

By: Representative Denny

To: Education;
Appropriations

HOUSE BILL NO. 291

1 AN ACT TO PROVIDE FOR THE ADMINISTRATIVE REORGANIZATION OF
2 PUBLIC SCHOOL DISTRICTS IN MISSISSIPPI INTO 82 DISTRICTS WITH
3 COUNTYWIDE JURISDICTION; TO AMEND SECTION 37-7-103, MISSISSIPPI
4 CODE OF 1972, TO PROVIDE THAT FROM AND AFTER JULY 1, 2011, 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 THAT CONSOLIDATION; TO PROVIDE
18 THAT THE 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 THAT
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 SHALL BE MADE BY A NEWLY ELECTED
25 COUNTY BOARD OF EDUCATION; TO AMEND SECTIONS 37-5-1, 37-5-7,
26 37-5-9 AND 37-5-19, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
27 ELECTION OF MEMBERS OF ALL COUNTY BOARDS OF EDUCATION IN NOVEMBER
28 2011 AND EVERY FOUR YEARS THEREAFTER FOR FOUR-YEAR TERMS; TO
29 PROVIDE THAT THE ELECTION IS BY SUPERVISORS DISTRICT WITH ALL
30 ELECTORS RESIDING THEREIN ELIGIBLE TO VOTE IN THE ELECTION; TO
31 PROVIDE FOR THE ELECTION OF A MEMBER AT LARGE FROM ANY COUNTY
32 HAVING NO HIGH SCHOOL ATTENDANCE CENTER; TO PROVIDE FOR FILLING
33 VACANCIES TO THE COUNTY BOARD OF EDUCATION; TO AMEND SECTIONS
34 37-9-13, 37-5-61 AND 37-9-25, MISSISSIPPI CODE OF 1972, TO PROVIDE
35 THAT ON JULY 1, 2011, THE NEWLY ELECTED COUNTY BOARD OF EDUCATION
36 IN ALL COUNTIES SHALL APPOINT A COUNTY SUPERINTENDENT OF EDUCATION
37 TO SUPERVISE ALL SCHOOLS IN THE COUNTY; TO PROVIDE FOR A CONTRACT
38 WITH THE COUNTY SUPERINTENDENT OF EDUCATION FOR UP TO FOUR
39 SCHOLASTIC YEARS; TO AMEND SECTIONS 37-6-3, 37-6-5, 37-6-7,
40 37-6-9, 37-6-11, 37-6-13, 37-6-15 AND 37-7-301, MISSISSIPPI CODE
41 OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 37-57-1,
42 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF SUPERVISORS
43 SHALL BE THE LEVYING AUTHORITY FOR ALL AD VALOREM TAXES FOR THE
44 SUPPORT OF THE SCHOOL DISTRICT IN THE COUNTY; TO REPEAL SECTIONS
45 37-7-105 THROUGH 37-7-115, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
46 PROCEDURES FOR THE ABOLITION, ALTERATION AND CREATION OF PUBLIC



47 SCHOOL DISTRICTS BY LOCAL SCHOOL BOARDS AND BY PETITION OF THE
48 ELECTORATE; TO REPEAL SECTION 37-5-3, MISSISSIPPI CODE OF 1972,
49 WHICH PROVIDES CERTAIN RESIDENCY REQUIREMENTS FOR MEMBERS OF
50 COUNTY BOARDS OF EDUCATION; TO REPEAL SECTION 37-5-18, MISSISSIPPI
51 CODE OF 1972, WHICH PROVIDES FOR THE ELECTION OF MEMBERS OF COUNTY
52 BOARDS OF EDUCATION FROM SPECIAL DISTRICTS; TO REPEAL SECTION
53 37-9-12, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM
54 ON THE QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE
55 COUNTY SUPERINTENDENT OF EDUCATION; TO REPEAL SECTIONS 37-5-63
56 THROUGH 37-5-75, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
57 ELECTION OF COUNTY SUPERINTENDENTS OF EDUCATION; TO REPEAL
58 SECTIONS 37-7-201 THROUGH 37-7-229 AND 37-7-701 THROUGH 37-7-725,
59 MISSISSIPPI CODE OF 1972, WHICH PROVIDE QUALIFICATIONS, ELECTION
60 PROCEDURES, TERMS OF OFFICE, PETITION PROCEDURES, VACANCY
61 PROCEDURES AND OPTIONAL SELECTION METHODS FOR BOARDS OF TRUSTEES
62 OF MUNICIPAL SEPARATE SCHOOL DISTRICTS, CONSOLIDATED SCHOOL
63 DISTRICTS, LINE CONSOLIDATED SCHOOL DISTRICTS AND SPECIAL
64 MUNICIPAL SEPARATE SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

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

68 37-7-103. (1) From and after July 1, 2011, each county in
69 the State of Mississippi shall constitute a school district and
70 shall be known as the "School District of _____ County,
71 Mississippi." Each school district shall constitute a unit for
72 the control, organization and administration of schools. The
73 responsibility for the actual operation and administration of all
74 schools within the districts in conformity with rules and minimum
75 standards prescribed by the state, and also the responsibility for
76 the provision of any desirable and practicable opportunities
77 authorized by the law beyond those required by the state, are
78 delegated by law to the members of the county boards of education,
79 with an appointed county superintendent of education as executive
80 officer for the board.

81 (2) For purposes of this section, the term "administrative
82 consolidation" means the joining of two (2) or more school
83 districts to create a new single school district in the county
84 with one (1) administrative unit, one (1) school board and one (1)
85 school superintendent, and which is not required to close school
86 facilities. An administratively consolidated school district may
87 not have more than one (1) superintendent of schools. Before



88 February 1, 2011, the State Department of Education may not
89 publish a consolidation list that includes all school districts in
90 the state that are not countywide school districts embracing an
91 entire county. The county board of education shall provide for
92 the administrative consolidation of all school districts in the
93 county into one (1) countywide school district embracing the
94 entire county before July 1, 2011. Any school district on the
95 consolidation list that does not voluntarily consolidate with the
96 countywide school district shall be administratively consolidated
97 by the State Board of Education with the countywide school
98 district in which that district is located before June 1, 2011, to
99 be effective on July 1, 2011. The State Board of Education shall
100 promptly move on its own motion to administratively consolidate a
101 school district on the consolidation list in order to enable the
102 affected school districts to reasonably accomplish the resulting
103 administrative consolidation into a countywide school district
104 before July 1, 2011. All school districts on the consolidation
105 list must comply with any consolidation order issued by the county
106 board of education or the State Board of Education, as the case
107 may be, before July 1, 2011.

108 (3) On July 1, 2011, the board of trustees of any municipal
109 separate, special municipal separate, consolidated or line
110 consolidated school district on the administrative consolidation
111 list issued by the State Board of Education shall be abolished.
112 All real and personal property owned or titled in the name of a
113 school district on the administrative consolidation list shall be
114 transferred to the countywide school district of the county in
115 which that school district is located. If a school district is
116 located in two (2) or more counties, the State Board of Education
117 shall issue an order directing the transfer of real and personal
118 property to the appropriate countywide school district. Each
119 school board shall be responsible for establishing the contracts
120 for teachers and principals for the next school year with the



121 consultation of the newly elected successor county board of
122 education. The selection of the county superintendent of
123 education in the successor countywide school district shall be the
124 responsibility of the successor county board of education. The
125 successor county board of education shall prepare and approve the
126 budget of the new countywide district, and the county board of
127 education may use staff from the existing districts to prepare the
128 budget. Any proposed order of a county board of education
129 directing the transfer of the assets or real or personal property
130 of a school district on the administrative consolidation list must
131 be submitted and approved by the State Board of Education. The
132 determination of the State Board of Education shall be final and
133 conclusive for the purposes of the transfer of property required
134 by an administrative consolidation. Any person or school district
135 aggrieved by an order of a school board adopted under the
136 requirements of this section may appeal to the State Board of
137 Education within ten (10) days from the date of the adjournment of
138 the meeting at which the order is entered. The appeal shall be de
139 novo, and the findings of the State Board of Education upon that
140 question shall be final and conclusive for the purpose of the
141 approval or disapproval of the action by the board. Any special
142 municipal school district embracing the territory of an entire
143 county shall be abolished on July 1, 2011, and reconstituted as a
144 countywide school district with a county board of education.

145 (4) When any school district on the administrative
146 consolidation list issued by the State Board of Education is
147 abolished under this section, the abolition shall not impair or
148 release the property of that school district from liability for
149 the payment of the bonds or other indebtedness of the district.
150 It shall be the duty of the board of supervisors of the county to
151 levy taxes on the property of the abolished district from year to
152 year according to the terms of that indebtedness until same shall
153 be fully paid.



154 (5) This section may not be construed to require the closing
155 of any school or school facility, unless the facility is an
156 unneded administrative office. All administrative consolidations
157 under this section shall be accomplished so as not to delay or in
158 any manner negatively affect the desegregation of another school
159 district in the county under court order.

160 (6) In the administratively consolidated countywide school
161 district created under this section, the ad valorem tax rate shall
162 be determined as set forth under Sections 37-57-1 through
163 37-57-133. No school district administratively consolidated with
164 a school district designated by the State Board of Education as
165 being in academic or fiscal distress or under state
166 conservatorship shall be subject to academic or fiscal distress
167 sanctions for a period of three (3) years from the effective date
168 of the required administrative consolidation.

169 (7) The State Board of Education shall promulgate rules and
170 regulations to facilitate the administrative consolidation of
171 school districts required under this section. When the order of
172 each successor county board of education adopting the boundaries
173 of the successor countywide school district has been entered and
174 is final, as approved by the State Board of Education, the new
175 district lines shall be submitted by the State Board of Education,
176 with the assistance of the Attorney General, to the Attorney
177 General of the United States for preclearance or to the United
178 States District Court for the District of Columbia for a
179 declaratory judgment in accordance with the provisions of the
180 Voting Rights Act of 1965, as amended and extended. If the
181 changes in the school district lines are precleared or approved,
182 the State Board of Education formally shall declare the new lines
183 as the new boundaries of the school districts in the State of
184 Mississippi.

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



187 37-15-13. When any child qualified under the requirements of
188 Section 37-15-9 * * * applies or presents himself for enrollment
189 in or admission to the public schools of any school district of
190 this state, the county board of education of the school district
191 must have the power and authority to designate the particular
192 school or attendance center of the district in which the child
193 must be enrolled and which he must attend; no enrollment of a
194 child in a school shall be final or permanent until that
195 designation is made by the county board of education. No child
196 shall be entitled to attend any school or attendance center except
197 that to which he has been assigned by the county board of
198 education; however, the principal of a school or superintendent of
199 the district may, in proper cases, permit a child to attend a
200 school temporarily until a permanent assignment is made by the
201 county board of education. No change in the attendance zone of
202 any school or attendance center may be made by a newly elected
203 county board of education that succeeds to the territory of a
204 school district that is administratively consolidated under the
205 requirements of Section 37-7-103.

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

208 37-5-1. (1) There is * * * established a county board of
209 education in each county of the State of Mississippi. The county
210 board of education shall consist of five (5) members, one (1) of
211 which * * * shall be elected by the qualified electors of each
212 supervisors district of the county. * * * Each member so elected
213 shall be a resident and qualified elector of the supervisors
214 district from which he is elected.

215 (2) If an entire county is embraced by a line consolidated
216 district on July 1, 2011, and that county does not have a high
217 school within its boundaries, then the qualified electors of the
218 county shall elect one (1) additional member at large to the



219 county board of education of the county in which the high school
220 age students of the county attend school.

221 * * *

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

224 37-5-7. * * * On the first Tuesday after the first Monday in
225 November 2011 and every four (4) years thereafter, an election
226 shall be held in each county in this state in the same manner and
227 at the same time as general state and county elections are held
228 and conducted, which elections shall be held for the purpose of
229 electing the county boards of education established under the
230 provisions of this chapter. * * * All * * * members of the board
231 elected in November 2011 shall be elected for a term of four (4)
232 years. All members of the county board of education as herein
233 constituted, shall take office on the first Monday of January
234 following the date of their election.

235 * * *

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

238 **[Until the date Section 1, Chapter 470, Laws of 2009, is**
239 **effectuated under Section 5 of the Voting Rights Act of 1965, as**
240 **amended and extended, this section shall read as follows:]**

241 37-5-9. The name of any qualified elector who is a candidate
242 for the county board of education shall be placed on the ballot
243 used in the general elections by the county election
244 commissioners, provided that the candidate files with the county
245 election commissioners, not more than ninety (90) days and not
246 less than sixty (60) days before the date of the general election,
247 a petition of nomination signed by not less than fifty (50)
248 qualified electors of the county residing within each supervisors
249 district. Where there are less than one hundred (100) qualified
250 electors in the supervisors district, it shall only be required
251 that the petition of nomination be signed by at least twenty



252 percent (20%) of the qualified electors of the supervisors
253 district. The candidate in each supervisors district who receives
254 the highest number of votes cast in the district shall be declared
255 elected.

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

263 * * *

264 **[From and after the date Section 1, Chapter 470, Laws of**
265 **2009, is effectuated under Section 5 of the Voting Rights Act of**
266 **1965, as amended and extended, this section shall read as**
267 **follows:]**

268 37-5-9. (1) The name of any qualified elector who is a
269 candidate for the county board of education shall be placed on the
270 ballot used in the general elections by the county election
271 commissioners, provided that the candidate files with the county
272 election commissioners, not more than ninety (90) days and not
273 less than sixty (60) days before the date of the general election,
274 a petition of nomination signed by not less than fifty (50)
275 qualified electors of the county residing within each supervisors
276 district. Where there are less than one hundred (100) qualified
277 electors in the supervisors district, it shall only be required
278 that the petition of nomination be signed by at least twenty
279 percent (20%) of the qualified electors of the supervisors
280 district. The candidate in each supervisors district who receives
281 a majority of the votes cast in the district must be declared
282 elected. If no candidate receives a majority of the votes cast in
283 the general election, then the two (2) candidates who receive the
284 highest number of votes cast in the district shall have their



285 names submitted as candidates in a runoff election three (3) weeks
286 after the date of the general election, and the candidate who
287 receives a majority of the votes cast in the district in the
288 runoff election must be declared elected.

289 (2) When any member of the county board of education is to
290 be elected from the county at large under the provisions of this
291 chapter, then the petition required by subsection (1) of this
292 section shall be signed by the required number of qualified
293 electors residing in any part of the county * * *. The candidate
294 who receives a majority of the votes cast in the county must be
295 declared elected. If no candidate receives a majority of the
296 votes cast in the general election, then the two (2) candidates
297 who receive the highest number of votes cast in the county shall
298 have their names submitted as candidates in a runoff election
299 three (3) weeks after the date of the general election, and the
300 candidate who receives a majority of the votes cast in the county
301 in the runoff election must be declared elected.

302 * * *

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

305 37-5-19. Vacancies in the membership of the county board of
306 education shall be filled by appointment, within sixty (60) days
307 after the vacancy occurs, by the remaining members of the county
308 board of education. The appointee shall be selected from the
309 qualified electors of the supervisors district in which the
310 vacancy occurs, and shall serve until the first Monday of January
311 next succeeding the next general election, at which general
312 election a member shall be elected to fill the remainder of the
313 unexpired term in the same manner and with the same qualifications
314 applicable to the election of a member for the full term.

315 If the vacancy occurs more than five (5) months before the
316 next general election and the remaining members of the county
317 board of education are unable to agree upon an individual to be



318 appointed, any two (2) of the remaining members may certify the
319 disagreement to the county election commission. Upon the receipt
320 of such a certificate by the county election commission, or any
321 member thereof, the commission shall hold a special election to
322 fill the vacancy, which * * * election, notice thereof and ballot
323 shall be controlled by the laws concerning special elections to
324 fill vacancies in county or county district offices. The person
325 elected at that a special election shall serve for the remainder
326 of the unexpired term.

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

329 **[Until July 1, 2011, this section will read as follows:]**

330 37-9-13. Each school district shall have a superintendent of
331 schools, selected in the manner provided by law. No person shall
332 be eligible to the office of superintendent of schools unless that
333 person * * * holds a valid administrator's license issued by the
334 State Department of Education and has had not less than four (4)
335 years of classroom or administrative experience.

336 **[From and after July 1, 2011, this section will read as**
337 **follows:]**

338 37-9-13. From and after July 1, 2011, each county school
339 district shall have a county superintendent of education,
340 appointed by the county board of education. No person shall be
341 eligible to the office of county superintendent of education
342 unless that person * * * holds a valid administrator's license
343 issued by the State Department of Education and has had not less
344 than four (4) years of classroom or administrative experience.

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

347 **[Until July 1, 2011, this section shall read as follows:]**

348 37-5-61. (1) There shall be a county superintendent of
349 education in each county.



350 (2) The superintendent shall serve as the executive
351 secretary of the county board of education, but shall have no vote
352 in the proceedings before the board and no voice in fixing the
353 policies thereof.

354 (3) In addition, the superintendent shall be the director of
355 all schools in the county outside the municipal separate school
356 districts.

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

360 **[From and after July 1, 2011, this section shall read as**
361 **follows:]**

362 37-5-61. (1) There shall be a county superintendent of
363 education in each county appointed by the county board of
364 education, as provided in Section 37-9-25.

365 (2) The superintendent shall serve as the executive
366 secretary of the county board of education, but shall have no vote
367 in the proceedings before the board and no voice in fixing the
368 policies thereof.

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

371 * * *

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

374 **[Until July 1, 2011, this section shall read as follows:]**

375 37-9-25. The school board shall have the power and
376 authority, in its discretion, to employ the superintendent, unless
377 the superintendent is elected, for not exceeding four (4)
378 scholastic years and the principals or licensed employees for not
379 exceeding three (3) scholastic years. In such case, contracts
380 shall be entered into with the superintendents, principals and
381 licensed employees for the number of years for which they have
382 been employed. All those contracts with licensed employees shall



383 for the years after the first year thereof, be subject to the
384 contingency that the licensed employee may be released if, during
385 the life of the contract, the average daily attendance should
386 decrease from that existing during the previous year and thus
387 necessitate a reduction in the number of licensed employees during
388 any year after the first year of the contract. However, in all
389 those cases the licensed employee must be released before July 1
390 or at least thirty (30) days before the beginning of the school
391 term, whichever date * * * occurs earlier. The salary to be paid
392 for the years after the first year of the contract shall be
393 subject to revision, either upward or downward, in the event of an
394 increase or decrease in the funds available for the payment
395 thereof, but, unless the salary is revised before the beginning of
396 a school year, it shall remain for the school year at the amount
397 fixed in the contract. However, where school district funds,
398 other than adequate education program funds, are available during
399 the school year in excess of the amount anticipated at the
400 beginning of the school year the salary to be paid for the year
401 may be increased to the extent that those additional funds are
402 available and nothing in this section shall be construed to
403 prohibit same.

404 **[From and after July 1, 2011, this section shall read as**
405 **follows:]**

406 37-9-25. The county board of education shall have the power
407 and authority, in its discretion, to employ the county
408 superintendent of education for not exceeding four (4) scholastic
409 years and the principals or licensed employees for not exceeding
410 three (3) scholastic years. In such case, contracts shall be
411 entered into with the superintendents, principals and licensed
412 employees for the number of years for which they have been
413 employed. All those contracts with licensed employees shall, for
414 the years after the first year thereof, be subject to the
415 contingency that the licensed employee may be released if, during



416 the life of the contract, the average daily attendance should
417 decrease from that existing during the previous year and thus
418 necessitate a reduction in the number of licensed employees during
419 any year after the first year of the contract. However, in all
420 those cases the licensed employee must be released before July 1
421 or at least thirty (30) days before the beginning of the school
422 term, whichever date * * * occurs earlier. The salary to be paid
423 for the years after the first year of the contract shall be
424 subject to revision, either upward or downward, in the event of an
425 increase or decrease in the funds available for the payment
426 thereof, but, unless the salary is revised before the beginning of
427 a school year, it shall remain for the school year at the amount
428 fixed in the contract. However, where school district funds,
429 other than adequate education program funds, are available during
430 the school year in excess of the amount anticipated at the
431 beginning of the school year the salary to be paid for the year
432 may be increased to the extent that those additional funds are
433 available and nothing in this section shall be construed to
434 prohibit same.

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

437 37-6-3. (1) From and after July 1, 1987, all school
438 districts in the State of Mississippi shall have the same
439 prerogatives, powers, duties and privileges as provided in this
440 chapter. From and after July 1, 2011, each county shall
441 constitute a school district for the control, organization and
442 administration of schools, and all other school districts shall be
443 abolished as provided in Section 37-7-103.

444 (2) As used in this chapter and the laws of this state, the
445 term "school board" or "local school board" means * * * the county
446 board of education of any countywide school district in this
447 state * * *.



448 (3) As used in this chapter and the laws of this state, the
449 term "superintendent" or "superintendent of schools" * * *
450 means * * * the county superintendent of education of any
451 countywide school district in this state whose duties require the
452 supervision of students * * *.

453 * * *

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

456 37-6-5. Each county in the state shall constitute a school
457 district and shall be known as the "School District of
458 County, Mississippi."

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

461 37-6-7. Each county school district shall be governed by a
462 county board of education consisting of five (5) members, selected
463 in the manner provided by law.

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

466 37-6-9. The county board of education shall organize by the
467 election of a president and a secretary from its membership whose
468 duty it shall be to make reports and to perform all other duties
469 required by law. A majority of the members of the * * * board
470 shall constitute a quorum for the transaction of business.

471 Minutes shall be kept of all meetings of the * * * board showing:

472 (a) The members present and absent;

473 (b) The date, time and place of the meeting;

474 (c) An accurate recording of any final actions taken at
475 the meeting;

476 (d) A record by individual member of any votes taken at
477 the meeting; and

478 (e) Any other information that the * * * board requests
479 to be reflected in the minutes.



480 Each member of the * * * board present shall either vote or
481 abstain on every question upon which a vote is taken at any
482 meeting. All action taken by a * * * board shall become official
483 at the time it is taken. All minutes of the * * * board shall be
484 signed by the president of the board, shall be attested by the
485 secretary of the board and shall be adopted by the board at the
486 next regular meeting, or within thirty (30) working days,
487 whichever occurs later.

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

490 37-6-11. The county board of education shall meet regularly
491 at the time and at the place as * * * designated by an order
492 entered upon the minutes thereof. Special meetings of county
493 boards of education shall be held upon the call of the president
494 thereof, or upon the call of a majority of the members thereof.

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

497 37-6-13. (1) Each person serving as a member of the county
498 board of education shall receive per diem in the amount of
499 Sixty-seven Dollars (\$67.00) for no more than thirty-six (36)
500 meetings of the school board during any one (1) fiscal year or, in
501 his or her discretion, irrevocably may choose to receive as
502 compensation for his or her services an annual salary in the
503 amount of Two Thousand Four Hundred Dollars (\$2,400.00), which
504 choice shall remain in force for all successive terms or periods
505 of service of that member. The receipt of the compensation shall
506 not entitle any member of a * * * board to receive or be eligible
507 for any state employee group insurance, retirement or other fringe
508 benefits. Each member shall be reimbursed for the necessary
509 expenses and mileage in attending meetings of the * * * board. In
510 addition to the foregoing, all members may be reimbursed for
511 mileage and actual expenses incurred in the further performance of
512 their duties, including attendance at any mandatory * * * board



513 training session or at regional and national education meetings,
514 when the mileage and other expenses are authorized by the board
515 before the date on which they occur. Detailed vouchers shall be
516 submitted for reimbursement for all expenses authorized by this
517 section. The reimbursement shall be in accordance with Section
518 25-3-41.

519 Those expenses shall be paid on order of the * * * board by
520 pay certificates issued by the county superintendent of education
521 involved against the funds available for payment of the
522 administrative expense of the district.

523 (2) (a) If a member of a * * * board misses twenty percent
524 (20%) or more of the meetings of the * * * board during a calendar
525 year, except for absences caused by required military duty, the
526 member must reimburse the school district that portion of the
527 total salary paid to the member that year which is proportionate
528 to the number of meetings missed by the member in relation to the
529 total number of * * * board meetings held during that year. For
530 purposes of this subsection, consideration may be given only to
531 meetings of which public notice is required.

532 (b) Before February 1 of each year, the president of
533 each county board of education shall submit a report to the State
534 Board of Education containing the names of any members of
535 the * * * board who missed twenty percent (20%) or more of
536 the * * * board meetings during the preceding calendar year.

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

539 37-6-15. (1) Before entering upon the discharge of the
540 duties of his office, each member of the county board of education
541 shall give a surety bond in the penal sum of Fifty Thousand
542 Dollars (\$50,000.00), with sufficient surety, to be payable,
543 conditioned and approved in the manner provided by law.

544 (2) The * * * board may execute a blanket surety bond for
545 each school district official and employee (including school



546 business managers and any other employee who receipts and/or
547 disburses school district funds) in the penalty of Fifty Thousand
548 Dollars (\$50,000.00), unless a different penalty is prescribed by
549 statute, to be payable, conditioned and approved in the manner
550 provided by law. The premium on the bond shall be paid out of the
551 school district maintenance fund.

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

554 37-7-301. The county boards of education shall have the
555 following powers, authority and duties in addition to all others
556 imposed or granted by law, to wit:

557 (a) To organize and operate the schools of the district
558 and to make such division between the high school grades and
559 elementary grades as, in their judgment, will serve the best
560 interests of the school;

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

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

567 (d) To have responsibility for the erection, repairing
568 and equipping of school facilities and the making of necessary
569 school improvements;

570 (e) To suspend or to expel a pupil or to change the
571 placement of a pupil to the school district's alternative school
572 or homebound program for misconduct in the school or on school
573 property, as defined in Section 37-11-29, on the road to and from
574 school, or at any school-related activity or event, or for conduct
575 occurring on property other than school property or other than at
576 a school-related activity or event when such conduct by a pupil,
577 in the determination of the county superintendent or principal,
578 renders that pupil's presence in the classroom a disruption to the



579 educational environment of the school or a detriment to the best
580 interest and welfare of the pupils and teacher of such class as a
581 whole, and to delegate such authority to the appropriate officials
582 of the school district;

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

586 (g) To support, within reasonable limits, the
587 superintendent, principal and teachers where necessary for the
588 proper discipline of the school;

589 (h) To exclude from the schools students with what
590 appears to be infectious or contagious diseases; * * * however,
591 the student may be allowed to return to school upon presenting a
592 certificate from a public health officer, duly licensed physician
593 or nurse practitioner that the student is free from the disease;

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

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

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

601 (l) To prescribe and enforce rules and regulations not
602 inconsistent with law or with the regulations of the State Board
603 of Education for their own government and for the government of
604 the schools, and to transact their business at regular and special
605 meetings called and held in the manner provided by law;

606 (m) To maintain and operate all of the schools under
607 their control for any length of time during the year as may be
608 required;

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



611 (o) To make orders directed to the county
612 superintendent of education for the issuance of pay certificates
613 for lawful purposes on any available funds of the district and to
614 have full control of the receipt, distribution, allotment and
615 disbursement of all funds provided for the support and operation
616 of the schools of the school district whether the funds are
617 derived from state appropriations, local ad valorem tax
618 collections, or otherwise. The county board of education shall be
619 authorized and empowered to promulgate rules and regulations that
620 specify the types of claims and set limits of the dollar amount
621 for payment of claims by the county superintendent of education to
622 be ratified by the board at the next regularly scheduled meeting
623 after payment has been made;

624 (p) To select all school district personnel in the
625 manner provided by law, and to provide for any employee fringe
626 benefit programs, including accident reimbursement plans, as may
627 be deemed necessary and appropriate by the board;

628 (q) To provide athletic programs and other school
629 activities and to regulate the establishment and operation of such
630 programs and activities;

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

635 (s) To expend local school activity funds, or other
636 available school district funds, other than adequate education
637 program funds, for the purposes prescribed under this paragraph.
638 "Activity funds" shall mean all funds received by school officials
639 in all school districts paid or collected to participate in any
640 school activity, that activity being part of the school program
641 and partially financed with public funds or supplemented by public
642 funds. The term "activity funds" shall not include any funds
643 raised and/or expended by any organization unless commingled in a



644 bank account with existing activity funds, regardless of whether
645 the funds were raised by school employees or received by school
646 employees during school hours or using school facilities, and
647 regardless of whether a school employee exercises influence over
648 the expenditure or disposition of the funds. Organizations shall
649 not be required to make any payment to any school for the use of
650 any school facility if, in the discretion of the county board of
651 education, the organization's function is deemed to be beneficial
652 to the official or extracurricular programs of the school. For
653 the purposes of this provision, the term "organization" shall not
654 include any organization subject to the control of the * * *
655 board. Activity funds may only be expended for any necessary
656 expenses or travel costs, including advances, incurred by students
657 and their chaperons in attending any in-state or out-of-state
658 school-related programs, conventions or seminars and/or any
659 commodities, equipment, travel expenses, purchased services or
660 school supplies that the * * * board, in its discretion, * * *
661 deems beneficial to the official or extracurricular programs of
662 the district, including items that may later become the personal
663 property of individuals, including yearbooks, athletic apparel,
664 book covers and trophies. Activity funds may be used to pay
665 travel expenses of school district personnel. The county board of
666 education shall be authorized and empowered to promulgate rules
667 and regulations specifically designating for what purposes school
668 activity funds may be expended. The * * * board shall provide the
669 following:

670 (i) That the school activity funds shall be
671 maintained and expended by the principal of the school generating
672 the funds in individual bank accounts; or

673 (ii) That the school activity funds shall be
674 maintained and expended by the county superintendent of education
675 in a central depository approved by the board.



676 The * * * board shall provide that the school activity funds
677 be audited as part of the annual audit required in Section
678 37-9-18. The State Department of Education shall prescribe a
679 uniform system of accounting and financial reporting for all
680 school activity fund transactions;

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

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

687 (v) (i) To lease a school building from an individual,
688 partnership, nonprofit corporation or a private for-profit
689 corporation for the use of such school district, and to expend
690 funds therefor as may be available from any * * * sources other
691 than adequate education program funds. The county board of
692 education desiring to lease a school building shall declare by
693 resolution that a need exists for a school building and that the
694 school district cannot provide the necessary funds to pay the cost
695 or its proportionate share of the cost of a school building
696 required to meet the present needs. The resolution so adopted by
697 the * * * board shall be published once each week for three (3)
698 consecutive weeks in a newspaper having a general circulation in
699 the school district involved, with the first publication thereof
700 to be made not less than thirty (30) days before the date upon
701 which the * * * board is to act on the question of leasing a
702 school building. If no petition requesting an election is filed
703 before a meeting as hereinafter provided, then the * * * board
704 may, by resolution spread upon its minutes, proceed to lease a
705 school building. If at any time before the meeting a petition
706 signed by not less than twenty percent (20%) or fifteen hundred
707 (1500), whichever is less, of the qualified electors of the school
708 district involved is filed with the * * * board requesting that an



709 election be called on the question, then the * * * board shall,
710 not later than the next regular meeting, adopt a resolution
711 calling an election to be held within the school district upon the
712 question of authorizing the * * * board to lease a school
713 building. The election shall be called and held, and notice
714 thereof shall be given, in the same manner for elections upon the
715 questions of the issuance of the bonds of school districts, and
716 the results thereof shall be certified to the * * * board. If at
717 least three-fifths (3/5) of the qualified electors of the school
718 district who voted in the election * * * vote in favor of the
719 leasing of a school building, then the * * * board shall proceed
720 to lease a school building. The term of the lease contract shall
721 not exceed twenty (20) years, and the total cost of the lease
722 shall be either the amount of the lowest and best bid accepted by
723 the * * * board after advertisement for bids or an amount not to
724 exceed the current fair market value of the lease as determined by
725 the averaging of at least two (2) appraisals by certified general
726 appraisers licensed by the State of Mississippi. The term "school
727 building" as used in this paragraph (v) (i) shall be construed to
728 mean any building or buildings used for classroom purposes in
729 connection with the operation of schools and shall include the
730 site therefor, necessary support facilities, and the equipment
731 thereof and appurtenances thereto such as heating facilities,
732 water supply, sewage disposal, landscaping, walks, drives and
733 playgrounds. The term "lease" as used in this paragraph (v) (i)
734 may include a lease/purchase contract;

735 (ii) If two (2) or more school districts propose
736 to enter into a lease contract jointly, then joint meetings of the
737 county boards of education having control may be held but no
738 action taken shall be binding on any of those school districts
739 unless the question of leasing a school building is approved in
740 each participating school district under the procedure hereinabove
741 set forth in paragraph (v) (i). All of the provisions of paragraph



742 (v) (i) regarding the term and amount of the lease contract shall
743 apply to the county boards of education acting jointly. Any lease
744 contract executed by two (2) or more school districts as joint
745 lessees shall set out the amount of the aggregate lease rental to
746 be paid by each, which may be agreed upon, but there shall be no
747 right of occupancy by any lessee unless the aggregate rental is
748 paid as stipulated in the lease contract. All rights of joint
749 lessees under the lease contract shall be in proportion to the
750 amount of lease rental paid by each;

751 (w) To employ all noninstructional and nonlicensed
752 employees and fix the duties and compensation of those personnel
753 deemed necessary according to the recommendation of the county
754 superintendent of education;

755 (x) To employ and fix the duties and compensation of
756 any legal counsel as deemed necessary;

757 (y) Subject to rules and regulations of the State Board
758 of Education, to purchase, own and operate trucks, vans and other
759 motor vehicles, which shall bear the proper identification
760 required by law;

761 (z) To expend funds for the payment of substitute
762 teachers and to adopt reasonable regulations for the employment
763 and compensation of those substitute teachers;

764 (aa) To acquire in its own name by purchase all real
765 property that is necessary and desirable in connection with the
766 construction, renovation or improvement of any public school
767 building or structure. Whenever the purchase price for the real
768 property is greater than Fifty Thousand Dollars (\$50,000.00), the
769 county board of education shall not purchase the property for an
770 amount exceeding the fair market value of that property as
771 determined by the average of at least two (2) independent
772 appraisals by certified general appraisers licensed by the State
773 of Mississippi. If the board is unable to agree with the owner of
774 any of that real property in connection with any construction,



775 renovation or improvement project, the board shall have the power
776 and authority to acquire any of that real property by condemnation
777 proceedings under Section 11-27-1 et seq., and for that purpose,
778 the right of eminent domain is * * * conferred upon and vested in
779 the board. * * * The county board of education is authorized to
780 grant an easement for ingress and egress over sixteenth section
781 land or lieu land in exchange for a similar easement upon
782 adjoining land where the exchange of easements affords substantial
783 benefit to the sixteenth section land; * * * however, the exchange
784 must be based upon values as determined by a competent appraiser,
785 with any differential in value to be adjusted by cash payment.
786 Any easement rights granted over sixteenth section land under this
787 authority shall terminate when the easement ceases to be used for
788 its stated purpose. No sixteenth section or lieu land that is
789 subject to an existing lease shall be burdened by any * * *
790 easement authorized under this paragraph except by consent of the
791 lessee or unless the school district * * * acquires the unexpired
792 leasehold interest affected by the easement;

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

796 (cc) Subject to rules and regulations of the State
797 Board of Education, to purchase relocatable classrooms for the use
798 of the school district, in the manner prescribed in Section
799 37-1-13;

800 (dd) Enter into contracts or agreements with other
801 school districts, political subdivisions or governmental entities
802 to carry out one or more of the powers or duties of the county
803 board of education, or to allow more efficient utilization of
804 limited resources for providing services to the public;

805 (ee) To provide for in-service training for employees
806 of the district;



807 (ff) As part of their duties to prescribe the use of
808 textbooks, to provide that parents and legal guardians shall be
809 responsible for the textbooks and for the compensation to the
810 school district for any books that are not returned to the proper
811 schools upon the withdrawal of their dependent child. If a
812 textbook is lost or not returned by any student who drops out of
813 the public school district, the parent or legal guardian shall
814 also compensate the school district for the fair market value of
815 the textbooks;

816 (gg) To conduct fund-raising activities on behalf of
817 the school district that the county board of education, in its
818 discretion, deems appropriate or beneficial to the official or
819 extracurricular programs of the district, subject to the following
820 conditions:

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

824 (ii) Fund-raising activities conducted or
825 authorized by the board for the sale of school pictures, the
826 rental of caps and gowns or the sale of graduation invitations for
827 which the * * * board receives a commission, rebate or fee shall
828 contain a disclosure statement advising that a portion of the
829 proceeds of the sales or rentals shall be contributed to the
830 student activity fund;

831 (hh) To allow individual lessons for music, art and
832 other curriculum-related activities for academic credit or
833 nonacademic credit during school hours and using school equipment
834 and facilities, subject to uniform rules and regulations adopted
835 by the * * * board;

836 (ii) To charge reasonable fees for participating in an
837 extracurricular activity for academic or nonacademic credit for
838 necessary and required equipment such as safety equipment, band
839 instruments and uniforms;



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

843 (kk) To exercise any powers as may be reasonably
844 necessary to carry out the provisions of this section;

845 (ll) To expend funds for the services of nonprofit arts
846 organizations or other similar nonprofit organizations that
847 provide performances or other services for the students of the
848 school district;

849 (mm) To expend federal No Child Left Behind Act funds,
850 or any other available funds that are expressly designated and
851 authorized for that use, to pay training, educational expenses,
852 salary incentives and salary supplements to employees of local
853 school districts; except that incentives shall not be considered
854 part of the local supplement as defined in Section 37-151-5(o),
855 nor shall incentives be considered part of the local supplement
856 paid to an individual teacher for the purposes of Section
857 37-19-7(1). Mississippi Adequate Education Program funds or any
858 other state funds may not be used for salary incentives or salary
859 supplements as provided in this paragraph (mm);

860 (nn) To use any available funds, not appropriated or
861 designated for any other purpose, for reimbursement to the
862 state-licensed employees from both in state and out of state, who
863 enter into a contract for employment in a school district, for the
864 expense of moving when the employment necessitates the relocation
865 of the licensed employee to a different geographical area than
866 that in which the licensed employee resides before entering into
867 the contract. The reimbursement shall not exceed One Thousand
868 Dollars (\$1,000.00) for the documented actual expenses incurred in
869 the course of relocating, including the expense of any
870 professional moving company or persons employed to assist with the
871 move, rented moving vehicles or equipment, mileage in the amount
872 authorized for county and municipal employees under Section



873 25-3-41 if the licensed employee used his personal vehicle or
874 vehicles for the move, meals and any other expenses associated
875 with the relocation. No licensed employee may be reimbursed for
876 moving expenses under this section on more than one (1) occasion
877 by the same school district. Nothing in this section shall be
878 construed to require the actual residence to which the licensed
879 employee relocates to be within the boundaries of the school
880 district that has executed a contract for employment in order for
881 the licensed employee to be eligible for reimbursement for the
882 moving expenses. However, the licensed employee must relocate
883 within the boundaries of the State of Mississippi. Any individual
884 receiving relocation assistance through the Critical Teacher
885 Shortage Act as provided in Section 37-159-5 shall not be eligible
886 to receive additional relocation funds as authorized in this
887 paragraph;

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

894 (pp) Consistent with the report of the Task Force to
895 Conduct a Best Financial Management Practices Review, to improve
896 school district management and use of resources and identify cost
897 savings as established in Section 8 of Chapter 610, Laws of 2002,
898 county boards of education are encouraged to conduct independent
899 reviews of the management and efficiency of schools and school
900 districts. The management and efficiency reviews shall provide
901 state and local officials and the public with the following:

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

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



906 (iii) An assessment of revenue levels and sources;
907 (iv) An assessment of facilities utilization,
908 planning and maintenance;
909 (v) An assessment of food services, transportation
910 and safety/security systems;
911 (vi) An assessment of instructional and
912 administrative technology;
913 (vii) A review of the instructional management and
914 the efficiency and effectiveness of existing instructional
915 programs; and
916 (viii) Recommended methods for increasing
917 efficiency and effectiveness in providing educational services to
918 the public;
919 (qq) To enter into agreements with other county boards
920 of education for the establishment of an educational service
921 agency (ESA) to provide for the cooperative needs of the region in
922 which the school district is located, as provided in Section
923 37-7-345.

924 This paragraph shall repeal on July 1, 2013;

925 (rr) To implement a financial literacy program for
926 students in Grades 10 and 11. The board may review the national
927 programs and obtain free literature from various nationally
928 recognized programs. After review of the different programs, the
929 board may certify a program that is most appropriate for the
930 school districts' needs. If a district implements a financial
931 literacy program, then any student in Grade 10 or 11 may
932 participate in the program. The financial literacy program shall
933 include, but is not limited to, instruction in the same areas of
934 personal business and finance as required under Section
935 37-1-3(2)(b). The county board of education may coordinate with
936 volunteer teachers from local community organizations, including,
937 but not limited to, the following:



938 (i) United States Department of Agriculture Rural
939 Development;

940 (ii) United States Department of Housing and Urban
941 Development;

942 (iii) Junior Achievement;

943 (iv) Bankers; and

944 (v) Other nonprofit organizations. Nothing in
945 this paragraph shall be construed as to require county boards of
946 education to implement a financial literacy program;

947 (ss) To collaborate with the State Board of Education,
948 Community Action Agencies or the Department of Human Services to
949 develop and implement a voluntary program to provide services for
950 a prekindergarten program that addresses the cognitive, social,
951 and emotional needs of four-year-old and three-year-old children.
952 The * * * board may utilize any source of available revenue to
953 fund the voluntary program;

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

960 (i) Withhold all or any part (as agreed by the
961 school board) of any monies that the board is entitled to receive
962 from time to time under any law and that is in the possession of
963 the Department of Revenue, or any state agency, department or
964 commission created under state law; and

965 (ii) Pay the same over to any financial
966 institution, trustee or other obligee, as directed in writing by
967 the * * * board, to satisfy all or part of the obligation of the
968 school district.

969 The * * * board may make the written agreement to withhold
970 and transfer funds irrevocable for the term of the written



971 obligation and may include in the written agreement any other
972 terms and provisions acceptable to the * * * board. If the * * *
973 board files a copy of the written agreement with the Department of
974 Revenue, or any state agency, department or commission created
975 under state law then the Department of Revenue or any state
976 agency, department or commission created under state law shall
977 immediately make the withholdings provided in the agreement from
978 the amounts due the county board of education and shall continue
979 to pay the same over to the financial institution, trustee or
980 obligee for the term of the agreement.

981 This paragraph (tt) shall not grant any extra authority to a
982 school board to issue debt in any amount exceeding statutory
983 limitations on assessed value of taxable property within the
984 school district or the statutory limitations on debt maturities,
985 and shall not grant any extra authority to impose, levy or collect
986 a tax that is not otherwise expressly provided for, and shall not
987 be construed to apply to sixteenth section public school trust
988 land;

989 (uu) With respect to any matter or transaction that is
990 competitively bid by a school district, to accept from any bidder
991 as a good faith deposit or bid bond or bid surety, the same type
992 of good faith deposit or bid bond or bid surety that may be
993 accepted by the state or any other political subdivision on
994 similar competitively bid matters or transactions. This paragraph
995 (uu) shall not be construed to apply to sixteenth section public
996 school trust land. The * * * board may authorize the investment
997 of any school district funds in the same kind and manner of
998 investments, including pooled investments, as any other political
999 subdivision, including community hospitals;

1000 (vv) To utilize the alternate method for the conveyance
1001 or exchange of unused school buildings and/or land, reserving a
1002 partial or other undivided interest in the property, as
1003 specifically authorized and provided in Section 37-7-485;



1004 (ww) To delegate, privatize or otherwise enter into a
1005 contract with private entities for the operation of any and all
1006 functions of nonacademic school process, procedures and operations
1007 including, but not limited to, cafeteria workers, janitorial
1008 services, transportation, professional development, achievement
1009 and instructional consulting services materials and products,
1010 purchasing cooperatives, insurance, business manager services,
1011 auditing and accounting services, school safety/risk prevention,
1012 data processing and student records, and other staff services;
1013 however, the authority under this paragraph does not apply to the
1014 leasing, management or operation of sixteenth section lands.
1015 Local school districts, working through their regional education
1016 service agency, are encouraged to enter into buying consortia with
1017 other member districts for the purposes of more efficient use of
1018 state resources as described in Section 37-7-345;

1019 (xx) To partner with entities, organizations and
1020 corporations for the purpose of benefiting the school district;

1021 (yy) To borrow funds from the Rural Economic
1022 Development Authority for the maintenance of school buildings; and

1023 (zz) To fund and operate voluntary early childhood
1024 education programs, defined as programs for children less than
1025 five (5) years of age on or before September 1, and to use any
1026 source of revenue for those early childhood education programs.
1027 Those programs shall not conflict with the Early Learning
1028 Collaborative Act of 2007.

1029 **SECTION 18.** Section 37-57-1, Mississippi Code of 1972, is
1030 amended as follows:

1031 37-57-1. (1) (a) From and after July 1, 2011, the boards
1032 of supervisors of the counties shall levy and collect all taxes
1033 for and on behalf of all school districts * * *. The taxes shall
1034 be collected by the county tax collector at the same time and in
1035 the same manner as county taxes are collected by him, and the same
1036 penalties for delinquency shall be applicable.



1037 * * *

1038 * * * The county * * * tax collector * * * shall pay those
1039 tax collections, except for taxes collected for the payment of the
1040 principal of and interest on school bonds or notes and except for
1041 taxes collected to defray collection costs, into the school
1042 depository and report to the county board of education at the same
1043 time and in the same manner as the tax collector makes his
1044 payments and reports of other taxes collected by him.

1045 * * *

1046 (b) For the purposes of this chapter and any other laws
1047 pertaining to taxes levied or bonds or notes issued for and on
1048 behalf of school districts, the term "levying authority" means the
1049 board of supervisors of the county * * * of the particular school
1050 district * * *.

1051 (2) The levying authority for the school district shall, at
1052 the same time and in the same manner as other taxes are levied by
1053 the levying authority, levy a tax of not less than twenty-eight
1054 (28) mills for the then current fiscal year, less the estimated
1055 amount of the yield of the School Ad Valorem Tax Reduction Fund
1056 grant to the school district as determined by the State Department
1057 of Education or twenty-seven percent (27%) of the basic adequate
1058 education program cost for the school district, whichever is a
1059 lesser amount, upon all of the taxable property of the county
1060 district, as required under Section 37-151-7(2)(a). However, in
1061 no case shall the minimum local ad valorem tax effort for any
1062 school district be equal to an amount that would require a millage
1063 rate exceeding fifty-five (55) mills in that school
1064 district. * * * However, * * * if a levying authority is levying
1065 in excess of fifty-five (55) mills on July 1, 1997, the levying
1066 authority may levy an additional amount not exceeding three (3)
1067 mills in the aggregate for the period beginning July 1, 1997, and
1068 ending June 30, 2003, subject to the limitation on increased
1069 receipts from ad valorem taxes prescribed in Sections 37-57-105



1070 and 37-57-107. Nothing in this subsection shall be construed to
1071 require any school district that is levying more than fifty-five
1072 (55) mills under Sections 37-57-1 and 37-57-105 to decrease its
1073 millage rate to fifty-five (55) mills or less. In making the
1074 levy, the levying authority shall levy an additional amount
1075 sufficient to cover anticipated delinquencies and costs of
1076 collection so that the net amount of money to be produced by the
1077 levy shall be equal to the amount that the school district is
1078 required to contribute as its * * * minimum local ad valorem tax
1079 effort. The tax so levied shall be collected by the tax collector
1080 at the same time and in the same manner as other ad valorem taxes
1081 are collected by him. The amount of taxes so collected as a
1082 result of the levy shall be paid into the district maintenance
1083 fund of the school district by the tax collector at the same time
1084 and in the same manner as reports and payments of other ad valorem
1085 taxes are made by the tax collector, except that the amount
1086 collected to defray costs of collection may be paid into the
1087 county general fund. The levying authority shall have the power
1088 and authority to direct and cause warrants to be issued against
1089 the fund for the purpose of refunding any amount of taxes
1090 erroneously or illegally paid into the fund where the refund has
1091 been approved in the manner provided by law.

1092 **SECTION 19.** Sections 37-7-105, 37-7-107, 37-7-109, 37-7-111,
1093 37-7-113 and 37-7-115, Mississippi Code of 1972, which provide
1094 procedures for the abolition, alteration and creation of public
1095 school districts by local school boards and by petition of the
1096 electorate, are repealed.

1097 **SECTION 20.** Section 37-5-3, Mississippi Code of 1972, which
1098 provides certain residency restrictions for members of county
1099 boards of education and Section 37-5-18, Mississippi Code of 1972,
1100 which provides for the election of members of county boards of
1101 education from special districts, are repealed.



1102 **SECTION 21.** Section 37-9-12, Mississippi Code of 1972, which
1103 provides for a referendum on the question of retaining the
1104 elective method of choosing the county superintendent of education
1105 and Sections 37-5-63, 37-5-65, 37-5-67, 37-5-69, 37-5-71 and
1106 37-5-75, Mississippi Code of 1972, which provide for the election
1107 of county superintendents of education, are repealed.

1108 **SECTION 22.** Sections 37-7-201, 37-7-203, 37-7-204, 37-7-207,
1109 37-7-208, 37-7-209, 37-7-211, 37-7-213, 37-7-215, 37-7-217,
1110 37-7-219, 37-7-221, 37-7-223, 37-7-225, 37-7-227, 37-7-229,
1111 37-7-701, 37-7-703, 37-7-705, 37-7-707, 37-7-709, 37-7-711,
1112 37-7-713, 37-7-715, 37-7-717, 37-7-723 and 37-7-725, Mississippi
1113 Code of 1972, which provide qualifications, election procedures,
1114 terms of office, petition procedures, vacancy procedures and
1115 optional selection methods for boards of trustees of municipal
1116 separate school districts, consolidated school districts, line
1117 consolidated school districts and special municipal separate
1118 school districts, are repealed.

1119 **SECTION 23.** The Attorney General of the State of Mississippi
1120 shall submit this act, immediately upon approval by the Governor,
1121 or upon approval by the Legislature subsequent to a veto, to the
1122 Attorney General of the United States or to the United States
1123 District Court for the District of Columbia in accordance with the
1124 provisions of the Voting Rights Act of 1965, as amended and
1125 extended.

1126 **SECTION 24.** This act shall take effect and be in force from
1127 and after July 1, 2010, if it is effectuated on or before that
1128 date under Section 5 of the Voting Rights Act of 1965, as amended
1129 and extended. If it is effectuated under Section 5 of the Voting
1130 Rights Act of 1965, as amended and extended, after July 1, 2010,
1131 this act shall take effect and be in force from and after the date
1132 it is effectuated under Section 5 of the Voting Rights Act of
1133 1965, as amended as extended.

