HOUSE BILL NO. 202

AN ACT TO CREATE "THE DIGITAL ACCESS LEARNING AND VIRTUAL INSTRUCTION PROGRAM ACT OF 2016"; TO DEFINE CERTAIN TERMS USED IN THIS ACT; TO REQUIRE STATE DEPARTMENT OF EDUCATION TO ANNUALLY PUBLISH A LIST OF APPROVED DIGITAL LEARNING AND VIRTUAL INSTRUCTION PROGRAM PROVIDERS THAT OFFER DIGITAL LEARNING SERVICES AND PROVIDE THE SAME TO THE CHAIRMEN OF THE HOUSE AND SENATE EDUCATION COMMITTEES; TO PRESCRIBE THE REQUIRED COMPONENTS OF DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION ENVIRONMENTS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ANNUALLY PROVIDE SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS WITH A LIST OF PROVIDERS APPROVED TO OFFER DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION PROGRAMS; TO PRESCRIBE THE CRITERIA NECESSARY FOR DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION PROGRAMS TO BE APPROVED BY THE DEPARTMENT; TO REQUIRE A TWO-YEAR PHASE-IN PERIOD FOR FULL IMPLEMENTATION OF DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION PROGRAMS IN ALL PUBLIC SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS; TO PROVIDE THAT THE 2016-2017 SCHOOL YEAR SHALL BE THE YEAR OF PILOT PROGRAM FOR CERTAIN DISTRICTS AND CHARTER SCHOOLS SELECTED BY THE DEPARTMENT USING ESTABLISHED CRITERIA; TO REQUIRE ALL PUBLIC SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS TO PROVIDE OPPORTUNITIES TO ALL STUDENTS IN GRADES K-12 FOR PARTICIPATION IN PART-TIME AND FULL-TIME DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION PROGRAM OPTIONS BY THE START OF THE 2017-2018 SCHOOL YEAR; TO PROVIDE THAT AN APPROVED PROVIDER SHALL RETAIN ITS APPROVED STATUS FOR A PERIOD OF FIVE YEARS AFTER THE DATE OF THE DEPARTMENT'S APPROVAL; TO REQUIRE EACH SCHOOL DISTRICT AND CHARTER SCHOOL TO INCLUDE IN ITS IMPLEMENTATION PERIOD METHODS OF FACILITATING THE TRANSITION TO A PAPERLESS INSTRUCTION MODEL THAT PROVIDES FOR THE INTEGRATION CERTAIN ELECTRONIC DEVICES AND OTHER DIGITAL MOBILE DEVICES CAPABLE OF CONNECTING TO THE DISTRICT'S OR SCHOOL'S WIRELESS TECHNOLOGY INFRASTRUCTURE; TO STIPULATE THAT THE MODEL SHALL REQUIRE DISTRICTS AND CHARTER SCHOOLS TO PROVIDE A WIRELESS TECHNOLOGY INFRASTRUCTURE CAPABLE OF SUPPORTING AGGREGATED SEGREGATED COMMUNICATION OF INSTRUCTIONAL

H. B. No. 202 ~ OFFICIAL ~ G1/2
16/HR12/R690 PAGE 1 (DJ\AM)
MATERIALS FROM TEACHERS TO EACH STUDENT IN THE EDUCATIONAL COHORT
BASED ON GRADE AND CLASSROOM ASSIGNMENT WITH UNRESTRICTED ACCESS
TO THE AVAILABLE INFORMATION; TO REQUIRE EACH PUBLIC SCHOOL
DISTRICT AND PUBLIC CHARTER SCHOOL TO PROVIDE EACH STUDENT WITH AN
ASSIGNED DIGITAL MOBILE DEVICE INSTALLED WITH THE NECESSARY
INSTRUCTIONAL MATERIALS ADOPTED BY THE LOCAL SCHOOL DISTRICT AS
COMPONENTS OF ITS CURRICULUM STANDARDS FOR PURPOSES OF ACCESSING
AND PERFORMING ALL COURSEWORK ASSIGNMENTS; TO REQUIRE EACH PUBLIC
SCHOOL DISTRICT AND PUBLIC CHARTER SCHOOL TO PURCHASE LICENSURE
AGREEMENTS FROM THE PUBLISHERS OF ELECTRONIC INSTRUCTIONAL
MATERIALS FOR USE OF THE PUBLISHED CURRICULUM AND INSTRUCTION
MATERIALS BY INSTRUCTIONAL STAFF AND STUDENTS; TO REQUIRE EACH
SCHOOL DISTRICT OR PUBLIC CHARTER SCHOOL TO MAINTAIN INSURANCE ON
EACH DIGITAL MOBILE DEVICE PURCHASED AND ASSIGNED TO STUDENTS,
WHICH SHALL REMAIN THE PROPERTY OF THE SCHOOL DISTRICT OR CHARTER
SCHOOL; TO PROVIDE THAT STUDENTS RECEIVING A DIGITAL MOBILE DEVICE
AND THEIR PARENTS OR LEGAL GUARDIAN SHALL BE LIABLE FOR THE
PAYMENT OF ANY DEDUCTIBLE COSTS REQUIRED FOR LOST, STOLEN, DAMAGED
OR DESTROYED DEVICES; TO AMEND SECTIONS 37-161-3, 37-43-1,
MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
PROVISIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. This act shall be known, and may be cited as "The
Digital Access Learning and Virtual Instruction Program Act of
2016."

SECTION 2. (1) It is the intent of the Mississippi
Legislature to:

(a) Provide for the expansion of digital access learning
opportunities to all Mississippi public school students; and

(b) Remove any impediments to the expansion of digital
access learning opportunities.

(2) This act does not authorize a government entity to
provide directly or indirectly basic local exchange, voice, data,
broadband, video or wireless telecommunication service.
SECTION 3. (1) (a) As used in this act, "digital learning" means a digital technology or Internet-based educational delivery model that does not rely exclusively on compressed interactive video.

(b) Digital learning services may be procured from both in-state and out-of-state digital learning providers, including the use of Mississippi Virtual Public School Program established under Section 37-161-3.

(2) The State Department of Education shall annually:

(a) Publish a list of approved digital learning and virtual instruction program providers that offer digital learning services; and

(b) Provide a copy of the list of approved digital learning and virtual instruction program providers to the Chairmen of the Education Committees of the House of Representatives and the Senate no later than June 1 each year.

SECTION 4. A digital access learning or virtual instruction environment shall be composed of:

(a) Access to quality digital learning content and online blended learning courses;

(b) Tailored digital content designed to meet the needs of each student;

(c) Digital learning content that meets or exceeds the
curriculum standards and requirements adopted by the State Board
of Education that is capable of being assessed and measured
through standardized tests or local assessments; and
(d) Infrastructure that is sufficient to handle and
facilitate a quality digital access learning or virtual
instruction environment and promotes the sharing of information
through wireless Internet access points and local intranet.

SECTION 5. (1) The department shall annually provide public
school districts and public charter schools with a list of
providers approved to offer digital access learning or virtual
instruction programs. To be approved by the department, as a
digital access learning or virtual instruction provider, the
provider shall submit documented proof that it:
(a) Is nonsectarian and nondiscriminatory in its
programs, employment practices and operations;
(b) Demonstrates or partners with an organization that
demonstrates successful experience in furnishing digital access
learning or virtual instruction to public school students as
demonstrated by student growth in each subject area and grade
level for which it proposes to provide digital access learning or
virtual instruction;
(c) Meets or exceeds the minimum curriculum standards
and requirements established by the State Board of Education and
ensures instructional and curricular quality through a curriculum
and accountability plan that addresses every subject area and
grade level for which it agrees to provide digital access learning
or virtual instruction;

(d) (i) Utilizes highly qualified teachers to deliver
digital access learning or virtual instruction to public school
students; and

(ii) A highly qualified teacher that delivers
digital access learning or virtual instruction under this act must
meet all qualifications for licensure in the State of Mississippi;

(e) Possesses prior, successful experience offering
online courses to elementary, middle or high school students, as
demonstrated through quantified student performance improvements
for each subject area and grade level provided for consideration
as instructional program options;

(f) Assures instructional and curricular quality
through a detailed curriculum and student performance
accountability plan that addresses every subject and grade level
intended for provision within school district or charter school
contracts, including:

(i) Courses and programs that meet the nationally
recognized standards for K-12 online learning;

(ii) Instructional content and services that align
with and measure student attainment of proficiency in the
state-approved curriculum; and

(iii) Mechanisms that determine and ensure that a
student has satisfied requirements for grade level promotion and
high school graduation with a standard diploma, as appropriate; and

(g) Publishes, in accordance with disclosure requirements adopted by the State Board of Education, for the general public, as part of its application as a provider, and in all contracts negotiated under the authority provided by this section:

(i) Information and data about each full-time and part-time program regarding its curriculum;

(ii) School policies and procedures;

(iii) Certification status of all administrative and instructional personnel;

(iv) Teacher-student ratios;

(v) Student completion and promotion rates; and

(vi) Student, educator and school performance accountability outcomes.

(2) The State Department of Education or State Board of Education shall not require as a condition of approval of a digital learning provider that the digital learning provider limit the delivery of digital access learning or virtual instruction to public schools that require physical attendance at the public school to successfully complete the credit for which the digital learning course is provided.

**SECTION 6.** (1) (a) Beginning in the 2016-2017 school year, the State Department of Education shall select a certain number of
public school districts and public charter schools to conduct a pilot program to provide at least one (1) digital access learning course or virtual instruction program to their students as either a primary or supplementary method of instruction. The department shall establish criteria to be used in determining the number and location of school districts and charter schools selected to participate in the pilot program and shall adopt rules to implement the pilot program, the purpose of which shall be to more smoothly implement the requirements under paragraph (b) of this subsection.

(b) Beginning with the 2017-2018 school year, all public school districts and public charter schools shall provide opportunities to all students in Grades K-12 for participation in part-time and full-time digital access learning or virtual instruction program options. Written notice of the opportunities, including an open enrollment period for full-time students of at least ninety (90) days and not ending earlier than thirty (30) days before the first day of the school year, shall be provided directly to the parents or legal guardian of all students. The purpose of the program shall be to make quality virtual instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall provide at least three (3) options for:

(i) Full-time digital access learning or virtual instruction for students enrolled in Grades K-12; and
(ii) Part-time digital access learning or virtual instruction for students enrolled in Grades K-12.

A digital access learning or virtual instruction program conducted by a public school district or public charter school shall include specific provision for at least two (2) full-time options and one (1) part-time option for students enrolled in dropout prevention and academic intervention programs or juvenile justice education programs. Each public school district or public charter school offering only a part-time option for digital access learning or virtual instruction shall be required to provide a minimum of ten percent (10%) of its instructional curriculum for all grade levels K-12 through digital access learning or virtual instruction.

(2) All digital access learning or virtual instruction provided by public school districts or public charter schools shall:

(a) Be of high quality;

(b) Meet or exceed the curriculum standards and requirements established by the State Board of Education;

(c) Be made available in a blended learning, online-based, or other technology-based format tailored to meet the needs of each participating student; and

(d) Be capable of being assessed and measured through standardized tests or local assessments.
(3) To provide students with the option of participating in digital access learning or virtual instruction programs as required by subsection (1) of this section, a public school district or public charter school may apply one or all of the following mechanisms:

(a) Facilitate enrollment in the Mississippi Virtual School established under Section 37-161-3;

(b) Enter into a contract with an approved provider under Section 6 of this act for the provision of a full-time program under subsection (1)(b)(i) of this section or a part-time program under subsection (1)(b)(ii) of this section; or

(c) Enter into an agreement with one or more public school districts or public charter schools to allow the participation of its students in an approved digital access learning or virtual instruction program provided by such other public school districts or public charter schools. The agreement shall indicate a process for the transfer of funds.

Contracts and agreements entered into pursuant to paragraphs (a) or (b) of this subsection may include multi-district contractual arrangements that may be executed by a regional educational service agency for its member school districts.

(4) An approved provider shall retain its approved status for a period of five (5) years after the date of the department's approval under Section 5 of this act as long as the provider continues to comply with all requirements of this section;
however, each provider approved by the department for the 2016-2017 school year shall reapply for approval to provide a part-time program for students in Grades K-12.

(5) Each contract with an approved provider shall at a minimum set forth a detailed curriculum plan that illustrates how students will be provided services for, and be measured for attainment of, proficiency in state curriculum requirements for each grade level and subject.

(6) The State Board of Education shall not limit the number of digital access learning or virtual instruction for which a student may receive credit through a public school or a public charter school and shall ensure that digital access learning or virtual instruction may be used as both primary and secondary methods of instruction.

**SECTION 7.** (1) In conforming with the timeline of full-scale implementation of the digital access learning and virtual instruction programs in public school districts and public charter schools, each school district and charter school shall also include in its implementation period methods facilitating the transition to a paperless instruction model. This paperless instruction model shall provide for the integration of promethean boards, E-books, iPads, tablets and other digital mobile devices which are capable of connecting to the wireless technology infrastructure and access points throughout locations in the districts' or charter schools' classrooms. This model shall also
require districts and charter schools to provide the capability of its wireless technology infrastructure to support both aggregated segregated communication of instructional materials from teachers to each student in the educational cohort based on grade and classroom assignment with unrestricted access to the available information.

(2) Beginning with the 2017-2018 school year, instead of traditional textbooks, each public school district and public charter school shall provide each student enrolled therein with an assigned digital mobile device, such as the devices described in subsection (1) of this section, for purposes of accessing and performing all coursework assignments. Each device shall be installed with the necessary instructional materials which have been adopted by the local school district as components of its curriculum standards, and for which licensure agreements have been purchased from the publishers for use of the published curriculum and instruction materials. Each school district or public charter school shall maintain insurance on each digital mobile device purchased and assigned to students, which shall remain the property of the school district or charter school. However, each student and parent or legal guardian of students receiving a digital mobile device under the provisions of the section shall be liable for the payment of any deductible costs required for lost, stolen, damaged or destroyed devices.
SECTION 8. Section 37-161-3, Mississippi Code of 1972, is amended as follows:

37-161-3. (1) The Legislature finds and declares the following:

(a) Meeting the educational needs of children in our state's schools is of the greatest importance to the future welfare of the State of Mississippi;

(b) Closing the achievement gap between high-performing students, including the achievement gap among at-risk students, is a significant and present challenge;

(c) Providing a broader range of educational options to parents and utilizing existing resources, along with technology, may help students in the state improve their academic achievement; and

(d) Many of the state's school districts currently lack the capacity to provide other public school choices for students whose schools are low performing.

(2) There is created the Mississippi Virtual Public School Program, which is the responsibility of the State Department of Education. It is the intent of the Legislature that the Mississippi Virtual Public School established under this section provides Mississippi families, public school districts and public charter schools with an alternative choice to access additional educational resources in an effort to improve academic achievement. The Mississippi Virtual Public School must be
recognized as a public school and provide equitable treatment and
resources as are other public schools in the state. Private
providers, overseen by the State Department of Education, may be
selected by the State Board of Education to administer, manage or
operate virtual school programs in this state, including the total
operation of the Mississippi Virtual Public School Program. Any
private provider chosen to provide services under the provisions
of this subsection shall be chosen through a competitive RFP
process.

(3) Nothing in this section may be interpreted as precluding
the use of computer- and Internet-based instruction for students
in a virtual or remote setting utilizing the Mississippi Virtual
Public School.

(4) As used in this section, the following words and phrases
have the meanings respectively ascribed unless the context clearly
requires otherwise:

(a) "Mississippi Virtual Public School" means a public
school in which the state uses technology in order to deliver
instruction to students via the Internet in a virtual or remote
setting.

(b) "Sponsor" means the public school district is
responsible for the academic process for each student including,
but not limited to, enrollment, awarding of credit and monitoring
progress.

(b) Students who enroll in the Mississippi Virtual Public School may reside anywhere in the State of Mississippi.

(6) Subject to appropriation, the Mississippi Virtual Public School shall provide to each student enrolled in the school all necessary instructional materials. Subject to appropriation, the sponsored school must ensure that each student is provided access to the necessary technology, such as a computer and printer, and to an Internet connection for school work purposes.

(7) The State Board of Education shall have approval authority for all coursework and policy of the Mississippi Virtual Public School.

(8) Each teacher employed by or participating in the delivery of instruction through the Mississippi Virtual Public School must meet all qualifications for licensure in the State of Mississippi.

(9) Any student who meets state residency requirements may enroll in the Mississippi Virtual Public School.

(10) Enrollment in the Mississippi Virtual Public School must be free of charge to students. The costs associated with the operations of the virtual school must be shared by the State Department of Education, subject to appropriation, and/or the local school districts or public charter schools.
SECTION 9. Section 37-43-1, Mississippi Code of 1972, is amended as follows:

37-43-1. (1) This chapter is intended to furnish a plan for the adoption, purchase, distribution, care and use of free textbooks to be loaned, or electronic textbooks or digital mobile devices to be made available to the pupils in all elementary and high schools, **including public** charter schools, of Mississippi.

(2) The books herein provided by the State Board of Education, which shall be the State Textbook Procurement Commission, shall be distributed and loaned free of cost to the children of the free public school districts of the state and of all other schools located in the state, which maintain educational standards equivalent to the standards established by the State Department of Education for the state schools as outlined in the Approval Requirements of the State Board of Education for Nonpublic Schools.

(3) Teachers shall permit all pupils in all grades of any public school in any school district or public charter school to carry to their homes for home study, the free textbooks loaned or the electronic textbooks or digital mobile devices made available to them, and any other regular textbooks whether they be free textbooks or not.

(4) For the purposes of this chapter, the term "board" shall mean the State Board of Education.
(5) "Textbook" shall be defined as any medium or manual of instruction, printed or electronic, which contains a systematic presentation of the principles of a subject and which constitutes a major instructional vehicle for that subject.

(6) In addition to the authority granted in this chapter, local school boards shall make available to the parents or legal guardians of any children of school age who reside in the school district administered by the school board, upon request, any textbooks on the state surplus inventory list. The parent or legal guardian is responsible for the return of the textbook(s), electronic textbook(s) or digital mobile device(s) to the local school district upon completion of the textbook(s), electronic textbook(s) or digital mobile device(s) use. Failure to return the textbook(s), electronic textbook(s) or digital mobile device(s) to the school district will result in the parents or legal guardians being responsible for compensating the school district for the fair market value of the textbook(s), electronic textbook(s) or digital mobile device(s).

(7) "Electronic textbook" means any book or book substitutes that a student accesses through the use of a computer, E-reader, electronic device, digital mobile device or other electronic medium that is available through an Internet-based provider of course content, or any other material that contributes to the learning process through electronic means.
SECTION 10. Section 37-43-19, Mississippi Code of 1972, is amended as follows:

37-43-19. The board shall have the power and is hereby authorized:

(a) To promulgate rules and regulations for the purchase, care, use, disposal, distribution and accounting for all books to be furnished under the terms of this chapter, and to promulgate such other rules and regulations as may be necessary for the proper administration of this chapter.

(b) To adopt, contract for, and make available for purchase, cash or credit, basal, supplementary or alternative textbooks through twelve (12) grades as provided in the school curriculum, or for any other course that it may add thereto.

(c) To determine the period of contract for rated and adopted textbooks or licensure agreements for instructional materials or electronic textbooks for use on digital mobile devices, which shall not be for less than four (4) years nor more than five (5) years, with the right of the board, in its discretion, to renew or extend such contract from year to year for a period not exceeding two (2) additional years and to determine the conditions of the approval or forfeiture of a contract and such other terms and conditions as may be necessary and not contrary to law.

(d) To have complete power and authority over additions and amendments to textbooks or electronic textbooks, advertising
for bids and the contents thereof, including auxiliary materials
and workbooks, advertising on the protective covers of textbooks,
bids and proposals, prices of textbooks, electronic textbooks,
specimen copies, cash deposits, selection and adoption,
distribution, fumigation, emergencies, selling to others, return
of deposits, forfeiture of deposits, regulations governing
deposits, renovation and repair of books, requisition,
transportation or shipment of books, and any other acts or
regulations, not contrary to law, that may be deemed necessary for
furnishing and loaning free textbooks, electronic textbooks or
digital mobile devices to the school children, as provided in this
chapter.

SECTION 11. Section 37-43-21, Mississippi Code of 1972, is
amended as follows:

37-43-21. (1) For the purpose of assisting the board during
an adoption, there shall be rating committees in each of the
fields in which textbooks or electronic textbooks are considered
for adoption. Each committee shall be composed of seven (7)
members. The State Superintendent of Public Education shall
appoint four (4) members of each of the committees, each of whom
shall be a competent, experienced teacher who is currently
teaching in the field in which the textbooks or electronic
textbooks are considered for adoption. The Governor of the State
of Mississippi thereupon shall appoint three (3) members of each
of said committees, who shall be persons he deems competent to
participate in the appraisal of books offered for adoption, in
each field, for use in the public schools of this state.

(2) It shall be the duty of said rating committees to
appraise the books offered for adoption in each field in which
textbooks are offered for adoption and recommend eight (8) books
and/or series for each adoption to be made by the board and giving
the reasons for or basis of such recommendations. No book shall
be recommended which does not receive a majority vote of the
members of each committee. Any member dissenting from any
majority vote of the committee shall make his appraisal of any
book recommended or rejected by the majority of the committee and
specify the reasons therefor and make such recommendations as he
thinks proper. All appraisals, recommendations, and dissents if
any, shall be in writing and filed with the board for its
consideration upon the adoption. The travel expenses of such
committees shall be reimbursed in the amount as provided in
Section 25-3-41 and shall be paid out of the State Textbook Fund.

Such rating committees shall be subject to the provisions of
Section 37-43-17. The board shall have the power to reject any
and all recommendations of the rating committees and to call for
further recommendations; in no case shall the board adopt any book
not recommended by the rating committees.

(3) Any and all sample textbooks or electronic textbooks
that may be furnished by the publisher thereof as provided by
Section 37-43-59 to any member of the board, the Superintendent of
Public Education, and any member of a rating committee shall within one (1) year after receipt of same by said member be turned in to the State School Book Depository without cost to the State of Mississippi, and the same shall thereafter be used without any cost to the State of Mississippi in supplying free textbooks, electronic textbooks or digital mobile devices to the educable children of the State of Mississippi as now provided by law or shall be sold to the highest bidder by the board with the proceeds immediately deposited in the State Treasury to the credit of the State Textbook Fund.

(4) No state official, state employee, school board member, school superintendent, principal, teacher or any other individual shall sell or donate sample textbooks or electronic textbooks furnished them by the State School Book Depository as part of the textbook adoption or selection process. The individuals and public officials shall not receive payment by the state depository, any publisher or any other company for sample textbooks or electronic textbooks.

(5) School districts may annually utilize any portion of the textbook allotment for the repair of textbooks; however, school districts are authorized and encouraged to utilize the Mississippi Department of Corrections bookbinder for the repair of textbooks.

(6) Prices for new textbook, electronic textbook or digital mobile device purchases shall not be higher than the lowest price
at which books are sold anywhere in the United States, after all
discounts are allowed.

SECTION 12. Section 37-43-23, Mississippi Code of 1972, is
amended as follows:

37-43-23. The State Board of Education is hereby authorized,
empowered and directed to advertise for and receive sealed bids
for textbooks, electronic textbooks or digital mobile devices.
Bidders shall quote their lowest net wholesale prices, f.o.b.
Central Depository, Jackson, Mississippi; however, the board may,
in its discretion, establish a state depository or depositories or
inaugurate any other plan for the distribution of books. Such
prices shall not be higher than the lowest price at which books
are sold anywhere in the United States, after all discounts are
allowed. It is the intent of the Legislature that the price paid
for a textbook, electronic textbook or digital mobile device shall
not exceed the lowest price at which the same book, both having
the same copyright date, is sold anywhere in the United States
after all discounts are allowed. Every contract entered into
under the provisions of this section by the board and any
publisher or publishing company shall contain a provision that the
publisher covenants and agrees that he is not furnishing under
contract executed after the first day of January of the year in
which the contract becomes effective, to any state, county or
school district in the United States, the textbooks, electronic
textbooks or digital mobile devices embraced in the contract at a
price below the price stipulated therein. At any time that the
board may find that any book or books, in either regular or
special editions, are being furnished in any other state at a
lower price under contract than it is being furnished in
Mississippi, the contract shall be forfeited to the state. Any
contractor who violates this provision shall return all money paid
out for such book or books and also forfeit such book or books to
the state, and suit may be brought on the bond of the contractor
for all losses sustained.

Successful bidders or contractors shall be required to
maintain a depository at a place within the State of Mississippi,
to be named by the board, where a stock of books sufficient to
meet all reasonable and immediate demands shall be kept. Upon
requisition of the board, the depository shall ship books,
transportation charges paid, to the various shipping points in
Mississippi to be specified by the board. For such service the
depository shall make no charge to the board except the actual
cost of transportation from the depository to the shipping point
designated. The cost of distribution shall not exceed eight
percent (8%) of the total appropriation for any fiscal year.

All books furnished the State of Mississippi by contractors
under this chapter shall continue to measure up to the same
standards as are required in the contract, said standards to
include printing, binding, cover boards, mechanical makeup, and
any other relevant points as set out in the plans and
specifications as fixed by the board. Any contractor of any book or books, who fails to keep said books up to said standards, shall forfeit, not only his contract to the state, but shall return all money paid out for such book or books and also forfeit said books to the state.

SECTION 13. Section 37-43-31, Mississippi Code of 1972, is amended as follows:

37-43-31. (1) The State Board of Education shall adopt and furnish textbooks or electronic textbooks only for use in those courses set up in the state course of study as recommended by the State Accreditation Commission and adopted by such board, or courses established by acts of the Legislature. In all subjects the board, in its discretion, may adopt textbooks, electronic textbooks and/or series from those recommended by the textbook rating committees. The board may adopt a plan which permits the local school districts to choose the book or books to be requisitioned from those adopted, provided:

(a) That, when a book is furnished by the state, it shall remain in use during the period of its adoption;

(b) That the average per pupil cost of textbooks so furnished any unit shall not exceed that allowed for all other units in the state;

(c) That nothing herein provided shall be construed as giving any school the authority to discard or replace usable copies of textbooks now being furnished by the state;
(d) That the State Department of Education is authorized to disburse the annual textbook appropriation directly to the public school districts in accordance with paragraph (b) of this subsection. The textbooks, electronic textbooks or digital mobile devices procured through this chapter, as well as textbooks which are on hand on June 30, 1994, which were previously purchased through the provisions of this statute, shall become the property of the public school district which purchased them, unless the State Department of Education authorizes the transfer of unneeded textbooks to another location in accordance with rules and regulations promulgated by the State Board of Education;

(e) That textbooks, electronic textbooks or digital mobile devices which are on loan to other than public schools as referenced in Section 37-43-1, shall remain the property of the State of Mississippi. All requisitions for textbooks, electronic textbooks or digital mobile devices from these schools shall be submitted to the State Department of Education to be processed and subsequently shipped to the requesting school. No funds shall be disbursed directly from the State Department of Education to the schools in this category for the purpose of procuring textbooks, electronic textbooks or digital mobile devices; and

(f) That funds made available through this chapter may be used to purchase any state-adopted or nonadopted textbook from any state depository, directly from the publisher, or in
accordance with the provisions of Sections 37-43-21(5) and 
37-43-31(3). For purchases made directly from the publisher, the 
public school district, or the State Department of Education when 
purchasing for other than public schools, shall not pay a higher 
price for a textbook than that listed on the current state-adopted 
list.

(2) Whenever any book under contract is displaced by a new 
adoption, the board may continue to require the schools to use the 
recently purchased books from any previous adoption; however, such 
period of use shall not exceed four (4) years.

(3) If five (5) or more school boards petition the State 
Board of Education to add a book, or a series of books, to the 
approved list of state adoptions in a given subject area, then the 
State Superintendent of Public Education shall have sixty (60) 
days to show cause to the State Board of Education why the books 
in question should or should not be purchased with state funds. 
If the petition is not acted upon within the sixty-day period, the 
petition shall be deemed to be approved. Once a textbook, 
electronic textbook or digital mobile device has been approved 
through the petition process, any public school district or 
eligible other school may procure the * * * approved textbook, 
electronic textbook or digital mobile device utilizing funds 
appropriated through this chapter.

(4) If new and innovative textbooks, electronic textbooks or 
digital mobile devices that would improve a particular course of
study become available between adoption cycles, a school board may petition the State Board of Education for permission to purchase these books out of sequence to be paid for with state textbook funds.

(5) The State Board of Education shall not allow previously rejected textbooks, electronic textbooks or digital mobile devices to be used if such textbooks, electronic textbooks or digital mobile devices were rejected for any of the following reasons:

(a) Obscene, lewd, sexist or vulgar material;

(b) Advocating prejudicial behavior or actions; or

(c) Encouraging acts determined to be antisocial or derogatory to any race, sex or religion.

(6) All books or series of books adopted under the petition procedures of this chapter shall be purchased under the provisions for bidding, pricing and distribution as prescribed in Section 37-43-23.

(7) Petition procedure books or series of books adopted under this section shall be considered only until the date of the next regular adoption series in the applicable subject area. Petition procedure books shall be submitted for formal adoption at the next applicable regular textbook adoption as prescribed under the provisions of Chapter 43, Title 37, Mississippi Code of 1972; otherwise, such books adopted under the petition procedures which do not receive formal adoption approval as recommended by the textbook rating committee shall be dropped from the state textbook.
petition adoption list. Provided, however, this provision shall in no way prohibit a school district from using other funds, federal or local, for the purchase of such books or digital mobile devices.

SECTION 14. Section 37-43-37, Mississippi Code of 1972, is amended as follows:

37-43-37. All books and digital mobile devices shall have a uniform label printed on the inside cover. Each school shall number all books and digital mobile devices, placing the number on said labels. All teachers shall keep an accurate record of the number and names of all books and digital mobile devices issued to each pupil.

SECTION 15. Section 37-7-301, Mississippi Code of 1972, is amended as follows:

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

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

(b) To introduce public school music, art, manual training and other special subjects into either the elementary or high school grades, as the board shall deem proper;
(c) To be the custodians of real and personal school property and to manage, control and care for same, both during the school term and during vacation;

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

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

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

(g) To support, within reasonable limits, the superintendent, principal and teachers where necessary for the proper discipline of the school;
(h) To exclude from the schools students with what appears to be infectious or contagious diseases; provided, however, such student may be allowed to return to school upon presenting a certificate from a public health officer, duly licensed physician or nurse practitioner that the student is free from such disease;

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

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

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

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

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

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

(o) To make orders directed to the superintendent of schools for the issuance of pay certificates for lawful purposes.
on any available funds of the district and to have full control of
the receipt, distribution, allotment and disbursement of all funds
provided for the support and operation of the schools of such
school district whether such funds be derived from state
appropriations, local ad valorem tax collections, or otherwise.
The local school board shall be authorized and empowered to
promulgate rules and regulations that specify the types of claims
and set limits of the dollar amount for payment of claims by the
superintendent of schools to be ratified by the board at the next
regularly scheduled meeting after payment has been made;
(p) To select all school district personnel in the
manner provided by law, and to provide for such employee fringe
benefit programs, including accident reimbursement plans, as may
be deemed necessary and appropriate by the board;
(q) To provide athletic programs and other school
activities and to regulate the establishment and operation of such
programs and activities;
(r) To join, in their discretion, any association of
school boards and other public school-related organizations, and
to pay from local funds other than minimum foundation funds, any
membership dues;
(s) To expend local school activity funds, or other
available school district funds, other than minimum education
program funds, for the purposes prescribed under this paragraph.
"Activity funds" shall mean all funds received by school officials
in all school districts paid or collected to participate in any
school activity, such activity being part of the school program
and partially financed with public funds or supplemented by public
funds. The term "activity funds" shall not include any funds
raised and/or expended by any organization unless commingled in a
bank account with existing activity funds, regardless of whether
the funds were raised by school employees or received by school
employees during school hours or using school facilities, and
regardless of whether a school employee exercises influence over
the expenditure or disposition of such funds. Organizations shall
not be required to make any payment to any school for the use of
any school facility if, in the discretion of the local school
governing board, the organization's function shall be deemed to be
beneficial to the official or extracurricular programs of the
school. For the purposes of this provision, the term
"organization" shall not include any organization subject to the
control of the local school governing board. Activity funds may
only be expended for any necessary expenses or travel costs,
including advances, incurred by students and their chaperons in
attending any in-state or out-of-state school-related programs,
conventions or seminars and/or any commodities, equipment, travel
expenses, purchased services or school supplies which the local
school governing board, in its discretion, shall deem beneficial
to the official or extracurricular programs of the district,
including items which may subsequently become the personal
property of individuals, including yearbooks, athletic apparel, 
book covers and trophies. Activity funds may be used to pay 
travel expenses of school district personnel. The local school 
governing board shall be authorized and empowered to promulgate 
rules and regulations specifically designating for what purposes 
school activity funds may be expended. The local school governing 
board shall provide (i) that such school activity funds shall be 
maintained and expended by the principal of the school generating 
the funds in individual bank accounts, or (ii) that such school 
activity funds shall be maintained and expended by the 
superintendent of schools in a central depository approved by the 
board. The local school governing board shall provide that such 
school activity funds be audited as part of the annual audit 
required in Section 37-9-18. The State Department of Education 
shall prescribe a uniform system of accounting and financial 
reporting for all school activity fund transactions;

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

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

(v) (i) To lease a school building from an individual, 
partnership, nonprofit corporation or a private for-profit 
corporation for the use of such school district, and to expend
funds therefor as may be available from any nonminimum program sources. The school board of the school district desiring to lease a school building shall declare by resolution that a need exists for a school building and that the school district cannot provide the necessary funds to pay the cost or its proportionate share of the cost of a school building required to meet the present needs. The resolution so adopted by the school board shall be published once each week for three (3) consecutive weeks in a newspaper having a general circulation in the school district involved, with the first publication thereof to be made not less than thirty (30) days prior to the date upon which the school board is to act on the question of leasing a school building. If no petition requesting an election is filed prior to such meeting as hereinafter provided, then the school board may, by resolution spread upon its minutes, proceed to lease a school building. If at any time prior to said meeting a petition signed by not less than twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified electors of the school district involved shall be filed with the school board requesting that an election be called on the question, then the school board shall, not later than the next regular meeting, adopt a resolution calling an election to be held within such school district upon the question of authorizing the school board to lease a school building. Such election shall be called and held, and notice thereof shall be given, in the same manner for elections upon the questions of the
issuance of the bonds of school districts, and the results thereof shall be certified to the school board. If at least three-fifths (3/5) of the qualified electors of the school district who voted in such election shall vote in favor of the leasing of a school building, then the school board shall proceed to lease a school building. The term of the lease contract shall not exceed twenty (20) years, and the total cost of such lease shall be either the amount of the lowest and best bid accepted by the school board after advertisement for bids or an amount not to exceed the current fair market value of the lease as determined by the averaging of at least two (2) appraisals by certified general appraisers licensed by the State of Mississippi. The term "school building" as used in this paragraph (v)(i) shall be construed to mean any building or buildings used for classroom purposes in connection with the operation of schools and shall include the site therefor, necessary support facilities, and the equipment thereof and appurtenances thereto such as heating facilities, water supply, sewage disposal, landscaping, walks, drives and playgrounds. The term "lease" as used in this paragraph (v)(i) may include a lease-purchase contract;

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

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

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

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

(z) To expend funds for the payment of substitute teachers and to adopt reasonable regulations for the employment and compensation of such substitute teachers;
(aa) To acquire in its own name by purchase all real
property which shall be necessary and desirable in connection with
the construction, renovation or improvement of any public school
building or structure. Whenever the purchase price for such real
property is greater than Fifty Thousand Dollars ($50,000.00), the
school board shall not purchase the property for an amount
exceeding the fair market value of such property as determined by
the average of at least two (2) independent appraisals by
certified general appraisers licensed by the State of Mississippi.
If the board shall be unable to agree with the owner of any such
real property in connection with any such project, the board shall
have the power and authority to acquire any such real property by
condemnation proceedings pursuant to Section 11-27-1 et seq.,
Mississippi Code of 1972, and for such purpose, the right of
eminent domain is hereby conferred upon and vested in said board.
Provided further, that the local school board is authorized to
grant an easement for ingress and egress over sixteenth section
land or lieu land in exchange for a similar easement upon
adjoining land where the exchange of easements affords substantial
benefit to the sixteenth section land; provided, however, the
exchange must be based upon values as determined by a competent
appraiser, with any differential in value to be adjusted by cash
payment. Any easement rights granted over sixteenth section land
under such authority shall terminate when the easement ceases to
be used for its stated purpose. No sixteenth section or lieu land
which is subject to an existing lease shall be burdened by any such easement except by consent of the lessee or unless the school district shall acquire the unexpired leasehold interest affected by the easement;

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

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

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

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

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

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

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

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

(hh) To allow individual lessons for music, art and other curriculum-related activities for academic credit or nonacademic credit during school hours and using school equipment and facilities, subject to uniform rules and regulations adopted by the school board;
(ii) To charge reasonable fees for participating in an extracurricular activity for academic or nonacademic credit for necessary and required equipment such as safety equipment, band instruments and uniforms;

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

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

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

(mm) To expend federal No Child Left Behind Act funds, or any other available funds that are expressly designated and authorized for that use, to pay training, educational expenses, salary incentives and salary supplements to employees of local school districts; except that incentives shall not be considered part of the local supplement as defined in Section 37-151-5(o), nor shall incentives be considered part of the local supplement paid to an individual teacher for the purposes of Section 37-19-7(1). Mississippi Adequate Education Program funds or any other state funds may not be used for salary incentives or salary supplements as provided in this paragraph (mm);
To use any available funds, not appropriated or designated for any other purpose, for reimbursement to the state-licensed employees from both in state and out of state, who enter into a contract for employment in a school district, for the expense of moving when the employment necessitates the relocation of the licensed employee to a different geographical area than that in which the licensed employee resides before entering into the contract. The reimbursement shall not exceed One Thousand Dollars ($1,000.00) for the documented actual expenses incurred in the course of relocating, including the expense of any professional moving company or persons employed to assist with the move, rented moving vehicles or equipment, mileage in the amount authorized for county and municipal employees under Section 25-3-41 if the licensed employee used his personal vehicle or vehicles for the move, meals and such other expenses associated with the relocation. No licensed employee may be reimbursed for moving expenses under this section on more than one (1) occasion by the same school district. Nothing in this section shall be construed to require the actual residence to which the licensed employee relocates to be within the boundaries of the school district that has executed a contract for employment in order for the licensed employee to be eligible for reimbursement for the moving expenses. However, the licensed employee must relocate within the boundaries of the State of Mississippi. Any individual receiving relocation assistance through the Critical Teacher
Shortage Act as provided in Section 37-159-5 shall not be eligible to receive additional relocation funds as authorized in this paragraph;

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

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

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

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

(iii) An assessment of revenue levels and sources;

(iv) An assessment of facilities utilization,
(v) An assessment of food services, transportation and safety/security systems;

(vi) An assessment of instructional and administrative technology;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 16. This act shall take effect and be in force from and after July 1, 2016.