the power and authority to designate the particular school or
196 attendance center of the district in which such child shall be
197 enrolled and which he shall attend; no enrollment of a child in a
198 school shall be final or permanent until such designation shall be
199 made by said county board of education. No child shall be
200 entitled to attend any school or attendance center except that to
201 which he has been assigned by the county board of education;
202 however, the principal of a school or superintendent of the
203 district may, in proper cases, permit a child to attend a school
204 temporarily until a permanent assignment is made by the county
205 board of education. No change in the attendance zone of any
206 school district may be made by a newly elected county board of
207 education which succeeds to the territory of a school district
208 which is administratively consolidated under the requirements of
209 Section 37-7-103.

210 **SECTION 3.** Section 37-5-1, Mississippi Code of 1972, is
211 amended as follows:

212 37-5-1. (1) There is hereby established a county board of
213 education in each county of the State of Mississippi. The county
214 board of education shall consist of five (5) members, one (1) of
215 which * * * shall be elected by the qualified electors of each
216 supervisors district of the county. * * * Each member so elected
217 shall be a resident and qualified elector of the supervisors
218 district from which he is elected.

219 (2) If an entire county is embraced by a line consolidated
220 district on July 1, 2008, and such county does not have a high
221 school within its boundaries, then the qualified electors of such

222 county shall elect one (1) additional member at large to the
223 county board of education of the county in which the high school
224 age students of the county attend school.

225 * * *

226 **SECTION 4.** Section 37-5-7, Mississippi Code of 1972, is
227 amended as follows:

228 37-5-7. * * * On the first Tuesday after the first Monday in
229 November 2007 and every four (4) years thereafter, an election
230 shall be held in each county in this state in the same manner and
231 at the same time as general state and county elections are held
232 and conducted, which elections shall be held for the purpose of
233 electing the county boards of education established under the
234 provisions of this chapter. * * * All * * * members of the board
235 elected in November 2007 shall be elected for a term of four (4)
236 years. All members of the county board of education as herein
237 constituted, shall take office on the first Monday of January
238 following the date of their election.

239 * * *

240 **SECTION 5.** Section 37-5-9, Mississippi Code of 1972, is
241 amended as follows:

242 37-5-9. The name of any qualified elector who is a candidate
243 for the county board of education shall be placed on the ballot
244 used in the general elections by the county election
245 commissioners, provided that the candidate files with the county
246 election commissioners, not more than ninety (90) days and not
247 less than sixty (60) days prior to the date of such general
248 election, a petition of nomination signed by not less than fifty
249 (50) qualified electors of the county residing within each
250 supervisors district. Where there are less than one hundred (100)
251 qualified electors in said supervisors district, it shall only be
252 required that said petition of nomination be signed by at least
253 twenty percent (20%) of the qualified electors of such supervisors
254 district. The candidate in each supervisors district who receives

255 the highest number of votes cast in the district shall be declared
256 elected.

257 When any member of the county board of education is to be
258 elected from the county at large under the provisions of this
259 chapter, then the petition required by the preceding paragraph
260 hereof shall be signed by the required number of qualified
261 electors residing in any part of the county * * *. The candidate
262 who receives the highest number of votes cast in the election
263 shall be declared elected.

264 * * *

265 **SECTION 6.** Section 37-5-19, Mississippi Code of 1972, is
266 amended as follows:

267 37-5-19. Vacancies in the membership of the county board of
268 education shall be filled by appointment, within sixty (60) days
269 after the vacancy occurs, by the remaining members of the county
270 board of education. Said appointee shall be selected from the
271 qualified electors of the supervisors district in which the
272 vacancy occurs, and shall serve until the first Monday of January
273 next succeeding the next general election, at which general
274 election a member shall be elected to fill the remainder of the
275 unexpired term in the same manner and with the same qualifications
276 applicable to the election of a member for the full term.

277 In the event the vacancy occurs more than five (5) months
278 prior to the next general election and the remaining members of
279 the county board of education are unable to agree upon an
280 individual to be appointed, any two (2) of the remaining members
281 may certify such disagreement to the county election commission.
282 Upon the receipt of such a certificate by the county election
283 commission, or any member thereof, the commission shall hold a
284 special election to fill the vacancy, which said election, notice
285 thereof and ballot shall be controlled by the laws concerning
286 special elections to fill vacancies in county or county district

287 offices. The person elected at such a special election shall
288 serve for the remainder of the unexpired term.

289 **SECTION 7.** Section 37-9-13, Mississippi Code of 1972, is
290 amended as follows:

291 **[Until July 1, 2008, this section will read as follows:]**

292 37-9-13. Each school district shall have a superintendent of
293 schools, selected in the manner provided by law. No person shall
294 be eligible to the office of superintendent of schools unless such
295 person shall hold a valid administrator's license issued by the
296 State Department of Education and shall have had not less than
297 four (4) years of classroom or administrative experience.

298 **[From and after July 1, 2008, this section will read as**
299 **follows:]**

300 37-9-13. From and after July 1, 2008, each county school
301 district shall have a county superintendent of education,
302 appointed by the newly elected county board of education. No
303 person shall be eligible to the office of county superintendent of
304 education unless such person shall hold a valid administrator's
305 license issued by the State Department of Education and shall have
306 had not less than four (4) years of classroom or administrative
307 experience.

308 **SECTION 8.** Section 37-5-61, Mississippi Code of 1972, is
309 amended as follows:

310 **[Until July 1, 2008, this section shall read as follows:]**

311 37-5-61. (1) There shall be a county superintendent of
312 education in each county.

313 (2) The superintendent shall serve as the executive
314 secretary of the county board of education, but shall have no vote
315 in the proceedings before the board and no voice in fixing the
316 policies thereof.

317 (3) In addition, the superintendent shall be the director of
318 all schools in the county outside the municipal separate school
319 districts.

320 (4) The superintendent shall be elected at the same time and
321 in the same manner as other county officers are elected and shall
322 hold office for a term of four (4) years.

323 **[From and after July 1, 2008, this section shall read as**
324 **follows:]**

325 37-5-61. (1) There shall be a county superintendent of
326 education in each county appointed by the county board of
327 education as provided in Section 37-9-25.

328 (2) The superintendent shall serve as the executive
329 secretary of the county board of education, but shall have no vote
330 in the proceedings before the board and no voice in fixing the
331 policies thereof.

332 (3) In addition, the superintendent shall be the director of
333 all schools in the county * * *.

334 * * *

335 **SECTION 9.** Section 37-9-25, Mississippi Code of 1972, is
336 amended as follows:

337 **[Until July 1, 2008, this section shall read as follows:]**

338 37-9-25. The school board shall have the power and
339 authority, in its discretion, to employ the superintendent, unless
340 such superintendent is elected, for not exceeding four (4)
341 scholastic years and the principals or licensed employees for not
342 exceeding three (3) scholastic years. In such case, contracts
343 shall be entered into with such superintendents, principals and
344 licensed employees for the number of years for which they have
345 been employed. All such contracts with licensed employees shall
346 for the years after the first year thereof be subject to the
347 contingency that the licensed employee may be released if, during
348 the life of the contract, the average daily attendance should
349 decrease from that existing during the previous year and thus
350 necessitate a reduction in the number of licensed employees during
351 any year after the first year of the contract. However, in all
352 such cases the licensed employee must be released before July 1 or

353 at least thirty (30) days prior to the beginning of the school
354 term, whichever date should occur earlier. The salary to be paid
355 for the years after the first year of such contract shall be
356 subject to revision, either upward or downward, in the event of an
357 increase or decrease in the funds available for the payment
358 thereof, but, unless such salary is revised prior to the beginning
359 of a school year, it shall remain for such school year at the
360 amount fixed in such contract. However, where school district
361 funds, other than adequate education program funds, are available
362 during the school year in excess of the amount anticipated at the
363 beginning of the school year the salary to be paid for such year
364 may be increased to the extent that such additional funds are
365 available and nothing herein shall be construed to prohibit same.

366 **[From and after July 1, 2008, this section shall read as**
367 **follows:]**

368 37-9-25. The county board of education shall have the power
369 and authority, in its discretion, to employ the county
370 superintendent of education for not exceeding four (4) scholastic
371 years and the principals or licensed employees for not exceeding
372 three (3) scholastic years. In such case, contracts shall be
373 entered into with such superintendents, principals and licensed
374 employees for the number of years for which they have been
375 employed. All such contracts with licensed employees shall for
376 the years after the first year thereof be subject to the
377 contingency that the licensed employee may be released if, during
378 the life of the contract, the average daily attendance should
379 decrease from that existing during the previous year and thus
380 necessitate a reduction in the number of licensed employees during
381 any year after the first year of the contract. However, in all
382 such cases the licensed employee must be released before July 1 or
383 at least thirty (30) days prior to the beginning of the school
384 term, whichever date should occur earlier. The salary to be paid
385 for the years after the first year of such contract shall be

386 subject to revision, either upward or downward, in the event of an
387 increase or decrease in the funds available for the payment
388 thereof, but, unless such salary is revised prior to the beginning
389 of a school year, it shall remain for such school year at the
390 amount fixed in such contract. However, where school district
391 funds, other than adequate education program funds, are available
392 during the school year in excess of the amount anticipated at the
393 beginning of the school year the salary to be paid for such year
394 may be increased to the extent that such additional funds are
395 available and nothing herein shall be construed to prohibit same.

396 **SECTION 10.** Section 37-6-3, Mississippi Code of 1972, is
397 amended as follows:

398 37-6-3. (1) From and after July 1, 1987, all school
399 districts in the State of Mississippi shall have the same
400 prerogatives, powers, duties and privileges as provided in this
401 chapter. From and after July 1, 2008, each county shall
402 constitute a school district for the control, organization and
403 administration of schools, and all other school districts shall be
404 abolished as provided in Section 37-7-103.

405 (2) As used in this chapter and the laws of this state, the
406 term "school board" or "local school board" shall mean * * * the
407 county board of education of any countywide school district in
408 this state * * *.

409 (3) As used in this chapter and the laws of this state, the
410 term "superintendent" or "superintendent of schools" shall
411 mean * * * the county superintendent of education of any
412 countywide school district in this state whose duties require the
413 supervision of students * * *.

414 * * *

415 **SECTION 11.** Section 37-6-5, Mississippi Code of 1972, is
416 amended as follows:

417 37-6-5. Each county in the state shall constitute a school
418 district and shall be known as the "School District of
419 _____County, Mississippi."

420 **SECTION 12.** Section 37-6-7, Mississippi Code of 1972, is
421 amended as follows:

422 37-6-7. Each county school district shall be governed by a
423 county board of education consisting of five (5) members, selected
424 in the manner provided by law.

425 **SECTION 13.** Section 37-6-9, Mississippi Code of 1972, is
426 amended as follows:

427 37-6-9. The county board of education shall organize by the
428 election of a president and a secretary from its membership whose
429 duty it shall be to make reports and to perform all other duties
430 required by law. A majority of the members of the * * * board
431 shall constitute a quorum for the transaction of business.
432 Minutes shall be kept of all meetings of the * * * board showing
433 (a) the members present and absent; (b) the date, time and place
434 of the meeting; (c) an accurate recording of any final actions
435 taken at such meeting; (d) a record by individual member of any
436 votes taken at such meeting; and (e) any other information that
437 the * * * board requests to be reflected in the minutes. Each
438 member of the * * * board present shall either vote or abstain on
439 every question upon which a vote is taken at such meeting. All
440 action taken by a * * * board shall become official at the time it
441 is taken. All minutes of the * * * board shall be signed by the
442 president of the board, shall be attested by the secretary of the
443 board and shall be adopted by the board at the next regular
444 meeting, or within thirty (30) working days, whichever occurs
445 later.

446 **SECTION 14.** Section 37-6-11, Mississippi Code of 1972, is
447 amended as follows:

448 37-6-11. The county boards of education shall meet regularly
449 at such time and at such place as shall be designated by an order

450 entered upon the minutes thereof. Special meetings of such boards
451 shall be held upon the call of the president thereof, or upon the
452 call of a majority of the members thereof.

453 **SECTION 15.** Section 37-6-13, Mississippi Code of 1972, is
454 amended as follows:

455 37-6-13. (1) Each person serving as a member of the county
456 board of education shall receive per diem in the amount of
457 Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)
458 meetings of the school board during any one (1) fiscal year or, in
459 his or her discretion, irrevocably may choose to receive as
460 compensation for his or her services an annual salary in the
461 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which
462 choice shall remain in force for all successive terms or periods
463 of service of that member. The receipt of the compensation shall
464 not entitle any member of a * * * board to receive or be eligible
465 for any state employee group insurance, retirement or other fringe
466 benefits. Each member shall be reimbursed for the necessary
467 expenses and mileage in attending meetings of the * * * board. In
468 addition to the foregoing, all members may be reimbursed for
469 mileage and actual expenses incurred in the further performance of
470 their duties, including attendance at any mandatory * * * board
471 training session or at regional and national education meetings,
472 when such mileage and other expenses are authorized by the board
473 prior to the date on which they occur. Detailed vouchers shall be
474 submitted for reimbursement for all expenses authorized by this
475 section. Such reimbursement shall be in accordance with Section
476 25-3-41.

477 Such expenses shall be paid on order of the * * * board by
478 pay certificates issued by the county superintendent of education
479 involved against the funds available for payment of the
480 administrative expense of the district.

481 (2) (a) If a member of a * * * board misses twenty percent
482 (20%) or more of the meetings of the * * * board during a calendar

483 year, except for absences caused by required military duty, the
484 member must reimburse the school district that portion of the
485 total salary paid to the member that year which is proportionate
486 to the number of meetings missed by the member in relation to the
487 total number of * * * board meetings held during that year. For
488 purposes of this subsection, consideration may be given only to
489 meetings of which public notice is required.

490 (b) Before February 1 of each year, the president of
491 each local school board shall submit a report to the State Board
492 of Education containing the names of any members of the * * *
493 board who missed twenty percent (20%) or more of the * * * board
494 meetings during the preceding calendar year.

495 **SECTION 16.** Section 37-6-15, Mississippi Code of 1972, is
496 amended as follows:

497 37-6-15. (1) Before entering upon the discharge of the
498 duties of his office, each member of the county board of education
499 shall give a surety bond in the penal sum of Fifty Thousand
500 Dollars (\$50,000.00), with sufficient surety, to be payable,
501 conditioned and approved in the manner provided by law.

502 (2) The * * * board may execute a blanket surety bond for
503 each school district official and employee (who receipts and/or
504 disburses school district funds) in the penalty of Fifty Thousand
505 Dollars (\$50,000.00), unless a different penalty is prescribed by
506 statute, to be payable, conditioned and approved in the manner
507 provided by law. The premium on said bond shall be paid out of
508 the school district maintenance fund.

509 **SECTION 17.** Section 37-7-301, Mississippi Code of 1972, is
510 amended as follows:

511 37-7-301. The county boards of education shall have the
512 following powers, authority and duties in addition to all others
513 imposed or granted by law, to wit:

514 (a) To organize and operate the schools of the district
515 and to make such division between the high school grades and

516 elementary grades as, in their judgment, will serve the best
517 interests of the school;

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

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

524 (d) To have responsibility for the erection, repairing
525 and equipping of school facilities and the making of necessary
526 school improvements;

527 (e) To suspend or to expel a pupil or to change the
528 placement of a pupil to the school district's alternative school
529 or homebound program for misconduct in the school or on school
530 property, as defined in Section 37-11-29, on the road to and from
531 school, or at any school-related activity or event, or for conduct
532 occurring on property other than school property or other than at
533 a school-related activity or event when such conduct by a pupil,
534 in the determination of the school superintendent or principal,
535 renders that pupil's presence in the classroom a disruption to the
536 educational environment of the school or a detriment to the best
537 interest and welfare of the pupils and teacher of such class as a
538 whole, and to delegate such authority to the appropriate officials
539 of the school district;

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

543 (g) To support, within reasonable limits, the
544 superintendent, principal and teachers where necessary for the
545 proper discipline of the school;

546 (h) To exclude from the schools students with what
547 appears to be infectious or contagious diseases; * * * however,
548 such student may be allowed to return to school upon presenting a

549 certificate from a public health officer, duly licensed physician
550 or nurse practitioner that the student is free from such disease;

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

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

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

558 (l) To prescribe and enforce rules and regulations not
559 inconsistent with law or with the regulations of the State Board
560 of Education for their own government and for the government of
561 the schools, and to transact their business at regular and special
562 meetings called and held in the manner provided by law;

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

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

568 (o) To make orders directed to the county
569 superintendent of education for the issuance of pay certificates
570 for lawful purposes on any available funds of the district and to
571 have full control of the receipt, distribution, allotment and
572 disbursement of all funds provided for the support and operation
573 of the schools of such school district whether such funds be
574 derived from state appropriations, local ad valorem tax
575 collections, or otherwise. The county board of education shall be
576 authorized and empowered to promulgate rules and regulations that
577 specify the types of claims and set limits of the dollar amount
578 for payment of claims by the county superintendent of education to
579 be ratified by the board at the next regularly scheduled meeting
580 after payment has been made;

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

585 (q) To provide athletic programs and other school
586 activities and to regulate the establishment and operation of such
587 programs and activities;

588 (r) To join, in their discretion, any association of
589 school boards and other public school-related organizations, and
590 to pay from local funds other than adequate education program
591 funds, any membership dues;

592 (s) To expend local school activity funds, or other
593 available school district funds, other than adequate education
594 program funds, for the purposes prescribed under this paragraph.
595 "Activity funds" shall mean all funds received by school officials
596 in all school districts paid or collected to participate in any
597 school activity, such activity being part of the school program
598 and partially financed with public funds or supplemented by public
599 funds. The term "activity funds" shall not include any funds
600 raised and/or expended by any organization unless commingled in a
601 bank account with existing activity funds, regardless of whether
602 the funds were raised by school employees or received by school
603 employees during school hours or using school facilities, and
604 regardless of whether a school employee exercises influence over
605 the expenditure or disposition of such funds. Organizations shall
606 not be required to make any payment to any school for the use of
607 any school facility if, in the discretion of the county board of
608 education, the organization's function shall be deemed to be
609 beneficial to the official or extracurricular programs of the
610 school. For the purposes of this provision, the term
611 "organization" shall not include any organization subject to the
612 control of the * * * board. Activity funds may only be expended
613 for any necessary expenses or travel costs, including advances,

614 incurred by students and their chaperons in attending any in-state
615 or out-of-state school-related programs, conventions or seminars
616 and/or any commodities, equipment, travel expenses, purchased
617 services or school supplies which the * * * board, in its
618 discretion, shall deem beneficial to the official or
619 extracurricular programs of the district, including items which
620 may subsequently become the personal property of individuals,
621 including yearbooks, athletic apparel, book covers and trophies.
622 Activity funds may be used to pay travel expenses of school
623 district personnel. The county board of education shall be
624 authorized and empowered to promulgate rules and regulations
625 specifically designating for what purposes school activity funds
626 may be expended. The * * * board shall provide (i) that such
627 school activity funds shall be maintained and expended by the
628 principal of the school generating the funds in individual bank
629 accounts, or (ii) that such school activity funds shall be
630 maintained and expended by the superintendent of schools in a
631 central depository approved by the board. The * * * board shall
632 provide that such school activity funds be audited as part of the
633 annual audit required in Section 37-9-18. The State Department of
634 Education shall prescribe a uniform system of accounting and
635 financial reporting for all school activity fund transactions;

636 (t) To contract, on a shared savings, lease or
637 lease-purchase basis, for energy efficiency services and/or
638 equipment as provided for in Section 31-7-14, not to exceed ten
639 (10) years;

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

642 (v) (i) To lease a school building from an individual,
643 partnership, nonprofit corporation or a private for-profit
644 corporation for the use of such school district, and to expend
645 funds therefor as may be available from any * * * sources other
646 than adequate education program funds. The county board of

647 education desiring to lease a school building shall declare by
648 resolution that a need exists for a school building and that the
649 school district cannot provide the necessary funds to pay the cost
650 or its proportionate share of the cost of a school building
651 required to meet the present needs. The resolution so adopted by
652 the * * * board shall be published once each week for three (3)
653 consecutive weeks in a newspaper having a general circulation in
654 the school district involved, with the first publication thereof
655 to be made not less than thirty (30) days prior to the date upon
656 which the * * * board is to act on the question of leasing a
657 school building. If no petition requesting an election is filed
658 prior to such meeting as hereinafter provided, then the * * *
659 board may, by resolution spread upon its minutes, proceed to lease
660 a school building. If at any time prior to said meeting a
661 petition signed by not less than twenty percent (20%) or fifteen
662 hundred (1500), whichever is less, of the qualified electors of
663 the school district involved shall be filed with the * * * board
664 requesting that an election be called on the question, then
665 the * * * board shall, not later than the next regular meeting,
666 adopt a resolution calling an election to be held within such
667 school district upon the question of authorizing the * * * board
668 to lease a school building. Such election shall be called and
669 held, and notice thereof shall be given, in the same manner for
670 elections upon the questions of the issuance of the bonds of
671 school districts, and the results thereof shall be certified to
672 the * * * board. If at least three-fifths (3/5) of the qualified
673 electors of the school district who voted in such election shall
674 vote in favor of the leasing of a school building, then the * * *
675 board shall proceed to lease a school building. The term of the
676 lease contract shall not exceed twenty (20) years, and the total
677 cost of such lease shall be either the amount of the lowest and
678 best bid accepted by the * * * board after advertisement for bids
679 or an amount not to exceed the current fair market value of the

680 lease as determined by the averaging of at least two (2)
681 appraisals by certified general appraisers licensed by the State
682 of Mississippi. The term "school building" as used in this
683 paragraph (v)(i) shall be construed to mean any building or
684 buildings used for classroom purposes in connection with the
685 operation of schools and shall include the site therefor,
686 necessary support facilities, and the equipment thereof and
687 appurtenances thereto such as heating facilities, water supply,
688 sewage disposal, landscaping, walks, drives and playgrounds. The
689 term "lease" as used in this paragraph (v)(i) may include a
690 lease/purchase contract;

691 (ii) If two (2) or more school districts propose
692 to enter into a lease contract jointly, then joint meetings of the
693 county boards of education having control may be held but no
694 action taken shall be binding on any such school district unless
695 the question of leasing a school building is approved in each
696 participating school district under the procedure hereinabove set
697 forth in paragraph (v)(i). All of the provisions of paragraph
698 (v)(i) regarding the term and amount of the lease contract shall
699 apply to the county boards of education acting jointly. Any lease
700 contract executed by two (2) or more school districts as joint
701 lessees shall set out the amount of the aggregate lease rental to
702 be paid by each, which may be agreed upon, but there shall be no
703 right of occupancy by any lessee unless the aggregate rental is
704 paid as stipulated in the lease contract. All rights of joint
705 lessees under the lease contract shall be in proportion to the
706 amount of lease rental paid by each;

707 (w) To employ all noninstructional and noncertificated
708 employees and fix the duties and compensation of such personnel
709 deemed necessary pursuant to the recommendation of the county
710 superintendent of education;

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

713 (y) Subject to rules and regulations of the State Board
714 of Education, to purchase, own and operate trucks, vans and other
715 motor vehicles, which shall bear the proper identification
716 required by law;

717 (z) To expend funds for the payment of substitute
718 teachers and to adopt reasonable regulations for the employment
719 and compensation of such substitute teachers;

720 (aa) To acquire in its own name by purchase all real
721 property which shall be necessary and desirable in connection with
722 the construction, renovation or improvement of any public school
723 building or structure. Whenever the purchase price for such real
724 property is greater than Fifty Thousand Dollars (\$50,000.00), the
725 county board of education shall not purchase the property for an
726 amount exceeding the fair market value of such property as
727 determined by the average of at least two (2) independent
728 appraisals by certified general appraisers licensed by the State
729 of Mississippi. If the board shall be unable to agree with the
730 owner of any such real property in connection with any such
731 project, the board shall have the power and authority to acquire
732 any such real property by condemnation proceedings pursuant to
733 Section 11-27-1 et seq., Mississippi Code of 1972, and for such
734 purpose, the right of eminent domain is hereby conferred upon and
735 vested in the board. * * * The county board of education is
736 authorized to grant an easement for ingress and egress over
737 sixteenth section land or lieu land in exchange for a similar
738 easement upon adjoining land where the exchange of easements
739 affords substantial benefit to the sixteenth section land; * * *
740 however, the exchange must be based upon values as determined by a
741 competent appraiser, with any differential in value to be adjusted
742 by cash payment. Any easement rights granted over sixteenth
743 section land under such authority shall terminate when the
744 easement ceases to be used for its stated purpose. No sixteenth
745 section or lieu land which is subject to an existing lease shall

746 be burdened by any such easement except by consent of the lessee
747 or unless the school district shall acquire the unexpired
748 leasehold interest affected by the easement;

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

752 (cc) Subject to rules and regulations of the State
753 Board of Education, to purchase relocatable classrooms for the use
754 of such school district, in the manner prescribed in Section
755 37-1-13;

756 (dd) Enter into contracts or agreements with other
757 school districts, political subdivisions or governmental entities
758 to carry out one or more of the powers or duties of the county
759 board of education, or to allow more efficient utilization of
760 limited resources for providing services to the public;

761 (ee) To provide for in-service training for employees
762 of the district;

763 (ff) As part of their duties to prescribe the use of
764 textbooks, to provide that parents and legal guardians shall be
765 responsible for the textbooks and for the compensation to the
766 school district for any books which are not returned to the proper
767 schools upon the withdrawal of their dependent child. If a
768 textbook is lost or not returned by any student who drops out of
769 the public school district, the parent or legal guardian shall
770 also compensate the school district for the fair market value of
771 the textbooks;

772 (gg) To conduct fund-raising activities on behalf of
773 the school district that the county board of education, in its
774 discretion, deems appropriate or beneficial to the official or
775 extracurricular programs of the district, subject to the following
776 conditions:

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

780 (ii) Fund-raising activities conducted or
781 authorized by the board for the sale of school pictures, the
782 rental of caps and gowns or the sale of graduation invitations for
783 which the * * * board receives a commission, rebate or fee shall
784 contain a disclosure statement advising that a portion of the
785 proceeds of the sales or rentals shall be contributed to the
786 student activity fund;

787 (hh) To allow individual lessons for music, art and
788 other curriculum-related activities for academic credit or
789 nonacademic credit during school hours and using school equipment
790 and facilities, subject to uniform rules and regulations adopted
791 by the * * * board;

792 (ii) To charge reasonable fees for participating in an
793 extracurricular activity for academic or nonacademic credit for
794 necessary and required equipment such as safety equipment, band
795 instruments and uniforms;

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

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

801 (ll) To expend funds for the services of nonprofit arts
802 organizations or other such nonprofit organizations who provide
803 performances or other services for the students of the school
804 district;

805 (mm) To expend federal No Child Left Behind Act funds,
806 or any other available funds that are expressly designated and
807 authorized for that use, to pay training, educational expenses,
808 salary incentives and salary supplements to employees of local
809 school districts; except that incentives shall not be considered

810 part of the local supplement as defined in Section 37-151-5(o),
811 nor shall incentives be considered part of the local supplement
812 paid to an individual teacher for the purposes of Section
813 37-19-7(1). Mississippi Adequate Education Program funds or any
814 other state funds may not be used for salary incentives or salary
815 supplements as provided in this paragraph (mm);

816 (nn) To use any available funds, not appropriated or
817 designated for any other purpose, for reimbursement to the
818 state-licensed employees from both in state and out of state, who
819 enter into a contract for employment in a school district, for the
820 expense of moving when the employment necessitates the relocation
821 of the licensed employee to a different geographical area than
822 that in which the licensed employee resides before entering into
823 the contract. The reimbursement shall not exceed One Thousand
824 Dollars (\$1,000.00) for the documented actual expenses incurred in
825 the course of relocating, including the expense of any
826 professional moving company or persons employed to assist with the
827 move, rented moving vehicles or equipment, mileage in the amount
828 authorized for county and municipal employees under Section
829 25-3-41 if the licensed employee used his personal vehicle or
830 vehicles for the move, meals and such other expenses associated
831 with the relocation. No licensed employee may be reimbursed for
832 moving expenses under this section on more than one (1) occasion
833 by the same school district. Nothing in this section shall be
834 construed to require the actual residence to which the licensed
835 employee relocates to be within the boundaries of the school
836 district that has executed a contract for employment in order for
837 the licensed employee to be eligible for reimbursement for the
838 moving expenses. However, the licensed employee must relocate
839 within the boundaries of the State of Mississippi. Any individual
840 receiving relocation assistance through the Critical Teacher
841 Shortage Act as provided in Section 37-159-5 shall not be eligible

842 to receive additional relocation funds as authorized in this
843 paragraph;

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

850 (pp) Consistent with the report of the Task Force to
851 Conduct a Best Financial Management Practices Review, to improve
852 school district management and use of resources and identify cost
853 savings as established in Section 8 of Chapter 610, Laws of 2002,
854 county boards of education are encouraged to conduct independent
855 reviews of the management and efficiency of schools and school
856 districts. Such management and efficiency reviews shall provide
857 state and local officials and the public with the following:

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

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

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

863 (iv) An assessment of facilities utilization,
864 planning and maintenance;

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

867 (vi) An assessment of instructional and
868 administrative technology;

869 (vii) A review of the instructional management and
870 the efficiency and effectiveness of existing instructional
871 programs; and

872 (viii) Recommended methods for increasing
873 efficiency and effectiveness in providing educational services to
874 the public;

875 (qq) REPEALED

876 (rr) To implement a financial literacy program for
877 students in Grades 10 and 11. The board may review the national
878 programs and obtain free literature from various nationally
879 recognized programs. After review of the different programs, the
880 board may certify a program that is most appropriate for the
881 school districts' needs. If a district implements a financial
882 literacy program, then any student in Grade 10 or 11 may
883 participate in the program. The financial literacy program shall
884 include, but is not limited to, instruction in the same areas of
885 personal business and finance as required under Section
886 37-1-3(2)(b). The county board of education may coordinate with
887 volunteer teachers from local community organizations, including,
888 but not limited to, the following: United States Department of
889 Agriculture Rural Development, United States Department of Housing
890 and Urban Development, Junior Achievement, bankers and other
891 nonprofit organizations. Nothing in this paragraph shall be
892 construed as to require county boards of education to implement a
893 financial literacy program;

894 (ss) To collaborate with the State Board of Education,
895 Community Action Agencies or the Department of Human Services to
896 develop and implement a voluntary program to provide services for
897 a full-day prekindergarten program that addresses the cognitive,
898 social, and emotional needs of four-year-old and three-year-old
899 children. The * * * board may utilize nonstate source special
900 funds, grants, donations or gifts to fund the voluntary program;

901 (tt) With respect to any lawful, written obligation of
902 a school district, including, but not limited to, leases
903 (excluding leases of sixteenth section public school trust land),
904 bonds, notes, or other agreement, to agree in writing with the
905 obligee that the State Tax Commission or any state agency,
906 department or commission created under state law may:

907 (i) Withhold all or any part (as agreed by the
908 county board of education) of any monies which such * * * board is
909 entitled to receive from time to time under any law and which is
910 in the possession of the State Tax Commission, or any state
911 agency, department or commission created under state law; and

912 (ii) Pay the same over to any financial
913 institution, trustee or other obligee, as directed in writing by
914 the * * * board, to satisfy all or part of such obligation of the
915 school district.

916 The * * * board may make such written agreement to withhold
917 and transfer funds irrevocable for the term of the written
918 obligation and may include in the written agreement any other
919 terms and provisions acceptable to the * * * board. If the * * *
920 board files a copy of such written agreement with the State Tax
921 Commission, or any state agency, department or commission created
922 under state law then the State Tax Commission or any state agency,
923 department or commission created under state law shall immediately
924 make the withholdings provided in such agreement from the amounts
925 due the county board of education and shall continue to pay the
926 same over to such financial institution, trustee or obligee for
927 the term of the agreement.

928 This paragraph (tt) shall not grant any extra authority to
929 a * * * board to issue debt in any amount exceeding statutory
930 limitations on assessed value of taxable property within such
931 school district or the statutory limitations on debt maturities,
932 and shall not grant any extra authority to impose, levy or collect
933 a tax which is not otherwise expressly provided for, and shall not
934 be construed to apply to sixteenth section public school trust
935 land;

936 (uu) With respect to any matter or transaction that is
937 competitively bid by a school district, to accept from any bidder
938 as a good faith deposit or bid bond or bid surety, the same type
939 of good faith deposit or bid bond or bid surety that may be

940 accepted by the state or any other political subdivision on
941 similar competitively bid matters or transactions. This paragraph
942 (uu) shall not be construed to apply to sixteenth section public
943 school trust land. The * * * board may authorize the investment
944 of any school district funds in the same kind and manner of
945 investments, including pooled investments, as any other political
946 subdivision, including community hospitals;

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

951 (ww) To delegate, privatize or otherwise enter into a
952 contract with private entities for the operation of any and all
953 functions of nonacademic school process, procedures and operations
954 including, but not limited to, cafeteria workers, janitorial
955 services, transportation, professional development, achievement
956 and instructional consulting services materials and products,
957 purchasing cooperatives, insurance, business manager services,
958 auditing and accounting services, school safety/risk prevention,
959 data processing and student records, and other staff services;
960 however, the authority under this paragraph does not apply to the
961 leasing, management or operation of sixteenth section lands.

962 Local school districts, working through their regional education
963 service agency, are encouraged to enter into buying consortia with
964 other member districts for the purposes of more efficient use of
965 state resources as described in Section 37-7-345;

966 (xx) To partner with entities, organizations and
967 corporations for the purpose of benefiting the school district;
968 and

969 (yy) To borrow funds from the Rural Economic
970 Development Authority for the maintenance of school buildings.

971 **SECTION 18.** Section 37-57-1, Mississippi Code of 1972, is
972 amended as follows:

973 37-57-1. (1) (a) From and after July 1, 2008, the boards
974 of supervisors of the counties shall levy and collect all taxes
975 for and on behalf of all schools which are within the
976 county * * *. Such taxes shall be collected by the county tax
977 collector at the same time and in the same manner as county taxes
978 are collected by him, and the same penalties for delinquency shall
979 be applicable.

980 * * *

981 The county * * * tax collector * * * shall pay such tax
982 collections, except for taxes collected for the payment of the
983 principal of and interest on school bonds or notes and except for
984 taxes collected to defray collection costs, into the school
985 depository and report to the county board of education at the same
986 time and in the same manner as the tax collector makes his
987 payments and reports of other taxes collected by him.

988 * * *

989 (b) For the purposes of this chapter and any other laws
990 pertaining to taxes levied or bonds or notes issued for and on
991 behalf of school districts, the term "levying authority" means the
992 board of supervisors of the county which levies taxes for and on
993 behalf of the particular countywide school district as provided in
994 paragraphs (a) and (b) of this subsection.

995 (2) The levying authority for the school district shall, at
996 the same time and in the same manner as other taxes are levied by
997 the levying authority, levy a tax of not less than twenty-eight
998 (28) mills for the then current fiscal year, less the estimated
999 amount of the yield of the School Ad Valorem Tax Reduction Fund
1000 grant to the school district as determined by the State Department
1001 of Education or twenty-seven percent (27%) of the basic adequate
1002 education program cost for such school district, whichever is a
1003 lesser amount, upon all of the taxable property of the county, as
1004 required under Section 37-151-7(2)(a). However, in no case shall
1005 the minimum local ad valorem tax effort for any countywide school

1006 district be equal to an amount that would require a millage rate
1007 exceeding fifty-five (55) mills in that school district.
1008 Provided, however, that if a levying authority is levying in
1009 excess of fifty-five (55) mills on July 1, 1997, the levying
1010 authority may levy an additional amount not exceeding three (3)
1011 mills in the aggregate for the period beginning July 1, 1997, and
1012 ending June 30, 2003, subject to the limitation on increased
1013 receipts from ad valorem taxes prescribed in Sections 37-57-105
1014 and 37-57-107. Nothing in this subsection shall be construed to
1015 require any school district that is levying more than fifty-five
1016 (55) mills pursuant to Sections 37-57-1 and 37-57-105 to decrease
1017 its millage rate to fifty-five (55) mills or less. In making such
1018 levy, the levying authority shall levy an additional amount
1019 sufficient to cover anticipated delinquencies and costs of
1020 collection so that the net amount of money to be produced by such
1021 levy shall be equal to the amount which the school district is
1022 required to contribute as its said minimum local ad valorem tax
1023 effort. The tax so levied shall be collected by the tax collector
1024 at the same time and in the same manner as other ad valorem taxes
1025 are collected by him. The amount of taxes so collected as a
1026 result of such levy shall be paid into the district maintenance
1027 fund of the school district by the tax collector at the same time
1028 and in the same manner as reports and payments of other ad valorem
1029 taxes are made by said tax collector, except that the amount
1030 collected to defray costs of collection may be paid into the
1031 county general fund. The levying authority shall have the power
1032 and authority to direct and cause warrants to be issued against
1033 such fund for the purpose of refunding any amount of taxes
1034 erroneously or illegally paid into such fund where such refund has
1035 been approved in the manner provided by law.

1036 **SECTION 19.** Sections 37-7-105, 37-7-107, 37-7-109, 37-7-111,
1037 37-7-113 and 37-7-115, Mississippi Code of 1972, which provide
1038 procedures for abolition, alteration and creation of public school

1039 districts by local school boards and by petition of the
1040 electorate, are repealed.

1041 **SECTION 20.** Section 37-5-3, Mississippi Code of 1972, which
1042 provides certain residency restrictions for members of county
1043 boards of education, and Section 37-5-18, Mississippi Code of
1044 1972, which provides for the election of members of county boards
1045 of education from special districts, are repealed.

1046 **SECTION 21.** Sections 37-9-12, Mississippi Code of 1972,
1047 which provides for a referendum on the question of retaining the
1048 elective method of choosing the county superintendent of
1049 education, and 37-5-63, 37-5-65, 37-5-67, 37-5-69, 37-5-71 and
1050 37-5-75, Mississippi Code of 1972, which provide for the election
1051 of county superintendents of education, are repealed.

1052 **SECTION 22.** Sections 37-7-201, 37-7-203, 37-7-204, 37-7-205,
1053 37-7-207, 37-7-208, 37-7-209, 37-7-211, 37-7-213, 37-7-215,
1054 37-7-217, 37-7-219, 37-7-221, 37-7-223, 37-7-225, 37-7-227,
1055 37-7-229, 37-7-701, 37-7-703, 37-7-705, 37-7-707, 37-7-709,
1056 37-7-711, 37-7-713, 37-7-715, 37-7-717, 37-7-723 and 37-7-725,
1057 Mississippi Code of 1972, which provide qualifications, election
1058 procedures, terms of office, petition procedures, vacancy
1059 procedures and optional selection methods for boards of trustees
1060 of municipal separate school districts, consolidated school
1061 districts, line consolidated school districts and special
1062 municipal separate school districts, are repealed.

1063 **SECTION 23.** The Attorney General of the State of Mississippi
1064 shall submit this act, immediately upon approval by the Governor,
1065 or upon approval by the Legislature subsequent to a veto, to the
1066 Attorney General of the United States or to the United States
1067 District Court for the District of Columbia in accordance with the
1068 provisions of the Voting Rights Act of 1965, as amended and
1069 extended.

1070 **SECTION 24.** This act shall take effect and be in force from
1071 and after July 1, 2007, if it is effectuated on or before that

1072 date under Section 5 of the Voting Rights Act of 1965, as amended
1073 and extended. If it is effectuated under Section 5 of the Voting
1074 Rights Act of 1965, as amended and extended, after July 1, 2007,
1075 this act shall take effect and be in force from and after the date
1076 it is effectuated under Section 5 of the Voting Rights Act of
1077 1965, as amended as extended.