

By: Senator(s) Hopson

To: Education;
Appropriations

SENATE BILL NO. 2229

1 AN ACT TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF
2 EDUCATION TO IMPLEMENT A PREKINDERGARTEN PROGRAM IN THE STATE OF
3 MISSISSIPPI ON A PHASED-IN BASIS; TO AMEND SECTION 37-21-51,
4 MISSISSIPPI CODE OF 1972, TO TRANSFER THE DUTIES AND
5 RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN SERVICES RELATIVE TO
6 THE "EARLY LEARNING COLLABORATIVE ACT" TO THE STATE DEPARTMENT OF
7 EDUCATION, TO REDESIGNATE THE PREKINDERGARTEN PROGRAM AS THE
8 "EARLY LEARNING COLLABORATIVE ACT OF 2013," TO COMMIT FUNDING OF
9 THE "EARLY LEARNING COLLABORATIVE ACT OF 2013" ON A PHASED-IN
10 BASIS, AND TO PROVIDE THAT MANDATORY PREKINDERGARTEN PROGRAMS
11 SHALL FIRST BE PROVIDED IN UNDER-PERFORMING SCHOOL DISTRICTS; TO
12 AMEND SECTIONS 37-21-53 AND 37-21-55, MISSISSIPPI CODE OF 1972, TO
13 AUTHORIZE THE EARLY CHILDHOOD SERVICES INTERAGENCY COORDINATING
14 COUNCIL AND ADVISORY COMMITTEE TO ASSIST THE STATE DEPARTMENT OF
15 EDUCATION IN IMPLEMENTING THE "EARLY LEARNING COLLABORATIVE ACT OF
16 2013"; TO AMEND SECTION 37-7-301, MISSISSIPPI CODE OF 1972, TO
17 AUTHORIZE LOCAL SCHOOL DISTRICTS TO IMPLEMENT THE "EARLY LEARNING
18 COLLABORATIVE ACT OF 2013"; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 37-21-51, Mississippi Code of 1972, is
21 amended as follows:

22 37-21-51. (1) As used in Sections 37-21-51 through
23 37-21-55, the term "preschool or prekindergarten children" means
24 any children who have not entered kindergarten.



25 (2) To ensure that all children have access to quality early
26 childhood education and development services, the Legislature
27 finds and declares the following:

28 (a) Parents have the primary duty to educate their
29 young preschool children;

30 (b) The State of Mississippi can assist and educate
31 parents in their role as the primary caregivers and educators of
32 young preschool children; and

33 (c) There is a need to explore innovative approaches
34 and strategies for aiding parents and families in the education
35 and development of young preschool children.

36 (3) (a) This subsection shall be known and may be cited as
37 the "Early Learning Collaborative Act of * * * 2013."

38 (b) Effective with the 2013-2014 school year, the
39 Mississippi State Department of * * * Education shall implement a
40 voluntary early care and education grant program, which shall be a
41 collaboration among the entities providing prekindergarten
42 programs including Head Start, licensed child care facilities and
43 licensed public, parochial and private school prekindergarten
44 programs. Enrollment in the preschool or prekindergarten program
45 shall be coordinated with the Head Start agencies in the local
46 areas and shall not be permitted to cause a reduction in children
47 served by the Head Start program. Under this program, eligible
48 entities may submit an application for funds to (i) defray the
49 cost of additional teaching staff, appropriate educational



50 materials and equipment and to improve the quality of educational
51 experiences offered to four-year-old children in existing licensed
52 early care and education programs, and/or to (ii) extend
53 developmentally appropriate education services at such existing
54 licensed programs currently serving four-year-old children to
55 include practices of high quality instruction, and to (iii)
56 administer, implement, monitor and evaluate the programs. Grant
57 funds shall be provided on a local entity matching fund basis to
58 be determined by the State Department of * * * Education, and
59 shall be phased-in pursuant to the appropriation of funds by the
60 Legislature as provided in paragraph (g) of this subsection.

61 (c) The State Department of * * * Education shall serve
62 as fiscal agent for the program or shall contract with an
63 appropriate early care and education program entity to serve as
64 the fiscal agent for the program. All grant applicants shall be
65 required to collaborate with other early care and education
66 programs, provide a local community match to the grant award,
67 designate one (1) entity as fiscal agent for the grant, and meet
68 teacher qualifications.

69 (d) The early care and education program grants shall
70 be awarded to successful applicants who meet the criteria
71 developed by * * * the Interagency Advisory Committee for Early
72 Childhood Services established in Section 37-21-55. The * * *
73 Interagency Advisory Committee for Early Childhood Services shall
74 establish grant application criteria, procedures and deadlines.



75 The criteria must include all conditions prescribed in paragraph
76 (c), and shall include, but not be limited to: voluntary
77 enrollment of children, qualifications for teachers and assistant
78 teachers, allowed expenses, children with special needs, use of a
79 research-based curriculum aligned with the learning
80 objectives/milestones in the Mississippi Early Learning Guidelines
81 for Four-Year-Old Children, teacher/child ratios, child care
82 facility licensure requirements, and collaboration with other
83 early childhood programs.

84 (e) Any teacher, assistant teacher or other employee
85 whose salary and fringe benefits are paid from early care and
86 education grants under this act shall not be deemed to be
87 classified as state or local school district employees and shall
88 not be eligible for state health insurance benefits or membership
89 in the Public Employees' Retirement System.

90 (f) Subject to the availability of funds appropriated
91 therefor, the State Department of * * * Education shall administer
92 the implementation, monitoring and evaluation of the early care
93 and education grant program including the awards and the
94 application process. The State Department of Education, Office of
95 Reading, Early Childhood and Language Arts, in partnership with
96 the Mississippi Department of Human Services, Office for Children
97 and Youth, shall develop educational criteria regarding
98 research-based curriculum, the state's early learning guidelines
99 and developmentally appropriate educational services. Funding



100 shall be provided * * * for this program beginning with the * * *
101 2013 fiscal year subject to appropriation by the Legislature as
102 provided in paragraph (g) of this subsection. The department
103 shall make an annual report to the Legislature and the Governor
104 regarding the effectiveness of the program.

105 (g) (i) The Legislature shall appropriate funds to
106 implement the Early Education Collaborative Act of 2013 on a
107 phased-in basis as follows: not less than Ten Million Dollars
108 (\$10,000,000) in fiscal year 2014, Twenty Million Dollars
109 (\$20,000,000) in fiscal year 2015, Thirty Million Dollars
110 (\$30,000,000) in fiscal year 2016 and Forty Million Dollars
111 (\$40,000,000) in fiscal year 2017.

112 (ii) In the 2013-2014 and the 2014-2015 school
113 year, the State Department of Education shall give priority to
114 making grants under the Early Learning Collaborative Act to school
115 districts having a school with a "D" or "F" rating for the
116 immediately preceding two (2) years, as certified by the Deputy
117 Superintendent for Educational Accountability.

118 **SECTION 2.** Section 37-21-53, Mississippi Code of 1972, is
119 amended as follows:

120 37-21-53. (1) The Early Childhood Services Interagency
121 Coordinating Council is created to assist the State Department of
122 Education with the implementation of the Early Learning
123 Collaborative Act of 2013 and to ensure coordination among the
124 various agencies and programs serving preschool children in order



125 to support school district's efforts to achieve the goal of
126 readiness to start school, to facilitate communication,
127 cooperation and maximum use of resources and to promote high
128 standards for all programs serving preschool children and their
129 families in Mississippi.

130 (2) The membership of the Early Childhood Services
131 Interagency Coordinating Council shall be as follows:

132 (a) The State Superintendent of Public Education;

133 (b) The Executive Director of the State Department of
134 Health;

135 (c) The Executive Director of the Department of Human
136 Services;

137 (d) The Executive Director of the State Department of
138 Mental Health;

139 (e) The Executive Director of the Division of Medicaid,
140 Office of the Governor;

141 (f) The Executive Director of the State Department of
142 Rehabilitation Services;

143 (g) The Commissioner of Higher Education;

144 (h) The Executive Director of the State Board for
145 Community and Junior Colleges; and

146 (i) The Executive Director of Mississippi Educational
147 Television.

148 (3) The council shall meet upon call of the Governor before
149 August 1, 2000, and shall organize for business by selecting a



150 chairman, who shall serve for a one-year term and may be selected
151 for subsequent terms. The council shall adopt internal
152 organizational procedures necessary for efficient operation of the
153 council. Council procedures must include duties of officers, a
154 process for selecting officers, quorum requirements for conducting
155 business and policies for any council staff. Each member of the
156 council shall designate necessary staff of their departments to
157 assist the council in performing its duties and responsibilities.
158 The council shall meet and conduct business at least twice
159 annually. Meetings of the council must be open to the public, and
160 opportunity for public comment must be made available at each
161 meeting. The chairman of the council shall notify all persons who
162 request such notice as to the date, time and place of each
163 meeting.

164 (4) The Early Childhood Services Interagency Coordinating
165 Council shall perform each of the following duties:

166 (a) Advise and assist the State Department of Education
167 and the Interagency Advisory Committee for Early Childhood
168 Services in the implementation and awarding of grants under the
169 Early Learning Collaborative Act of 2013;

170 (* * *b) Serve as interagency coordinating council for
171 the various agencies and public and private programs serving
172 preschool children and their families in the State of Mississippi;

173 (* * *c) Advise the State Board of Health, State Board
174 of Education, Department of Human Services, State Department of



175 Mental Health, Division of Medicaid, State Department of
176 Rehabilitation Services and any other appropriate agency of
177 standards, rules, rule revisions, agency guidelines and
178 administration affecting child care facilities, prekindergarten
179 programs, family training programs and other programs and services
180 for preschool children and families;

181 (* * *d) Collect, compile and distribute data relating
182 to all programs and services for preschool children and families,
183 including, but not limited to, an inventory of the programs and
184 services available in each county of the state, and identify and
185 make recommendations with regard to program areas for which an
186 unfulfilled need exists within the state for accurate and
187 accessible information;

188 (* * *e) Review and analyze spending priorities for
189 each state agency that utilizes state or federal funds in the
190 administration or provision of programs and services for preschool
191 children and make recommendations thereon to the Legislative
192 Budget Committee and the Governor;

193 (* * *f) Publish annually, before November 1, a
194 comprehensive report on the status of all programs and services
195 for preschool children in Mississippi and distribute the report to
196 the Governor, the Legislature and local school districts and make
197 the report available to the general public, using the following
198 criteria:

199 (i) Program name and location;



- 200 (ii) Dates of operation;
- 201 (iii) Services provided;
- 202 (iv) Target population and number served;
- 203 (v) Eligibility requirements;
- 204 (vi) Funding sources;
- 205 (vii) Amount of funding per unit;
- 206 (viii) Annual cost;
- 207 (ix) Evaluation type and results; and
- 208 (x) The state agency administering the program.

209 (* * *g) Receive and consider recommendations of the
210 Interagency Advisory Committee for Early Childhood Services
211 established in Section 37-21-55; and

212 (* * *h) Apply for, receive and administer funds for
213 administration, research, pilot, planning and evaluation of all
214 programs serving preschool children and their families.

215 (5) * * * [Deleted]

216 **SECTION 3.** Section 37-21-55, Mississippi Code of 1972, is
217 amended as follows:

218 37-21-55. (1) The Interagency Advisory Committee for Early
219 Childhood Services is created to develop and make recommendations
220 to the State Department of Education regarding early care and
221 education program grants under the Early Learning Collaborative
222 Act of 2013 as provided in Section 37-21-51(1) (d), and to the
223 Early Childhood Services Interagency Coordinating Council
224 established under Section 37-21-53 as deemed necessary to



225 implement the council's responsibilities relating to all programs
226 serving preschool children and their families in Mississippi.

227 (2) The membership of the Interagency Advisory Committee for
228 Early Childhood Services shall be as follows:

229 (a) The Chairmen of the Senate Education, Public Health
230 and Welfare and Appropriations Committees, or their Senate
231 designees, who shall serve on an ex officio nonvoting basis;

232 (b) The Chairmen of the House Education, Public Health
233 and Welfare and Appropriations Committees, or their House
234 designees, who shall serve on an ex officio nonvoting basis;

235 (c) A representative of the Governor;

236 (d) A representative of the State Department of
237 Education;

238 (e) A representative of the State Department of Health;

239 (f) A representative of the Department of Human
240 Services;

241 (g) A representative of the State Department of Mental
242 Health;

243 (h) A representative of the State Department of
244 Rehabilitation Services;

245 (i) The following representatives of the early
246 childhood profession:

247 (i) The President of the Mississippi Head Start
248 Association;



249 (ii) A representative from a regulated family
250 child care home network appointed by the Governor;

251 (iii) A representative from a licensed child care
252 center appointed by the President of the Senate;

253 (iv) A representative from a public school
254 prekindergarten program appointed by the * * * Governor;

255 (v) A representative from a private school
256 prekindergarten program appointed by the Governor;

257 (vi) A representative from a half-day church
258 sponsored prekindergarten program appointed by the * * * Governor;

259 (vii) A representative from a university or
260 college early childhood program appointed by the President of the
261 Senate;

262 (viii) A representative of a tribal early
263 childhood program appointed by the Governor;

264 (ix) A representative of an early childhood
265 professional organization appointed by the President of the
266 Senate;

267 (x) A representative of an advocacy organization
268 appointed by the * * * Governor; and

269 (xi) A representative of a community or junior
270 college early childhood program appointed by the Governor;

271 (j) A parent of a preschool-age child appointed by the
272 Governor;



273 (k) A parent of a preschool-age child with special
274 needs appointed by the * * * Governor;

275 (l) A representative of the cooperative extension
276 services appointed by the President of the Senate;

277 (m) A physician who is a member of the Mississippi
278 Chapter of the American Academy of Pediatrics, appointed by the
279 Director of the University Medical Center;

280 (n) The Director of the Mississippi Public Education
281 Forum, or his designee; and

282 (o) The Executive Director of the Mississippi Economic
283 Council, or his designee.

284 To the extent possible, any representative of a state agency
285 designated to serve on the Interagency Advisory Committee shall be
286 the same individual designated to assist the Interagency
287 Coordinating Council in performing its duties and
288 responsibilities.

289 (3) The advisory committee shall meet upon call of the * * *
290 State Superintendent of Education before August 1, * * * 2013, and
291 the * * * State Superintendent of Education shall appoint a
292 chairman from among the membership of the advisory committee. The
293 chairman shall serve for a one-year term and may be reappointed
294 for subsequent terms. The advisory committee shall adopt internal
295 organizational procedures necessary for efficient operation of the
296 advisory committee and may establish subcommittees for conducting
297 specific programs and activities. Advisory committee procedures



298 must include duties of officers, a process for selecting officers,
299 duties of subcommittees, quorum requirements for conducting
300 business and policies for any staff. The * * * State
301 Superintendent of Education shall designate necessary staff
302 of * * * State Superintendent of Education to assist the advisory
303 committee in performing its duties and responsibilities. The
304 advisory committee shall meet and conduct business at least
305 quarterly. Quarterly meetings of the advisory committee shall be
306 open to the public, and opportunity for public comment must be
307 made available at each meeting. The staff of the advisory
308 committee shall notify all persons who request such notice as to
309 the date, time and place of each meeting.

310 (4) The Interagency Advisory Committee for Early Childhood
311 Services, in addition to responsibilities assigned by the Early
312 Childhood Services Interagency Coordinating Council, shall perform
313 each of the following duties:

314 (a) Develop criteria for the award of early care and
315 education program grants under the Early Learning Collaborative
316 Act of 2013 as specifically provided under Section 37-21-51(1)(d);

317 (* * * b) Assist in the implementation of the study
318 conducted by the Task Force on the Development and Implementation
319 of Comprehensive Early Childhood Services in Mississippi
320 established under Laws, 1999, Chapter 584;

321 (* * * c) Identify services to children which impact
322 early childhood development and education;



323 (* * *d) Identify and recommend methods to facilitate
324 interagency coordination of service programs for preschool
325 children;

326 (* * *e) Serve as a forum for information exchange
327 regarding recommendations and priorities in early childhood
328 development and education; and

329 (* * *f) Advise and make recommendations to the
330 Interagency Coordinating Council as deemed necessary to effectuate
331 the council's responsibilities.

332 **SECTION 4.** Section 37-7-301, Mississippi Code of 1972, is
333 amended as follows:

334 37-7-301. The school boards of all school districts shall
335 have the following powers, authority and duties in addition to all
336 others imposed or granted by law, to wit:

337 (a) To organize and operate the schools of the district
338 and to make such division between the high school grades and
339 elementary grades as, in their judgment, will serve the best
340 interests of the school;

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

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



347 (d) To have responsibility for the erection, repairing
348 and equipping of school facilities and the making of necessary
349 school improvements;

350 (e) To suspend or to expel a pupil or to change the
351 placement of a pupil to the school district's alternative school
352 or homebound program for misconduct in the school or on school
353 property, as defined in Section 37-11-29, on the road to and from
354 school, or at any school-related activity or event, or for conduct
355 occurring on property other than school property or other than at
356 a school-related activity or event when such conduct by a pupil,
357 in the determination of the school superintendent or principal,
358 renders that pupil's presence in the classroom a disruption to the
359 educational environment of the school or a detriment to the best
360 interest and welfare of the pupils and teacher of such class as a
361 whole, and to delegate such authority to the appropriate officials
362 of the school district;

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

366 (g) To support, within reasonable limits, the
367 superintendent, principal and teachers where necessary for the
368 proper discipline of the school;

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



372 presenting a certificate from a public health officer, duly
373 licensed physician or nurse practitioner that the student is free
374 from such disease;

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

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

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

382 (l) To prescribe and enforce rules and regulations not
383 inconsistent with law or with the regulations of the State Board
384 of Education for their own government and for the government of
385 the schools, and to transact their business at regular and special
386 meetings called and held in the manner provided by law;

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

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

392 (o) To make orders directed to the superintendent of
393 schools for the issuance of pay certificates for lawful purposes
394 on any available funds of the district and to have full control of
395 the receipt, distribution, allotment and disbursement of all funds
396 provided for the support and operation of the schools of such



397 school district whether such funds be derived from state
398 appropriations, local ad valorem tax collections, or otherwise.
399 The local school board shall be authorized and empowered to
400 promulgate rules and regulations that specify the types of claims
401 and set limits of the dollar amount for payment of claims by the
402 superintendent of schools to be ratified by the board at the next
403 regularly scheduled meeting after payment has been made;

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

408 (q) To provide athletic programs and other school
409 activities and to regulate the establishment and operation of such
410 programs and activities;

411 (r) To join, in their discretion, any association of
412 school boards and other public school-related organizations, and
413 to pay from local funds other than minimum foundation funds, any
414 membership dues;

415 (s) To expend local school activity funds, or other
416 available school district funds, other than minimum education
417 program funds, for the purposes prescribed under this paragraph.
418 "Activity funds" shall mean all funds received by school officials
419 in all school districts paid or collected to participate in any
420 school activity, such activity being part of the school program
421 and partially financed with public funds or supplemented by public



422 funds. The term "activity funds" shall not include any funds
423 raised and/or expended by any organization unless commingled in a
424 bank account with existing activity funds, regardless of whether
425 the funds were raised by school employees or received by school
426 employees during school hours or using school facilities, and
427 regardless of whether a school employee exercises influence over
428 the expenditure or disposition of such funds. Organizations shall
429 not be required to make any payment to any school for the use of
430 any school facility if, in the discretion of the local school
431 governing board, the organization's function shall be deemed to be
432 beneficial to the official or extracurricular programs of the
433 school. For the purposes of this provision, the term
434 "organization" shall not include any organization subject to the
435 control of the local school governing board. Activity funds may
436 only be expended for any necessary expenses or travel costs,
437 including advances, incurred by students and their chaperons in
438 attending any in-state or out-of-state school-related programs,
439 conventions or seminars and/or any commodities, equipment, travel
440 expenses, purchased services or school supplies which the local
441 school governing board, in its discretion, shall deem beneficial
442 to the official or extracurricular programs of the district,
443 including items which may subsequently become the personal
444 property of individuals, including yearbooks, athletic apparel,
445 book covers and trophies. Activity funds may be used to pay
446 travel expenses of school district personnel. The local school



447 governing board shall be authorized and empowered to promulgate
448 rules and regulations specifically designating for what purposes
449 school activity funds may be expended. The local school governing
450 board shall provide (i) that such school activity funds shall be
451 maintained and expended by the principal of the school generating
452 the funds in individual bank accounts, or (ii) that such school
453 activity funds shall be maintained and expended by the
454 superintendent of schools in a central depository approved by the
455 board. The local school governing board shall provide that such
456 school activity funds be audited as part of the annual audit
457 required in Section 37-9-18. The State Department of Education
458 shall prescribe a uniform system of accounting and financial
459 reporting for all school activity fund transactions;

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

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

466 (v) (i) To lease a school building from an individual,
467 partnership, nonprofit corporation or a private for-profit
468 corporation for the use of such school district, and to expend
469 funds therefor as may be available from any nonminimum program
470 sources. The school board of the school district desiring to
471 lease a school building shall declare by resolution that a need



472 exists for a school building and that the school district cannot
473 provide the necessary funds to pay the cost or its proportionate
474 share of the cost of a school building required to meet the
475 present needs. The resolution so adopted by the school board
476 shall be published once each week for three (3) consecutive weeks
477 in a newspaper having a general circulation in the school district
478 involved, with the first publication thereof to be made not less
479 than thirty (30) days prior to the date upon which the school
480 board is to act on the question of leasing a school building. If
481 no petition requesting an election is filed prior to such meeting
482 as hereinafter provided, then the school board may, by resolution
483 spread upon its minutes, proceed to lease a school building. If
484 at any time prior to said meeting a petition signed by not less
485 than twenty percent (20%) or fifteen hundred (1500), whichever is
486 less, of the qualified electors of the school district involved
487 shall be filed with the school board requesting that an election
488 be called on the question, then the school board shall, not later
489 than the next regular meeting, adopt a resolution calling an
490 election to be held within such school district upon the question
491 of authorizing the school board to lease a school building. Such
492 election shall be called and held, and notice thereof shall be
493 given, in the same manner for elections upon the questions of the
494 issuance of the bonds of school districts, and the results thereof
495 shall be certified to the school board. If at least three-fifths
496 (3/5) of the qualified electors of the school district who voted



497 in such election shall vote in favor of the leasing of a school
498 building, then the school board shall proceed to lease a school
499 building. The term of the lease contract shall not exceed twenty
500 (20) years, and the total cost of such lease shall be either the
501 amount of the lowest and best bid accepted by the school board
502 after advertisement for bids or an amount not to exceed the
503 current fair market value of the lease as determined by the
504 averaging of at least two (2) appraisals by certified general
505 appraisers licensed by the State of Mississippi. The term "school
506 building" as used in this paragraph (v) (i) shall be construed to
507 mean any building or buildings used for classroom purposes in
508 connection with the operation of schools and shall include the
509 site therefor, necessary support facilities, and the equipment
510 thereof and appurtenances thereto such as heating facilities,
511 water supply, sewage disposal, landscaping, walks, drives and
512 playgrounds. The term "lease" as used in this paragraph (v) (i)
513 may include a lease/purchase contract;

514 (ii) If two (2) or more school districts propose
515 to enter into a lease contract jointly, then joint meetings of the
516 school boards having control may be held but no action taken shall
517 be binding on any such school district unless the question of
518 leasing a school building is approved in each participating school
519 district under the procedure hereinabove set forth in paragraph
520 (v) (i). All of the provisions of paragraph (v) (i) regarding the
521 term and amount of the lease contract shall apply to the school



522 boards of school districts acting jointly. Any lease contract
523 executed by two (2) or more school districts as joint lessees
524 shall set out the amount of the aggregate lease rental to be paid
525 by each, which may be agreed upon, but there shall be no right of
526 occupancy by any lessee unless the aggregate rental is paid as
527 stipulated in the lease contract. All rights of joint lessees
528 under the lease contract shall be in proportion to the amount of
529 lease rental paid by each;

530 (w) To employ all noninstructional and noncertificated
531 employees and fix the duties and compensation of such personnel
532 deemed necessary pursuant to the recommendation of the
533 superintendent of schools;

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

536 (y) Subject to rules and regulations of the State Board
537 of Education, to purchase, own and operate trucks, vans and other
538 motor vehicles, which shall bear the proper identification
539 required by law;

540 (z) To expend funds for the payment of substitute
541 teachers and to adopt reasonable regulations for the employment
542 and compensation of such substitute teachers;

543 (aa) To acquire in its own name by purchase all real
544 property which shall be necessary and desirable in connection with
545 the construction, renovation or improvement of any public school
546 building or structure. Whenever the purchase price for such real



547 property is greater than Fifty Thousand Dollars (\$50,000.00), the
548 school board shall not purchase the property for an amount
549 exceeding the fair market value of such property as determined by
550 the average of at least two (2) independent appraisals by
551 certified general appraisers licensed by the State of Mississippi.
552 If the board shall be unable to agree with the owner of any such
553 real property in connection with any such project, the board shall
554 have the power and authority to acquire any such real property by
555 condemnation proceedings pursuant to Section 11-27-1 et seq.,
556 Mississippi Code of 1972, and for such purpose, the right of
557 eminent domain is hereby conferred upon and vested in said board.
558 Provided further, that the local school board is authorized to
559 grant an easement for ingress and egress over sixteenth section
560 land or lieu land in exchange for a similar easement upon
561 adjoining land where the exchange of easements affords substantial
562 benefit to the sixteenth section land; provided, however, the
563 exchange must be based upon values as determined by a competent
564 appraiser, with any differential in value to be adjusted by cash
565 payment. Any easement rights granted over sixteenth section land
566 under such authority shall terminate when the easement ceases to
567 be used for its stated purpose. No sixteenth section or lieu land
568 which is subject to an existing lease shall be burdened by any
569 such easement except by consent of the lessee or unless the school
570 district shall acquire the unexpired leasehold interest affected
571 by the easement;



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

575 (cc) Subject to rules and regulations of the State
576 Board of Education, to purchase relocatable classrooms for the use
577 of such school district, in the manner prescribed in Section
578 37-1-13;

579 (dd) Enter into contracts or agreements with other
580 school districts, political subdivisions or governmental entities
581 to carry out one or more of the powers or duties of the school
582 board, or to allow more efficient utilization of limited resources
583 for providing services to the public;

584 (ee) To provide for in-service training for employees
585 of the district;

586 (ff) As part of their duties to prescribe the use of
587 textbooks, to provide that parents and legal guardians shall be
588 responsible for the textbooks and for the compensation to the
589 school district for any books which are not returned to the proper
590 schools upon the withdrawal of their dependent child. If a
591 textbook is lost or not returned by any student who drops out of
592 the public school district, the parent or legal guardian shall
593 also compensate the school district for the fair market value of
594 the textbooks;

595 (gg) To conduct fund-raising activities on behalf of
596 the school district that the local school board, in its



597 discretion, deems appropriate or beneficial to the official or
598 extracurricular programs of the district; provided that:

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

602 (ii) Fund-raising activities conducted or
603 authorized by the board for the sale of school pictures, the
604 rental of caps and gowns or the sale of graduation invitations for
605 which the school board receives a commission, rebate or fee shall
606 contain a disclosure statement advising that a portion of the
607 proceeds of the sales or rentals shall be contributed to the
608 student activity fund;

609 (hh) To allow individual lessons for music, art and
610 other curriculum-related activities for academic credit or
611 nonacademic credit during school hours and using school equipment
612 and facilities, subject to uniform rules and regulations adopted
613 by the school board;

614 (ii) To charge reasonable fees for participating in an
615 extracurricular activity for academic or nonacademic credit for
616 necessary and required equipment such as safety equipment, band
617 instruments and uniforms;

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



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

623 (ll) To expend funds for the services of nonprofit arts
624 organizations or other such nonprofit organizations who provide
625 performances or other services for the students of the school
626 district;

627 (mm) To expend federal No Child Left Behind Act funds,
628 or any other available funds that are expressly designated and
629 authorized for that use, to pay training, educational expenses,
630 salary incentives and salary supplements to employees of local
631 school districts; except that incentives shall not be considered
632 part of the local supplement as defined in Section 37-151-5(o),
633 nor shall incentives be considered part of the local supplement
634 paid to an individual teacher for the purposes of Section
635 37-19-7(1). Mississippi Adequate Education Program funds or any
636 other state funds may not be used for salary incentives or salary
637 supplements as provided in this paragraph (mm);

638 (nn) To use any available funds, not appropriated or
639 designated for any other purpose, for reimbursement to the
640 state-licensed employees from both in state and out of state, who
641 enter into a contract for employment in a school district, for the
642 expense of moving when the employment necessitates the relocation
643 of the licensed employee to a different geographical area than
644 that in which the licensed employee resides before entering into
645 the contract. The reimbursement shall not exceed One Thousand



646 Dollars (\$1,000.00) for the documented actual expenses incurred in
647 the course of relocating, including the expense of any
648 professional moving company or persons employed to assist with the
649 move, rented moving vehicles or equipment, mileage in the amount
650 authorized for county and municipal employees under Section
651 25-3-41 if the licensed employee used his personal vehicle or
652 vehicles for the move, meals and such other expenses associated
653 with the relocation. No licensed employee may be reimbursed for
654 moving expenses under this section on more than one (1) occasion
655 by the same school district. Nothing in this section shall be
656 construed to require the actual residence to which the licensed
657 employee relocates to be within the boundaries of the school
658 district that has executed a contract for employment in order for
659 the licensed employee to be eligible for reimbursement for the
660 moving expenses. However, the licensed employee must relocate
661 within the boundaries of the State of Mississippi. Any individual
662 receiving relocation assistance through the Critical Teacher
663 Shortage Act as provided in Section 37-159-5 shall not be eligible
664 to receive additional relocation funds as authorized in this
665 paragraph;

666 (oo) To use any available funds, not appropriated or
667 designated for any other purpose, to reimburse persons who
668 interview for employment as a licensed employee with the district
669 for the mileage and other actual expenses incurred in the course



670 of travel to and from the interview at the rate authorized for
671 county and municipal employees under Section 25-3-41;

672 (pp) Consistent with the report of the Task Force to
673 Conduct a Best Financial Management Practices Review, to improve
674 school district management and use of resources and identify cost
675 savings as established in Section 8 of Chapter 610, Laws of 2002,
676 local school boards are encouraged to conduct independent reviews
677 of the management and efficiency of schools and school districts.
678 Such management and efficiency reviews shall provide state and
679 local officials and the public with the following:

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

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

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

685 (iv) An assessment of facilities utilization,
686 planning and maintenance;

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

689 (vi) An assessment of instructional and
690 administrative technology;

691 (vii) A review of the instructional management and
692 the efficiency and effectiveness of existing instructional
693 programs; and



694 (viii) Recommended methods for increasing
695 efficiency and effectiveness in providing educational services to
696 the public;

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

701 (rr) To implement a financial literacy program for
702 students in Grades 10 and 11. The board may review the national
703 programs and obtain free literature from various nationally
704 recognized programs. After review of the different programs, the
705 board may certify a program that is most appropriate for the
706 school districts' needs. If a district implements a financial
707 literacy program, then any student in Grade 10 or 11 may
708 participate in the program. The financial literacy program shall
709 include, but is not limited to, instruction in the same areas of
710 personal business and finance as required under Section
711 37-1-3(2) (b). The school board may coordinate with volunteer
712 teachers from local community organizations, including, but not
713 limited to, the following: United States Department of
714 Agriculture Rural Development, United States Department of Housing
715 and Urban Development, Junior Achievement, bankers and other
716 nonprofit organizations. Nothing in this paragraph shall be
717 construed as to require school boards to implement a financial
718 literacy program;



719 (ss) To collaborate with the State Board of Education,
720 Community Action Agencies or the Department of Human Services to
721 develop and implement a voluntary program to provide services for
722 a prekindergarten program that addresses the cognitive, social,
723 and emotional needs of four-year-old and three-year-old children.
724 The school board may utilize any source of available revenue to
725 fund the voluntary program. Effective with the 2013-2014 school
726 year, to implement voluntary prekindergarten programs under the
727 Early Learning Collaborative Act of 2013 pursuant to grants
728 awarded by the State Department of Education on a matching basis.
729 First priority for the implementation of such prekindergarten
730 program grants shall require local school boards to implement a
731 full-day prekindergarten program if the school district has a "D"
732 or "F" for the preceding two (2) consecutive years, and shall
733 utilize state source funds, subject to appropriation therefor, to
734 fund the program;

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

741 (i) Withhold all or any part (as agreed by the
742 school board) of any monies which such local school board is
743 entitled to receive from time to time under any law and which is



744 in the possession of the Department of Revenue, or any state
745 agency, department or commission created under state law; and
746 (ii) Pay the same over to any financial
747 institution, trustee or other obligee, as directed in writing by
748 the school board, to satisfy all or part of such obligation of the
749 school district.

750 The school board may make such written agreement to withhold
751 and transfer funds irrevocable for the term of the written
752 obligation and may include in the written agreement any other
753 terms and provisions acceptable to the school board. If the
754 school board files a copy of such written agreement with the
755 Department of Revenue, or any state agency, department or
756 commission created under state law then the Department of Revenue
757 or any state agency, department or commission created under state
758 law shall immediately make the withholdings provided in such
759 agreement from the amounts due the local school board and shall
760 continue to pay the same over to such financial institution,
761 trustee or obligee for the term of the agreement.

762 This paragraph (tt) shall not grant any extra authority to a
763 school board to issue debt in any amount exceeding statutory
764 limitations on assessed value of taxable property within such
765 school district or the statutory limitations on debt maturities,
766 and shall not grant any extra authority to impose, levy or collect
767 a tax which is not otherwise expressly provided for, and shall not



768 be construed to apply to sixteenth section public school trust
769 land;

770 (uu) With respect to any matter or transaction that is
771 competitively bid by a school district, to accept from any bidder
772 as a good-faith deposit or bid bond or bid surety, the same type
773 of good-faith deposit or bid bond or bid surety that may be
774 accepted by the state or any other political subdivision on
775 similar competitively bid matters or transactions. This paragraph
776 (uu) shall not be construed to apply to sixteenth section public
777 school trust land. The school board may authorize the investment
778 of any school district funds in the same kind and manner of
779 investments, including pooled investments, as any other political
780 subdivision, including community hospitals;

781 (vv) To utilize the alternate method for the conveyance
782 or exchange of unused school buildings and/or land, reserving a
783 partial or other undivided interest in the property, as
784 specifically authorized and provided in Section 37-7-485,
785 Mississippi Code of 1972;

786 (ww) To delegate, privatize or otherwise enter into a
787 contract with private entities for the operation of any and all
788 functions of nonacademic school process, procedures and operations
789 including, but not limited to, cafeteria workers, janitorial
790 services, transportation, professional development, achievement
791 and instructional consulting services materials and products,
792 purchasing cooperatives, insurance, business manager services,



793 auditing and accounting services, school safety/risk prevention,
794 data processing and student records, and other staff services;
795 however, the authority under this paragraph does not apply to the
796 leasing, management or operation of sixteenth section lands.
797 Local school districts, working through their regional education
798 service agency, are encouraged to enter into buying consortia with
799 other member districts for the purposes of more efficient use of
800 state resources as described in Section 37-7-345;

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

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

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

809 Such programs shall not conflict with the Early Learning
810 Collaborative Act of * * * 2013;

811 (aaa) To issue and provide for the use of procurement
812 cards by school board members, superintendents and licensed school
813 personnel consistent with the rules and regulations of the
814 Mississippi Department of Finance and Administration under Section
815 31-7-9; and

816 (bbb) To conduct an annual comprehensive evaluation of
817 the superintendent of schools consistent with the assessment



818 components of paragraph (pp) of this section and the assessment
819 benchmarks established by the Mississippi School Board Association
820 to evaluate the success the superintendent has attained in meeting
821 district goals and objectives, the superintendent's leadership
822 skill and whether or not the superintendent has established
823 appropriate standards for performance, is monitoring success and
824 is using data for improvement.

825 **SECTION 5.** This act shall take effect and be in force from
826 and after July 1, 2013.

