

By: Representatives Gunn, Snowden, Eure,  
Bennett, Baker, Bomgar, Chism, Guice,  
Criswell, Smith, Hopkins, Boyd, Willis,  
Gipson, Byrd, Denny

To: Appropriations

HOUSE BILL NO. 957  
(As Passed the House)

1 AN ACT RELATING TO THE FUNDING OF PUBLIC EDUCATION IN THE  
2 STATE OF MISSISSIPPI; TO CREATE NEW SECTION 37-151-201,  
3 MISSISSIPPI CODE OF 1972, TO ESTABLISH A NEW FUNDING FORMULA IN  
4 THIS ACT TO BE KNOWN AS THE "MISSISSIPPI UNIFORM PER STUDENT  
5 FUNDING FORMULA ACT OF 2018"; TO CREATE NEW SECTION 37-151-203,  
6 MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS; TO CREATE NEW  
7 SECTION 37-151-205, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
8 UNIFORM PER STUDENT FUNDING FORMULA TO BE USED IN CALCULATING  
9 SCHOOL DISTRICT FUNDING BEGINNING WITH THE 2019 FISCAL YEAR AND TO  
10 PRESCRIBE THE FORMULA; TO CREATE NEW SECTION 37-151-207,  
11 MISSISSIPPI CODE OF 1972, TO ESTABLISH THE STUDENT BASE AMOUNT; TO  
12 CREATE NEW SECTION 37-151-209, MISSISSIPPI CODE OF 1972, TO  
13 ESTABLISH A WEIGHT TO BE APPLIED TO THE BASE AMOUNT FOR STUDENTS  
14 IN HIGH SCHOOL GRADES; TO CREATE NEW SECTION 37-151-211,  
15 MISSISSIPPI CODE OF 1972, TO ESTABLISH A WEIGHT TO BE APPLIED TO  
16 THE BASE AMOUNT FOR STUDENTS IDENTIFIED AS LOW INCOME STUDENTS; TO  
17 CREATE NEW SECTION 37-151-213, MISSISSIPPI CODE OF 1972, TO  
18 ESTABLISH A WEIGHT TO BE APPLIED TO THE BASE AMOUNT FOR STUDENTS  
19 IDENTIFIED AS ENGLISH LANGUAGE LEARNERS; TO CREATE NEW SECTION  
20 37-151-215, MISSISSIPPI CODE OF 1972, TO ESTABLISH THREE WEIGHTS,  
21 VARYING IN AMOUNT ACCORDING TO DISABILITY, TO BE APPLIED TO THE  
22 BASE AMOUNT FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES; TO  
23 CREATE NEW SECTION 37-151-217, MISSISSIPPI CODE OF 1972, TO  
24 ESTABLISH A WEIGHT TO BE APPLIED TO THE BASE AMOUNT FOR GIFTED  
25 STUDENTS; TO CREATE NEW SECTION 37-151-219, MISSISSIPPI CODE OF  
26 1972, TO ESTABLISH A WEIGHT TO BE APPLIED TO THE BASE AMOUNT FOR  
27 ALL STUDENTS ENROLLED IN SPARSE SCHOOL DISTRICTS; TO CREATE NEW  
28 SECTION 37-151-221, MISSISSIPPI CODE OF 1972, TO REQUIRE STUDENT  
29 ENROLLMENT AND ATTENDANCE FIGURES TO BE DETERMINED ON THE BASIS OF  
30 AVERAGE DAILY MEMBERSHIP AND TO REQUIRE AUDITS TO BE CONDUCTED BY  
31 THE STATE AUDITOR DURING SPECIFIED WEEKS; TO CREATE NEW SECTION  
32 37-151-223, MISSISSIPPI CODE OF 1972, TO REQUIRE PERIODIC  
33 RECOMMENDATIONS FOR REVISIONS TO THE FORMULA TO BE MADE TO THE  
34 LEGISLATURE; TO CREATE NEW SECTION 37-151-225, MISSISSIPPI CODE OF



35 1972, TO CLARIFY THAT A SCHOOL DISTRICT HAS AUTONOMY, SUBJECT TO  
36 REGULATORY AND STATUTORY RESTRICTIONS, IN THE SPENDING OF ALL  
37 FUNDS ALLOCATED TO THAT DISTRICT REGARDLESS OF THE COUNT OF  
38 STUDENTS IN CERTAIN GRADES AND WEIGHTED STUDENT CATEGORIES; TO  
39 CREATE NEW SECTION 37-151-227, MISSISSIPPI CODE OF 1972, TO  
40 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ANNUALLY DETERMINE  
41 THE AMOUNT THAT LOCAL SCHOOL DISTRICTS MUST CONTRIBUTE TO THE COST  
42 OF THE FUNDING FORMULA AND TO ESTABLISH LIMITATIONS ON STATE  
43 FUNDING INCREASES AND DECREASES FOR SCHOOL DISTRICTS DURING EACH  
44 OF THE NEXT SEVEN FISCAL YEARS; TO CREATE NEW SECTION 37-151-229,  
45 MISSISSIPPI CODE OF 1972, TO RECODIFY EXISTING MAXIMUM  
46 STUDENT-TEACHER RATIOS; TO CREATE NEW SECTION 37-151-231,  
47 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF  
48 EDUCATION TO INCORPORATE ADDITIONAL REPORTING REQUIREMENTS IN THE  
49 ACCOUNTING MANUAL FOR SCHOOL DISTRICTS IN ORDER TO FACILITATE  
50 GREATER TRANSPARENCY; TO CREATE NEW SECTION 37-151-233,  
51 MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT TO IMPLEMENT A  
52 FISCAL TRANSPARENCY SYSTEM THAT COMPARES FINANCIAL INVESTMENT IN A  
53 SCHOOL DISTRICT WITH ACADEMIC GROWTH AND WHICH ALLOWS COMPARISONS  
54 WITH DATA FROM PEER SCHOOL DISTRICTS; TO REQUIRE THE INFORMATION  
55 RELATING TO SCHOOL DISTRICT SPENDING AND OUTCOMES TO BE PUBLISHED  
56 ON THE STATE DEPARTMENT OF EDUCATION'S WEBSITE; TO CREATE NEW  
57 SECTION 37-151-235, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
58 DEPARTMENT TO ESTABLISH A FINANCIAL RATING MODEL FOR SCHOOL  
59 DISTRICTS AND TO ESTABLISH SANCTIONS FOR SCHOOL DISTRICTS HAVING  
60 POOR OUTCOMES; TO CREATE NEW SECTION 37-151-237, MISSISSIPPI CODE  
61 OF 1972, TO REQUIRE THE DEPARTMENT TO REVIEW RULES AND REGULATIONS  
62 OF THE DEPARTMENT AND STATE BOARD OF EDUCATION WHICH INDIRECTLY  
63 CREATE A FISCAL IMPACT ON SCHOOL DISTRICTS AND TO REVISE SUCH  
64 RULES AND REGULATIONS AS APPROPRIATE TO FURTHER DISTRICT AUTONOMY  
65 UNDER THE FUNDING FORMULA; TO ESTABLISH THE JOINT LEGISLATIVE  
66 STUDY COMMITTEE ON STATUTORY EDUCATION ACCREDITATION STANDARDS FOR  
67 THE PURPOSE OF REVIEWING STATUTES THAT ESTABLISH ACCREDITATION  
68 REQUIREMENTS AND RESEARCHING THE FEASIBILITY OF IMPLEMENTING AN  
69 ACCOUNTABILITY SYSTEM OF EARNED AUTONOMY UNDER WHICH HIGH  
70 PERFORMING SCHOOL DISTRICTS ARE GRANTED INDEPENDENCE FROM CERTAIN  
71 STATUTORY REQUIREMENTS; TO CREATE NEW SECTION 37-151-239,  
72 MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE BOARD OF EDUCATION  
73 TO ESTABLISH A STUDY COMMITTEE FOR THE PURPOSE OF MAKING  
74 RECOMMENDATIONS RELATING TO THE USE OF AN IEP-BASED FUNDING MODEL  
75 FOR SPECIAL EDUCATION SERVICES; TO CREATE NEW SECTION 37-151-241,  
76 MISSISSIPPI CODE OF 1972, TO CREATE THE EARLY LEARNING FUNDING  
77 CONTINUUM STUDY COMMITTEE TO MAKE RECOMMENDATIONS REGARDING THE  
78 FUNDING FOR STUDENTS IN PREKINDERGARTEN THROUGH THIRD GRADE; TO  
79 AMEND SECTIONS 1-3-26, 7-7-211, 19-9-157, 19-9-171, 25-4-29,  
80 27-25-706, 27-33-3, 27-39-317, 29-3-47, 29-3-49, 29-3-113,  
81 29-3-137, 31-7-10, 37-1-3, 37-3-11, 37-3-83, 37-7-208, 37-7-301,  
82 37-7-302, 37-7-303, 37-7-307, 37-7-319, 37-7-333, 37-7-339,  
83 37-7-419, 37-9-17, 37-9-23, 37-9-25, 37-9-33, 37-9-35, 37-9-37,  
84 37-9-77, 37-11-11, 37-13-63, 37-13-64, 37-13-69, 37-15-38,  
85 37-16-3, 37-17-6, 37-17-17, 37-19-7, 37-21-6, 37-21-7, 37-22-5,



86 37-23-1, 37-23-15, 37-23-69, 37-23-109, 37-23-179, 37-27-55,  
87 37-27-57, 37-28-5, 37-28-53, 37-28-55, 37-29-1, 37-29-272,  
88 37-29-303, 37-31-13, 37-31-75, 37-35-3, 37-37-3, 37-41-7,  
89 37-45-49, 37-47-9, 37-47-17, 37-47-25, 37-47-33, 37-57-1,  
90 37-57-104, 37-57-105, 37-57-107, 37-61-3, 37-61-5, 37-61-7,  
91 37-61-19, 37-61-29, 37-61-33, 37-61-35, 37-61-37, 37-131-7,  
92 37-131-9, 37-131-11, 37-151-7.1, 37-151-9, 37-151-10, 37-151-87,  
93 37-151-89, 37-151-91, 37-151-93, 37-151-95, 37-151-97, 37-151-99,  
94 37-151-101, 37-151-103, 37-151-105, 37-151-107, 37-173-9,  
95 37-173-13, 37-175-13, 37-179-3, 37-181-7, 41-79-5, 43-17-5 AND  
96 65-26-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS  
97 OF THIS ACT; TO REPEAL SECTION 37-13-153, MISSISSIPPI CODE OF  
98 1972, WHICH REQUIRED STATE FUNDING FOR HOME ECONOMICS TEACHERS TO  
99 BE INCLUDED AS A LINE ITEM IN THE EDUCATION APPROPRIATIONS BILLS  
100 FOR CERTAIN PRIOR FISCAL YEARS; TO REPEAL SECTIONS 37-151-1,  
101 37-151-5, 37-151-6, 37-151-7, 37-151-8, 37-151-77, 37-151-79,  
102 37-151-81, 37-151-83 AND 37-151-85, MISSISSIPPI CODE OF 1972,  
103 WHICH DEFINE CERTAIN TERMS AND PRESCRIBE THE FORMULA AND CERTAIN  
104 REQUIREMENTS UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM  
105 (MAEP); TO REPEAL SECTION 37-152-1, MISSISSIPPI CODE OF 1972,  
106 WHICH CREATES THE COMMISSION ON RESTRUCTURING THE MISSISSIPPI  
107 ADEQUATE EDUCATION PROGRAM (MAEP); AND FOR RELATED PURPOSES.

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

109 **SECTION 1.** The following shall be codified as Section  
110 37-151-201, Mississippi Code of 1972:

111 37-151-201. This article shall be known and may be cited as  
112 the "Mississippi Uniform Per Student Funding Formula Act of 2018."

113 **SECTION 2.** The following shall be codified as Section  
114 37-151-203, Mississippi Code of 1972:

115 37-151-203. The following words and phrases have the  
116 meanings ascribed in this section unless the context clearly  
117 indicates otherwise:

118 (a) "Average daily membership" or "ADM" means the  
119 figure that results when the total aggregate student enrollment  
120 during the period counted is divided by the number of days during  
121 the period counted upon which both teachers and students are in



122 regular attendance for scheduled classroom instruction for not  
123 less than sixty percent (60%) of the normal school day. However,  
124 if a local school board adopts a class schedule that operates  
125 throughout the year for any or all schools in the district,  
126 average daily membership must be computed by the State Department  
127 of Education so that the resulting average daily membership will  
128 not be higher or lower than if the local school board had not  
129 adopted such schedule.

130 (b) "Base amount" or "student base amount" means the  
131 student base funding level that is established in the funding  
132 formula as the estimated cost of educating an average student with  
133 no special needs.

134 (c) "Charter school" means a public school that is  
135 established and operating under the terms of a charter contract  
136 between the school's governing board and the Mississippi Charter  
137 School Authorizer Board.

138 (d) "Department" means the State Department of  
139 Education.

140 (e) "English Language Learner" or "ELL" means a student  
141 identified in accordance with federal law as entitled to English  
142 as a second language or bilingual services on the basis of the  
143 student's English language proficiency.

144 (f) "Gifted student" means a student identified as  
145 eligible to participate in a gifted education program for the



146 instruction of intellectually or academically gifted children, as  
147 defined and provided for in Sections 37-23-171 through 37-23-181.

148 (g) "Low income students" means a definite number of  
149 students in a school district which is calculated solely by  
150 multiplying the most recent estimate of the school-age poverty  
151 rate, as published annually as a percentage for that school  
152 district by the United States Census Bureau in the Small Area  
153 Income and Poverty Estimates (SAIPE), times the average daily  
154 membership (ADM) of the school district. In determining the total  
155 number of low income students, the economic status of any  
156 individual student or group of students may not be considered by a  
157 school district.

158 (h) "Mississippi Uniform Per Student Funding Formula,"  
159 "uniform per student funding formula," "funding formula" or  
160 "formula" means the formula used to determine annual operating  
161 funding for public schools on a uniform per student basis, as  
162 prescribed in this article.

163 (i) "School district" means any type of school district  
164 in the State of Mississippi and includes agricultural high  
165 schools.

166 (j) "Sparse school district" means a school district in  
167 which there are fewer than four (4) students per square mile when  
168 the total number of students in the district's average daily  
169 membership (ADM) is divided by the number of square miles in the  
170 territory comprising the school district.



171 (k) "Special education program" means a program that  
172 provides services for exceptional children, as defined and  
173 authorized by Chapter 23, Title 37, Mississippi Code of 1972.

174 (l) "Superintendent" means the administrative head of a  
175 school district.

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

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

184 **SECTION 3.** The following shall be codified as Section  
185 37-151-205, Mississippi Code of 1972:

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

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



195 Multiply the school district's average daily membership, as  
196 determined under Section 37-151-221, times the applicable grade  
197 level per student allocations established under Section  
198 37-151-209, and add to this product any additional amounts to  
199 which the district is entitled for low income students under  
200 Section 37-151-211, English Language Learners under Section  
201 37-151-213, students in special education programs under Section  
202 37-151-215, students in gifted education programs under Section  
203 37-151-217 and students in a sparse school district under Section  
204 37-151-219.

205 **SECTION 4.** The following shall be codified as Section  
206 37-151-207, Mississippi Code of 1972:

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

212 **SECTION 5.** The following shall be codified as Section  
213 37-151-209, Mississippi Code of 1972:

214 37-151-209. (1) The student counts at certain grade levels  
215 must be weighted to provide an amount per student differing from  
216 the base amount in accordance with the following schedule:

217 <b>Grade Level</b>	<b>Weighting</b>	<b>FY2019 and Subsequent</b>
218		<b>Fiscal Years Per Student</b>
219		<b>Allocation</b>



220	Pre-kindergarten 3	0.00	\$0.00
221	Pre-kindergarten 4	0.00	\$0.00
222	Kindergarten	1.00	\$4,800.00
223	Grades 1-3	1.00	\$4,800.00
224	Grades 4-8	1.00	\$4,800.00
225	Grades 9-12	1.30	\$6,240.00

226           (2) The per student allocation established for students in  
227 Grades 9 through 12 is for each student under the age of  
228 twenty-one (21) years who is counted in a school district's or  
229 charter school's average daily membership and is for the fiscal  
230 support of all programs in those grades, including, but not  
231 limited to: college and career readiness programs; specific  
232 college preparedness initiatives such as advanced placement  
233 courses, International Baccalaureate programs and other  
234 college-credit-bearing course offerings; science, technology,  
235 engineering and math course offerings; college guidance and  
236 advising systems; specific career track programs; vocational or  
237 technical education programs; and alternative school programs.

238           **SECTION 6.** The following shall be codified as Section  
239 37-151-211, Mississippi Code of 1972:

240           37-151-211. (1) In addition to the grade level allocations  
241 established under Section 37-151-209 and supplemental allocations  
242 required under Sections 37-151-213 through 37-151-219, a  
243 supplemental allocation must be provided to each school district  
244 and charter school on the basis of the count of students in





245 average daily membership who are identified as low income  
246 students. The supplemental allocation for each low income student  
247 in average daily membership must be calculated by applying a  
248 weight equal to twenty-five percent (25%) to the student base  
249 amount prescribed under Section 37-151-207.

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

253 **SECTION 7.** The following shall be codified as Section  
254 37-151-213, Mississippi Code of 1972:

255 37-151-213. (1) In addition to the grade level allocations  
256 established under Section 37-151-209 and supplemental allocations  
257 required under Sections 37-151-211 and 37-151-215 through  
258 37-151-219, a supplemental allocation must be provided to each  
259 school district and charter school on the basis of the count of  
260 students in average daily membership who are identified as English  
261 Language Learners. The supplemental allocation for each English  
262 Language Learner in average daily membership must be calculated by  
263 applying a weight equal to twenty percent (20%) to the student  
264 base amount prescribed under Section 37-151-207.

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

268 (3) The State Department of Education shall require each  
269 school district to submit an annual report to the department



270 relating to the education of English Language Learners. The  
271 report must include the following:

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

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

277 (c) Detailed information relating to expenditures of  
278 each English Language Learner program and service in the school  
279 district and the source of funding (federal, state or local) for  
280 those programs and services; and

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

283 (4) Before January 1 of each year, the State Department of  
284 Education shall submit a detailed report to the Education and  
285 Appropriations Committees of the House of Representatives and  
286 Senate on the status of English Language Learners in the public  
287 schools. The report must include data demonstrating the progress  
288 that is being made through programs and services aimed at  
289 improving English language mastery in non-English-proficient  
290 students and an assessment of the sufficiency of the supplemental  
291 allocation for those programs and services, along with any  
292 recommendations for adjustments to the weight prescribed under  
293 this section for English Language Learners.



294           **SECTION 8.** The following shall be codified as Section  
295 37-151-215, Mississippi Code of 1972:

296           37-151-215. (1) In addition to the grade level allocations  
297 established under Section 37-151-209 and supplemental allocations  
298 required under Sections 37-151-211, 37-151-213, 37-151-217 and  
299 37-151-219, a supplemental allocation must be provided to each  
300 school district and charter school on the basis of the count of  
301 students in average daily membership who are identified as  
302 entitled to and receiving services in a special education program.

303           (2) The supplemental allocation required under this section  
304 must be calculated by applying a weight to the student base amount  
305 prescribed under Section 37-151-207 for each student in average  
306 daily membership who is entitled to and receiving special  
307 education services as follows:

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

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

316           (c) Tier III: For each student diagnosed with visual  
317 impairment, deaf-blindness, multiple disabilities, or traumatic



318 brain injury, a weight equal to one hundred seventy percent (170%)  
319 of the student base amount.

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

325 (4) The weightings prescribed under this section for  
326 students in special education must be applied cumulatively in the  
327 counts of students who fall into more than one (1) of the funding  
328 formula weighting categories prescribed under other sections.

329 (5) As soon as practical following the effective date of  
330 this act, and each year thereafter, the State Department of  
331 Education shall review the disability tiers established under this  
332 section to ensure that the various diagnoses and weightings are  
333 matched and classified appropriately. The department shall verify  
334 that the distribution of weights meets the Maintenance of Effort  
335 (MOE) requirements of the Individuals with Disabilities Act (IDEA)  
336 and that the total funding by the state dedicated to special  
337 education is sufficient to meet annual MOE requirements. The  
338 department also shall determine if the diagnoses are categorized  
339 appropriately based on the average costs of educating students in  
340 the state who are in special education programs. Before September  
341 1, the department shall submit an annual report to the Education  
342 and Appropriations Committees of the House of Representatives and



343 Senate recommending any revisions that are necessary in order for  
344 the state to comply with federal requirements under IDEA or which  
345 may be desirable to improve the delivery and funding of special  
346 education services throughout the state.

347         **SECTION 9.** The following shall be codified as Section  
348 37-151-217, Mississippi Code of 1972:

349         37-151-217. (1) In addition to the grade level allocations  
350 established under Section 37-151-209 and supplemental allocations  
351 required under Sections 37-151-211 through 37-151-215 and  
352 37-151-219, a supplemental allocation must be provided to each  
353 school district and charter school on the basis of the count of  
354 students in average daily membership who are identified as gifted  
355 students. The supplemental allocation per each gifted student in  
356 average daily membership must be calculated by applying a weight  
357 equal to twenty-five percent (25%) to the student base amount  
358 prescribed under Section 37-151-207.

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

362         **SECTION 10.** The following shall be codified as Section  
363 37-151-219, Mississippi Code of 1972:

364         37-151-219. (1) In addition to the grade level allocations  
365 established under Section 37-151-209 and supplemental allocations  
366 required under Sections 37-151-211 through 37-151-217, a  
367 supplemental allocation must be provided to each school district



368 identified as a sparse school district by the State Department of  
369 Education. The supplemental allocation must be calculated by  
370 applying a weight, for each student in average daily membership in  
371 the sparse school district, equal to ten percent (10%) of the  
372 student base amount prescribed under Section 37-151-207.

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

377 **SECTION 11.** The following shall be codified as Section  
378 37-151-221, Mississippi Code of 1972:

379 37-151-221. (1) Funding pursuant to the Mississippi Uniform  
380 Per Student Funding Formula must be based on the total estimated  
381 costs for the number of students projected to be in average daily  
382 membership (ADM) in kindergarten through Grade 12 in Mississippi  
383 public schools during the fiscal year for which an appropriation  
384 is made. In order for the State Department of Education to  
385 calculate the ADM, each school district shall submit student  
386 enrollment and attendance data to the department in the manner  
387 required by the rules and regulations adopted by the State Board  
388 of Education under subsection (5) of this section. For fiscal  
389 year 2019, the projected change in ADM from the 2017-2018 school  
390 year for each school district equals the average annual change in  
391 enrollment in that school district for the three (3) fiscal years  
392 immediately preceding fiscal year 2019. Beginning with fiscal



393 year 2020, in each school district in which the ADM for the fiscal  
394 year for which funds are being appropriated is projected to be  
395 lower than the immediately preceding fiscal year, the allocation  
396 of funds under the formula must be based on the average of the May  
397 and October student numbers in that district; however, in each  
398 school district in which the ADM for the fiscal year for which  
399 funds are being appropriated is projected to be higher than the  
400 immediately preceding fiscal year, the allocation of funds under  
401 the formula must be based on the October student numbers in that  
402 district.

403 (2) The State Auditor shall make, or require to be made, an  
404 audit of student enrollment and attendance figures during each of  
405 the following weeks:

- 406 (a) The first week of October;
- 407 (b) The third week of January; and
- 408 (c) The first week of May.

409 Each audit conducted by the State Auditor must include data  
410 for specific student populations that are subject to weighting  
411 under the Mississippi Uniform Per Student Funding Formula as well  
412 as the aggregate amount of students in the school district in  
413 which an audit is being conducted. The State Auditor is not  
414 required to audit student enrollment and attendance figures in all  
415 local school districts during these time periods but must make a  
416 concerted effort to conduct audits in as many local districts as  
417 practicable. Advance notice may not be given to a school when an



418 audit is scheduled to be conducted; however, an audit may be  
419 postponed due to extraordinary circumstances such as a natural  
420 disaster or fire.

421 (3) If the average of the October and January figures  
422 determined by the audits conducted pursuant to subsection (2)  
423 reflects that the number of students in actual attendance is below  
424 the number reported by the school district to the State Department  
425 of Education for the month of October and for the month of  
426 January, the State Auditor must certify its finding to the  
427 department. If the average number of students calculated by the  
428 examiners is more than seven percent (7%) lower than the school  
429 district's reported enrollment, the State Department of Education  
430 must use a student number for the next succeeding fiscal year  
431 which equals the average number found by the examiners less an  
432 amount that is the same percentage as the difference in the  
433 average of the examiner's actual findings and the school  
434 district's reported enrollment. The department shall use the  
435 resulting figure in determining the funds to be allocated to the  
436 school district during the succeeding school year.

437 (4) A school district's ADM must include any student  
438 enrolled in a dual enrollment-dual credit program as defined and  
439 provided for in Section 37-15-38. The State Department of  
440 Education shall make payments for dual enrollment-dual credit  
441 programs to the home school district in which the student is  
442 enrolled, in accordance with regulations promulgated by the State





443 Board of Education. All state funding under the formula must  
444 cease upon completion of high school graduation requirements.

445 (5) The State Board of Education shall promulgate such rules  
446 and regulations as may be necessary for the counting and reporting  
447 of student enrollment and attendance numbers by school districts  
448 to the department in a manner that enables the provisions of this  
449 article to be carried out. The rules and regulations must require  
450 school districts to submit data that includes, at a minimum,  
451 numbers for specific student populations that are subject to  
452 weighting under the Mississippi Uniform Per Student Funding  
453 Formula as well as the aggregate amount of students in attendance  
454 when each calculation is made.

455 **SECTION 12.** The following shall be codified as Section  
456 37-151-223, Mississippi Code of 1972:

457 37-151-223. (1) Except as otherwise provided in subsection  
458 (2) of this section, the Legislature, in consultation with  
459 representatives of the State Board of Education and the  
460 Mississippi Charter School Authorizer Board, shall review and  
461 revise this formula no later than three (3) years after July 1,  
462 2018, within two (2) years after the initial review and revision,  
463 and once every four (4) years subsequently. Revisions must be  
464 based upon information and data, including a study of the actual  
465 costs of education in the State of Mississippi, consideration of  
466 performance incentives created by the formula in practice,  
467 research in education and education finance, and public comment.



468 (2) Before January 1, 2021, and every two (2) years  
469 thereafter, the State Board of Education shall submit to the  
470 Legislature a report that reviews the formula and includes  
471 recommendations for revisions to the formula based upon a study of  
472 the actual costs of education in the State of Mississippi,  
473 research in education and education finance, and public comment.  
474 The study of actual costs of education pursuant to this subsection  
475 must include, but need not be limited to, the following:

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

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

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

481 (d) Improved measures of change in the cost of  
482 education; and

483 (e) A review of the costs associated with serving low  
484 income students and of how low income students are identified.

485 (3) The State Superintendent of Public Education is  
486 responsible for the development of the report required under this  
487 section and shall convene a working group to solicit input and  
488 recommendations regarding revisions to the formula. The working  
489 group must be comprised of, at a minimum, representatives from  
490 public schools, charter schools and the general public.

491 **SECTION 13.** The following shall be codified as Section  
492 37-151-225, Mississippi Code of 1972:



493           37-151-225. Allocations to school districts made by the  
494 State Department of Education on the basis of the count of  
495 students in certain grade levels and in student categories  
496 established for the purpose of applying various weights under this  
497 act are intended only to generate total appropriation amounts on a  
498 per student basis. Except as otherwise required by state or  
499 federal law or by rules, regulations, policies or orders of the  
500 State Board of Education and the State Department of Education, a  
501 school district may exercise full autonomy in the spending of all  
502 funds allocated under the formula to the district so long as funds  
503 are expended in the manner determined by the school board to best  
504 meet the needs of the student population of the local school  
505 district.

506           **SECTION 14.** The following shall be codified as Section  
507 37-151-227, Mississippi Code of 1972:

508           37-151-227. (1) (a) The State Department of Education,  
509 pursuant to Section 37-57-1(2), shall determine the amount that  
510 each school district must provide toward the cost of the funding  
511 formula and shall certify that amount to the district. The local  
512 contribution amount for a charter school is an amount determined  
513 as follows: in a school district in which there is located one or  
514 more charter schools, an average per student amount will be  
515 calculated based on the amount that the school district must  
516 provide toward the cost of the funding formula. The average per  
517 student amount must be multiplied times the number of students



518 enrolled in the charter school in that school district, and the  
519 sum is the amount of the charter school's local contribution to  
520 the funding formula.

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

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

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

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

532 (iv) The school district's homestead reimbursement  
533 revenues.

534 (c) The amount of the total funding under the funding  
535 formula which must be contributed by each school district is the  
536 sum of the ad valorem receipts generated by the millage required  
537 under Section 37-57-1 plus the following local revenue sources for  
538 the appropriate fiscal year which are or may be available for  
539 current expenditure by the school district:

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



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

544 (2) (a) Except as otherwise provided in subsection (3), the  
545 required state effort in support of the Uniform Per Student  
546 Funding Formula for each school district and charter school is  
547 determined by subtracting the sum of the required local  
548 contribution, as set forth in subsection (1)(a) of this section,  
549 and the other local revenue sources set forth in subsection (1)(c)  
550 of this section, which total amount may not exceed twenty-seven  
551 percent (27%) of the total projected funding formula cost, from  
552 the total projected Uniform Per Student Funding Formula Cost, as  
553 determined under this article, for the school district or charter  
554 school.

555 (b) If the school board of any school district  
556 determines that it is not economically feasible or practicable to  
557 operate any school within the district for the full one hundred  
558 eighty (180) days required for a school term of a scholastic year  
559 under Section 37-13-63, due to an enemy attack, a man-made,  
560 technological or natural disaster in which the Governor has  
561 declared a disaster emergency under the laws of this state or the  
562 President of the United States has declared an emergency or major  
563 disaster to exist in this state, the school board may notify the  
564 State Department of Education of such disaster and submit a plan  
565 for altering the school term. If the State Board of Education  
566 finds the disaster to be the cause of the school not operating for



567 the contemplated school term and that the school is in a school  
568 district covered by the Governor's or President's disaster  
569 declaration, it may permit the schools in that district to be  
570 operated for less than one hundred eighty (180) days and, in such  
571 case, the State Department of Education may not reduce the state  
572 contributions to the funding formula for that district because of  
573 the failure to operate those schools for one hundred eighty (180)  
574 days.

575         (3) (a) Notwithstanding the provisions of subsection (2) (a)  
576 of this section or any other provision of this article, the state  
577 allocation in support of the Uniform Per Student Funding Formula  
578 for a school district or charter school for fiscal year 2019 and  
579 fiscal year 2020 may not be less than an amount equal to the  
580 amount of state funds received by that school district or charter  
581 school under the Mississippi Adequate Education Program in fiscal  
582 year 2018.

583         (b) Notwithstanding the provisions of subsection (2) (a)  
584 of this section or any other provision of this article, the state  
585 allocation in support of the Uniform Per Student Funding Formula  
586 for a school district or charter school for fiscal year 2021,  
587 fiscal year 2022, fiscal year 2023, fiscal year 2024 and fiscal  
588 year 2025 may not be less than an amount equal to ninety-seven  
589 percent (97%), nor greater than an amount equal to one hundred  
590 three percent (103%), of the state funds received by that school  
591 district or charter school under the Uniform Per Student Funding



592 Formula in the immediately preceding fiscal year; however, the  
593 limitations prescribed in this paragraph do not apply to the  
594 extent of any portion of such a decrease or increase, as the case  
595 may be, in the required state effort for a school district which  
596 is attributable solely to a projected change in the school  
597 district's average daily membership in the year for which funds  
598 are being allocated.

599 (c) This subsection (3) shall stand repealed on July 1,  
600 2025.

601 **SECTION 15.** The following shall be codified as Section  
602 37-151-229, Mississippi Code of 1972:

603 37-151-229. (1) To qualify for state funds under this  
604 article, a school district may not exceed a student-teacher ratio,  
605 based on the district's enrollment, of 27:1 in Grades 1, 2, 3 and  
606 4; for kindergarten and Grades 5 through 12, the student-teacher  
607 ratio must be determined in accordance with appropriate  
608 accreditation standards developed by the Mississippi Commission on  
609 School Accreditation. However, any local district may apply to  
610 the State Board of Education for approval of a waiver to this  
611 section by submitting and justifying an alternative educational  
612 program to serve the needs of enrollment. The State Board of  
613 Education must approve or disapprove of the waiver no later than  
614 forty-five (45) days after receipt of the application.

615 (2) If a school district violates this section, the state  
616 allocation for the next succeeding fiscal year to that school



617 district must be reduced by the percentage variance that the  
618 actual student-teacher ratios in the school district has to the  
619 required student-teacher ratios mandated in this section.

620 (3) Notwithstanding the provisions of this section, the  
621 State Board of Education may waive the student-teacher  
622 requirements specified in this section upon a finding that a good  
623 faith effort is being made by a school district to comply with the  
624 ratio provisions but, due to a lack of classroom space which is  
625 beyond the district's control, it is physically impossible for the  
626 district to comply, and the cost of temporary classroom space  
627 cannot be justified.

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

633 **SECTION 16.** The following shall be codified as Section  
634 37-151-231, Mississippi Code of 1972:

635 37-151-231. The State Department of Education shall revise  
636 the Accounting Manual for Mississippi Public School Districts to  
637 improve financial reporting at the school, district and state  
638 level in order to facilitate a transparent system that fairly and  
639 accurately represents the amounts being spent and delivered to  
640 Mississippi's students under the Uniform Per Student Funding  
641 Formula on an annual basis. The department shall develop an





642 additional series of codes for the accounting manual which must be  
643 used by school districts in reporting spending in a manner that  
644 enables the attribution of funds spent to the student subgroups,  
645 by demographics, and/or school buildings that benefitted from  
646 those funds.

647         **SECTION 17.** The following shall be codified as Section  
648 37-151-233, Mississippi Code of 1972:

649         37-151-233. (1) The State Department of Education shall  
650 develop and implement a fiscal transparency system that compares  
651 financial investment under the Mississippi Uniform Per Student  
652 Funding Formula for each school district with student academic  
653 growth in the district on an annual basis. The transparency  
654 system also must enable school district outcomes to be compared  
655 with the outcomes of peer districts at both the school and student  
656 subgroup levels and must be detailed sufficiently to allow a  
657 determination to be made on whether funding allocated for students  
658 with specific cost considerations is sufficient to elicit intended  
659 academic outcomes. For the purposes of this section, "peer  
660 districts" are those school districts identified by the State  
661 Department of Education as districts having comparable numbers and  
662 demographics of students.

663         (2) The State Department of Education shall make available  
664 information relating to spending and outcomes, as collected  
665 through the transparency system implemented pursuant to subsection  
666 (1), on the department's website. The information must be in a



667 searchable format that allows users to search for any school or  
668 district in the state and to generate a report on the details of  
669 spending and outcomes by student subgroup. In addition, the  
670 information must be presented in such a manner that allows  
671 information for a particular school or school district to be  
672 compared with other similar schools or school districts throughout  
673 the state.

674           **SECTION 18.** The following shall be codified as Section  
675 37-151-235, Mississippi Code of 1972:

676           37-151-235. (1) The State Department of Education shall  
677 develop and implement a financial rating model for the purpose of  
678 reviewing the general financial health of school districts in the  
679 state as well as the fiscal output, or return on investment, on an  
680 annual basis. The assessment of a school district's general  
681 fiscal health under the financial rating model must include a  
682 review of the following:

- 683                   (a) The district's annual financial audit;
- 684                   (b) The ratio of annual expenditures to revenue;
- 685                   (c) The district's maintenance of short- and long-term  
686 debt;
- 687                   (d) Annual federal funds lapse;
- 688                   (e) Debt-to-operating expenses ratios; and
- 689                   (f) Such other indicators of financial stewardship as  
690 determined by the department.



691           The assessment of a school district's fiscal output may  
692 include both student-focused analyses and nonstudent outcomes,  
693 including, but not limited to, a review of professional  
694 development spending compared to annual growth on teacher  
695 evaluations and the cost of facility maintenance and small capital  
696 repairs compared to teacher workplace satisfaction polls.

697           (2) The department shall implement a weighting system as  
698 part of the financial rating model under which different portions  
699 of a school district's assessment are weighted appropriately. The  
700 various weights must be combined to form a single score for the  
701 school district, which score must be in such format that allows  
702 the score to be compared to scores earned by other school  
703 districts identified as peer school districts by the department.  
704 School districts having poor outcomes, as determined by the  
705 department, must be encouraged to achieve more efficient spending  
706 in accordance with the following:

707           (a) In the first year that a school district earns a  
708 very low score, as defined by the department, the department shall  
709 submit a written warning to the school district regarding the  
710 school district's financial assessment.

711           (b) In the second consecutive year that a school  
712 district receives a very low score, the department shall assign a  
713 higher-performing peer district to offer technical assistance to  
714 the school district and to review practices and make



715 recommendations for improving the quality and cost-effectiveness  
716 of programs in the low-performing district.

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

721 (d) In the fourth consecutive year that school district  
722 receives a very low score, the State Board of Education shall take  
723 such steps as may be necessary to request the Governor to declare  
724 a state of emergency in the district, as authorized under Section  
725 37-17-6.

726 **SECTION 19.** The following shall be codified as Section  
727 37-151-237, Mississippi Code of 1972:

728 37-151-237. (1) The State Department of Education shall  
729 conduct a comprehensive review of all rules, regulations, orders  
730 and policies of the department and State Board of Education to  
731 identify all accreditation standards established by rule,  
732 regulation, order or policy which create a fiscal impact on school  
733 districts and to determine if such standards are critical to  
734 student success. The department shall examine those rules,  
735 regulations, orders and policies to assess whether compliance with  
736 the administrative requirements causes a fiscal impact that has  
737 the effect of earmarking state funds before those funds are  
738 allocated to a school district and forcing inefficient spending  
739 while restricting innovation by the district. The study must



740 identify those areas in which school districts are required to  
741 follow a prescribed or assumed investment of resources rather than  
742 be held to an expected outcome, including, but not limited to:  
743 student-to-teacher ratios; teacher-to-administrator ratios; and  
744 teacher salary schedules. The department also shall examine any  
745 rules, regulations, orders or policies that prohibit or restrict  
746 the use of state funds or the use of local funds for certain  
747 expenditures to ascertain whether those provisions are necessary  
748 or desirable under the student-centered Mississippi Uniform Per  
749 Student Funding Formula. Based upon the results of the review,  
750 the State Board of Education or the department shall consider  
751 making any necessary or desirable revisions to any rule,  
752 regulation, order or policy deemed inconsistent with the intent of  
753 the funding formula.

754 (2) Before October 1, 2019, the State Department of  
755 Education shall submit a report to the Joint Legislative Study  
756 Committee on Statutory Education Accreditation Standards created  
757 under Section 20 of this act on the rules, regulations, orders and  
758 policies being considered for revision by the department or State  
759 Board of Education, along with the reasons for those revisions,  
760 and including any recommended legislation for statutory revisions  
761 deemed necessary or desirable by the department or board in  
762 furthering the intent of the funding formula.

763 **SECTION 20.** (1) There is created the Joint Legislative  
764 Study Committee on Statutory Education Accreditation Standards.



765 The purpose of the committee is to identify all accreditation  
766 standards established by state law which create a fiscal impact on  
767 school districts and to determine if such standards are critical  
768 to student success. The committee shall conduct a comprehensive  
769 review of those laws to assess whether compliance with the  
770 statutory requirements causes a fiscal impact that has the effect  
771 of earmarking state funds before those funds are allocated to a  
772 school district and forcing inefficient spending while restricting  
773 innovation by the district. The study must identify those areas  
774 in which school districts are required to follow a prescribed or  
775 assumed investment of resources rather than be held to an expected  
776 outcome, including, but not limited to: student-to-teacher  
777 ratios; teacher-to-administrator ratios; and teacher salary  
778 schedules. The committee also shall examine those statutes that  
779 prohibit or restrict the use of state funds or the use of local  
780 funds for certain expenditures to ascertain whether those  
781 provisions are necessary or desirable under the student-centered  
782 Mississippi Uniform Per Student Funding Formula.

783 (2) Upon completing its review of statutory accreditation  
784 requirements pursuant to subsection (1), the study committee, in  
785 consultation with the State Department of Education, shall  
786 research the desirability and feasibility of creating and  
787 implementing an accountability system of earned autonomy under  
788 which the highest performing and highest academic growth school  
789 districts are granted independence from certain administrative and



790 statutory requirements. The study committee shall consider  
791 establishing different tiers of flexibility that may be exercised  
792 in high performing districts that exceed either growth or  
793 performance goals established by the State Department of Education  
794 and shall determine if the earned autonomy should be implemented  
795 as a stand alone accountability system or as a separate component  
796 of any new fiscal accountability model which may be established as  
797 a result of the study committee's recommendations.

798 (3) The Joint Legislative Study Committee on Statutory  
799 Education Accreditation Standards is comprised of the following  
800 members:

801 (a) The Chairman of the House Education Committee;  
802 (b) The Chairman of the Senate Education Committee;  
803 (c) The Chairman of the House Appropriations Committee;  
804 (d) The Chairman of the Senate Appropriations

805 Committee;

806 (e) Two (2) members of the House Education Committee  
807 appointed by the Speaker of the House of Representatives;

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

810 (g) Two (2) members of the House Appropriations  
811 Committee appointed by the Speaker of the House of  
812 Representatives; and

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



815           The committee shall convene no later than thirty (30) days  
816 after the effective date of this act. The Speaker of the House of  
817 Representatives and the Lieutenant Governor shall each designate a  
818 member of the committee from their respective chambers to serve as  
819 joint chairmen of the committee.

820           (4) For attending meetings of the committee, each member  
821 must be paid from the contingent expense fund of the member's  
822 respective house per diem in the amount authorized by Section  
823 25-3-69 and a mileage allowance and expense allowance in the  
824 amount authorized under Section 5-1-47. However, no per diem,  
825 mileage allowance or expense allowance for attending meetings of  
826 the committee may be paid while the Legislature is in session, and  
827 no per diem, mileage allowance or expense allowance may be paid  
828 without prior approval of the proper committee in the member's  
829 respective house.

830           (5) The study committee shall cause to be prepared and  
831 introduced any legislation deemed necessary or desirable based  
832 upon its findings and determinations during the 2019 or 2020, or  
833 both, Regular Session of the Legislature. Upon making its final  
834 recommendations, the Joint Legislative Study Committee on  
835 Statutory Education Accreditation Standards shall be dissolved.

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

837           **SECTION 21.** The following shall be codified as Section  
838 37-151-239, Mississippi Code of 1972:





839           37-151-239. (1) The State Board of Education shall  
840 establish a study committee for the purpose of studying and making  
841 recommendations relating to the use of a service-based, or  
842 Individualized Education Program (IEP)-based, funding model in  
843 order to improve the funding of special education throughout the  
844 state.

845           (2) The State Superintendent of Public Education shall  
846 appoint members to serve on the study committee. Members of the  
847 committee must be representative of the state's population and  
848 involved in, or concerned with, the education of children eligible  
849 for special education services. The committee must be comprised  
850 of no less than the following members:

851                   (a) The State Director of the Office of Special  
852 Education within the State Department of Education;

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

856                   (c) A district-level director of special education  
857 services from the administrative offices of one or more school  
858 districts;

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

861                   (e) Special education teachers representing various  
862 school districts;



863 (f) School-level support staff who assist with students  
864 receiving special education services representing various school  
865 districts;

866 (g) Parents of students receiving special education  
867 services in various school districts;

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

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

874 In making appointments to the committee, the superintendent  
875 shall select persons from rural and urban school districts  
876 throughout the state which vary in size and demographics in order  
877 to ensure that the diverse interests of different school districts  
878 are represented on the committee.

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

880 (a) Analyze the current system utilized by the state  
881 relating to the reporting of special education students and  
882 services by school districts and the state calculation and  
883 budgeting for those students and services in order to determine if  
884 the system is the most accurate and efficient means to fund  
885 special education;

886 (b) Study IEP-based funding models incorporating  
887 consideration of both diagnoses and services which have been



888 successfully implemented in the funding of special education in  
889 other states;

890 (c) Determine the feasibility and suitability of  
891 transitioning to an IEP-based funding system in the State of  
892 Mississippi, with consideration given to the resources and time  
893 needed to implement an IEP-based funding program thoughtfully and  
894 requisite changes to the State's Performance Plan and Maintenance  
895 of Effort (MOE) baseline funding under the Individuals with  
896 Disabilities Education Act (IDEA); and

897 (d) Prepare and submit a report to the Education and  
898 Appropriations Committees of the House of Representatives and  
899 Senate on its findings and recommendations before December 1,  
900 2018.

901 **SECTION 22.** The following shall be codified as Section  
902 37-151-241, Mississippi code of 1972:

903 37-151-241. (1) There is established the Early Learning  
904 Funding Continuum Study Committee. The committee shall study and  
905 make recommendations relating to the establishment of an early  
906 learning funding continuum by expanding pre-kindergarten funding  
907 and providing additional funding for students in early grades  
908 through an appropriate weight in the funding formula.

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

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



913 (b) The Director of the Early Childhood Office within  
914 the State Department of Education;

915 (c) An employee of the State Department of Education  
916 who has a thorough knowledge and understanding of the Mississippi  
917 Uniform Per Student Funding Formula and early childhood and  
918 elementary education programs that are funded separately from the  
919 formula;

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

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

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

930 (g) The director of the Division of Early Childhood  
931 Care and Development within the Mississippi Department of Human  
932 Services;

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



938 (i) Such other persons who have experience and  
939 expertise in the funding and delivery of public and private  
940 prekindergarten and elementary education programs, selected and  
941 appointed by the State Superintendent of Public Education.

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

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

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

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

955 (c) Study methods for providing supplemental funding  
956 for students in the early grades which create connectivity between  
957 prekindergarten and grade school and promote early academic  
958 success; and

959 (d) Prepare and submit a report to the Education and  
960 Appropriations Committees of the House of Representatives and  
961 Senate on its findings and recommendations before December 1,  
962 2018.



963 (4) Appointments to the committee must be made within thirty  
964 (30) days after the effective date of this act. A majority of the  
965 members of the committee shall constitute a quorum. Members of  
966 the committee may not be compensated for the performance of their  
967 duties under this section. Any incidental costs associated with  
968 conducting the study must be paid by the State Department of  
969 Education.

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

974 (6) Upon presentation of its report to the Legislature, the  
975 Early Learning Funding Continuum Study Committee shall be  
976 dissolved.

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

979 1-3-26. Wherever the phrase "minimum education program,"  
980 "minimum program," \* \* \* ~~or~~ "minimum foundation program,"  
981 "Mississippi Adequate Education Program," "adequate education  
982 program," or "MAEP" shall appear in the laws of this state, it  
983 shall be construed to mean the \* \* \* ~~"Mississippi Adequate~~  
984 ~~Education Program"~~ "Mississippi Uniform Per Student Funding  
985 Formula" created under \* \* \* ~~Section 37-151-1 et seq~~ Chapter 151,  
986 Title 37, Mississippi Code of 1972.



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

989           7-7-211. The department shall have the power and it shall be  
990 its duty:

991           (a) To identify and define for all public offices of  
992 the state and its subdivisions generally accepted accounting  
993 principles or other accounting principles as promulgated by  
994 nationally recognized professional organizations and to consult  
995 with the State Fiscal Officer in the prescription and  
996 implementation of accounting rules and regulations;

997           (b) To provide best practices, for all public offices  
998 of regional and local subdivisions of the state, systems of  
999 accounting, budgeting and reporting financial facts relating to  
1000 said offices in conformity with legal requirements and with  
1001 generally accepted accounting principles or other accounting  
1002 principles as promulgated by nationally recognized professional  
1003 organizations; to assist such subdivisions in need of assistance  
1004 in the installation of such systems; to revise such systems when  
1005 deemed necessary, and to report to the Legislature at periodic  
1006 times the extent to which each office is maintaining such systems,  
1007 along with such recommendations to the Legislature for improvement  
1008 as seem desirable;

1009           (c) To study and analyze existing managerial policies,  
1010 methods, procedures, duties and services of the various state  
1011 departments and institutions upon written request of the Governor,



1012 the Legislature or any committee or other body empowered by the  
1013 Legislature to make such request to determine whether and where  
1014 operations can be eliminated, combined, simplified and improved;

1015 (d) To postaudit each year and, when deemed necessary,  
1016 preaudit and investigate the financial affairs of the departments,  
1017 institutions, boards, commissions, or other agencies of state  
1018 government, as part of the publication of a comprehensive annual  
1019 financial report for the State of Mississippi, or as deemed  
1020 necessary by the State Auditor. In complying with the  
1021 requirements of this paragraph, the department shall have the  
1022 authority to conduct all necessary audit procedures on an interim  
1023 and year-end basis;

1024 (e) To postaudit and, when deemed necessary, preaudit  
1025 and investigate separately the financial affairs of (i) the  
1026 offices, boards and commissions of county governments and any  
1027 departments and institutions thereof and therein; (ii) public  
1028 school districts, departments of education and junior college  
1029 districts; and (iii) any other local offices or agencies which  
1030 share revenues derived from taxes or fees imposed by the State  
1031 Legislature or receive grants from revenues collected by  
1032 governmental divisions of the state; the cost of such audits,  
1033 investigations or other services to be paid as follows: Such part  
1034 shall be paid by the state from appropriations made by the  
1035 Legislature for the operation of the State Department of Audit as  
1036 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour





1037 for the services of each staff person engaged in performing the  
1038 audit or other service plus the actual cost of any independent  
1039 specialist firm contracted by the State Auditor to assist in the  
1040 performance of the audit, which sum shall be paid by the county,  
1041 district, department, institution or other agency audited out of  
1042 its general fund or any other available funds from which such  
1043 payment is not prohibited by law. Costs paid for independent  
1044 specialists or firms contracted by the State Auditor shall be paid  
1045 by the audited entity through the State Auditor to the specialist  
1046 or firm conducting the postaudit.

1047 Each school district in the state shall have its financial  
1048 records audited annually, at the end of each fiscal year, either  
1049 by the State Auditor or by a certified public accountant approved  
1050 by the State Auditor. Beginning with the audits of fiscal year  
1051 2010 activity, no certified public accountant shall be selected to  
1052 perform the annual audit of a school district who has audited that  
1053 district for three (3) or more consecutive years previously.

1054 Certified public accountants shall be selected in a manner  
1055 determined by the State Auditor. The school district shall have  
1056 the responsibility to pay for the audit, including the review by  
1057 the State Auditor of audits performed by certified public  
1058 accountants;

1059 (f) To postaudit and, when deemed necessary, preaudit  
1060 and investigate the financial affairs of the levee boards;  
1061 agencies created by the Legislature or by executive order of the



1062 Governor; profit or nonprofit business entities administering  
1063 programs financed by funds flowing through the State Treasury or  
1064 through any of the agencies of the state, or its subdivisions; and  
1065 all other public bodies supported by funds derived in part or  
1066 wholly from public funds, except municipalities which annually  
1067 submit an audit prepared by a qualified certified public  
1068 accountant using methods and procedures prescribed by the  
1069 department;

1070 (g) To make written demand, when necessary, for the  
1071 recovery of any amounts representing public funds improperly  
1072 withheld, misappropriated and/or otherwise illegally expended by  
1073 an officer, employee or administrative body of any state, county  
1074 or other public office, and/or for the recovery of the value of  
1075 any public property disposed of in an unlawful manner by a public  
1076 officer, employee or administrative body, such demands to be made  
1077 (i) upon the person or persons liable for such amounts and upon  
1078 the surety on official bond thereof, and/or (ii) upon any  
1079 individual, partnership, corporation or association to whom the  
1080 illegal expenditure was made or with whom the unlawful disposition  
1081 of public property was made, if such individual, partnership,  
1082 corporation or association knew or had reason to know through the  
1083 exercising of reasonable diligence that the expenditure was  
1084 illegal or the disposition unlawful. Such demand shall be  
1085 premised on competent evidence, which shall include at least one  
1086 (1) of the following: (i) sworn statements, (ii) written



1087 documentation, (iii) physical evidence, or (iv) reports and  
1088 findings of government or other law enforcement agencies. Other  
1089 provisions notwithstanding, a demand letter issued pursuant to  
1090 this paragraph shall remain confidential by the State Auditor  
1091 until the individual against whom the demand letter is being filed  
1092 has been served with a copy of such demand letter. If, however,  
1093 such individual cannot be notified within fifteen (15) days using  
1094 reasonable means and due diligence, such notification shall be  
1095 made to the individual's bonding company, if he or she is bonded.  
1096 Each such demand shall be paid into the proper treasury of the  
1097 state, county or other public body through the office of the  
1098 department in the amount demanded within thirty (30) days from the  
1099 date thereof, together with interest thereon in the sum of one  
1100 percent (1%) per month from the date such amount or amounts were  
1101 improperly withheld, misappropriated and/or otherwise illegally  
1102 expended. In the event, however, such person or persons or such  
1103 surety shall refuse, neglect or otherwise fail to pay the amount  
1104 demanded and the interest due thereon within the allotted thirty  
1105 (30) days, the State Auditor shall have the authority and it shall  
1106 be his duty to institute suit, and the Attorney General shall  
1107 prosecute the same in any court of the state to the end that there  
1108 shall be recovered the total of such amounts from the person or  
1109 persons and surety on official bond named therein; and the amounts  
1110 so recovered shall be paid into the proper treasury of the state,  
1111 county or other public body through the State Auditor. In any



1112 case where written demand is issued to a surety on the official  
1113 bond of such person or persons and the surety refuses, neglects or  
1114 otherwise fails within one hundred twenty (120) days to either pay  
1115 the amount demanded and the interest due thereon or to give the  
1116 State Auditor a written response with specific reasons for  
1117 nonpayment, then the surety shall be subject to a civil penalty in  
1118 an amount of twelve percent (12%) of the bond, not to exceed Ten  
1119 Thousand Dollars (\$10,000.00), to be deposited into the State  
1120 General Fund;

1121 (h) To investigate any alleged or suspected violation  
1122 of the laws of the state by any officer or employee of the state,  
1123 county or other public office in the purchase, sale or the use of  
1124 any supplies, services, equipment or other property belonging  
1125 thereto; and in such investigation to do any and all things  
1126 necessary to procure evidence sufficient either to prove or  
1127 disprove the existence of such alleged or suspected violations.  
1128 The Department of Investigation of the State Department of Audit  
1129 may investigate, for the purpose of prosecution, any suspected  
1130 criminal violation of the provisions of this chapter. For the  
1131 purpose of administration and enforcement of this chapter, the  
1132 enforcement employees of the Department of Investigation of the  
1133 State Department of Audit have the powers of a law enforcement  
1134 officer of this state, and shall be empowered to make arrests and  
1135 to serve and execute search warrants and other valid legal process  
1136 anywhere within the State of Mississippi. All enforcement



1137 employees of the Department of Investigation of the State  
1138 Department of Audit hired on or after July 1, 1993, shall be  
1139 required to complete the Law Enforcement Officers Training Program  
1140 and shall meet the standards of the program;

1141 (i) To issue subpoenas, with the approval of, and  
1142 returnable to, a judge of a chancery or circuit court, in termtime  
1143 or in vacation, to examine the records, documents or other  
1144 evidence of persons, firms, corporations or any other entities  
1145 insofar as such records, documents or other evidence relate to  
1146 dealings with any state, county or other public entity. The  
1147 circuit or chancery judge must serve the county in which the  
1148 records, documents or other evidence is located; or where all or  
1149 part of the transaction or transactions occurred which are the  
1150 subject of the subpoena;

1151 (j) In any instances in which the State Auditor is or  
1152 shall be authorized or required to examine or audit, whether  
1153 preaudit or postaudit, any books, ledgers, accounts or other  
1154 records of the affairs of any public hospital owned or owned and  
1155 operated by one or more political subdivisions or parts thereof or  
1156 any combination thereof, or any school district, including  
1157 activity funds thereof, it shall be sufficient compliance  
1158 therewith, in the discretion of the State Auditor, that such  
1159 examination or audit be made from the report of any audit or other  
1160 examination certified by a certified public accountant and  
1161 prepared by or under the supervision of such certified public



1162 accountant. Such audits shall be made in accordance with  
1163 generally accepted standards of auditing, with the use of an audit  
1164 program prepared by the State Auditor, and final reports of such  
1165 audits shall conform to the format prescribed by the State  
1166 Auditor. All files, working papers, notes, correspondence and all  
1167 other data compiled during the course of the audit shall be  
1168 available, without cost, to the State Auditor for examination and  
1169 abstracting during the normal business hours of any business day.  
1170 The expense of such certified reports shall be borne by the  
1171 respective hospital, or any available school district  
1172 funds \* \* \*~~other than minimum program funds~~, subject to  
1173 examination or audit. The State Auditor shall not be bound by  
1174 such certified reports and may, in his or their discretion,  
1175 conduct such examination or audit from the books, ledgers,  
1176 accounts or other records involved as may be appropriate and  
1177 authorized by law;

1178 (k) The State Auditor shall have the authority to  
1179 contract with qualified public accounting firms to perform  
1180 selected audits required in paragraphs (d), (e), (f) and (j) of  
1181 this section, if funds are made available for such contracts by  
1182 the Legislature, or if funds are available from the governmental  
1183 entity covered by paragraphs (d), (e), (f) and (j). Such audits  
1184 shall be made in accordance with generally accepted standards of  
1185 auditing. All files, working papers, notes, correspondence and  
1186 all other data compiled during the course of the audit shall be



1187 available, without cost, to the State Auditor for examination and  
1188 abstracting during the normal business hours of any business day;

1189 (l) The State Auditor shall have the authority to  
1190 establish training courses and programs for the personnel of the  
1191 various state and local governmental entities under the  
1192 jurisdiction of the Office of the State Auditor. The training  
1193 courses and programs shall include, but not be limited to, topics  
1194 on internal control of funds, property and equipment control and  
1195 inventory, governmental accounting and financial reporting, and  
1196 internal auditing. The State Auditor is authorized to charge a  
1197 fee from the participants of these courses and programs, which fee  
1198 shall be deposited into the Department of Audit Special Fund.  
1199 State and local governmental entities are authorized to pay such  
1200 fee and any travel expenses out of their general funds or any  
1201 other available funds from which such payment is not prohibited by  
1202 law;

1203 (m) Upon written request by the Governor or any member  
1204 of the State Legislature, the State Auditor may audit any state  
1205 funds and/or state and federal funds received by any nonprofit  
1206 corporation incorporated under the laws of this state;

1207 (n) To conduct performance audits of personal or  
1208 professional service contracts by state agencies on a random  
1209 sampling basis, or upon request of the State Personal Service  
1210 Contract Review Board under Section 25-9-120(3); and



1211 (o) At the discretion of the State Auditor, the Auditor  
1212 may conduct risk assessments, as well as performance and  
1213 compliance audits based on Generally Accepted Government Auditing  
1214 Standards (GAGAS) of any state-funded economic development program  
1215 authorized under Title 57, Mississippi Code of 1972. After risk  
1216 assessments or program audits, the State Auditor may conduct  
1217 audits of those projects deemed high-risk, specifically as they  
1218 identify any potential wrongdoing or noncompliance based on  
1219 objectives of the economic development program. The Auditor is  
1220 granted authority to gather, audit and review data and information  
1221 from the Mississippi Development Authority or any of its agents,  
1222 the Department of Revenue, and when necessary under this  
1223 paragraph, the recipient business or businesses or any other  
1224 private, public or nonprofit entity with information relevant to  
1225 the audit project. The maximum amount the State Auditor may bill  
1226 the oversight agency under this paragraph in any fiscal year is  
1227 One Hundred Thousand Dollars (\$100,000.00), based on reasonable  
1228 and necessary expenses.

1229 **SECTION 25.** Section 19-9-157, Mississippi Code of 1972, is  
1230 amended as follows:

1231 19-9-157. The board of supervisors of the situs county, upon  
1232 receipt of the payments pursuant to Section 19-9-151 less the  
1233 payment made according to Section 19-9-153, shall pay all such  
1234 funds in excess of Five Million Five Hundred Thousand Dollars  
1235 (\$5,500,000.00) to the governing authorities of the public school





1236 districts in such county in the proportion that the average daily  
1237 \* \* \*~~attendance~~ membership for the preceding scholastic year of  
1238 each school district bears to the total average  
1239 daily \* \* \*~~attendance~~ membership of the county for the preceding  
1240 scholastic year. Such funds may be expended only for the purposes  
1241 of capital improvements to school facilities and only after plans  
1242 therefor have been submitted to and approved by  
1243 the \* \* \*~~Educational Finance Commission or its successor~~ State  
1244 Board of Education. The governing authorities of such school  
1245 districts may borrow money in anticipation of receipt of payments  
1246 pursuant to this section and the levying authority for the school  
1247 district may issue negotiable notes therefor, for the purposes set  
1248 forth herein. Such loan shall be repaid from the payments  
1249 received under this section by the governing authorities of the  
1250 public school district. However, no public school districts  
1251 within the situs county shall be entitled to any payments after  
1252 January 1, 1990.

1253 **SECTION 26.** Section 19-9-171, Mississippi Code of 1972, is  
1254 amended as follows:

1255 19-9-171. The revenue from ad valorem taxes for school  
1256 district purposes that are levied upon liquefied natural gas  
1257 terminals or improvements thereto constructed after July 1, 2007,  
1258 crude oil refineries constructed after July 1, 2007, and  
1259 expansions or improvements to existing crude oil refineries  
1260 constructed after July 1, 2007, shall be distributed to all public



1261 school districts in the county in which the facilities are located  
1262 in the proportion that the average daily \* \* \*~~attendance~~  
1263 membership of each school district bears to the total average  
1264 daily \* \* \*~~attendance~~ membership of all school districts in the  
1265 county. The county or municipal tax collector, as the case may  
1266 be, shall pay such tax collections, except for taxes collected for  
1267 the payment of the principal of and interest on school bonds or  
1268 notes and except for taxes collected to defray collection costs,  
1269 into the appropriate school depository and report to the school  
1270 board of the appropriate school district at the same time and in  
1271 the same manner as the tax collector makes his payments and  
1272 reports of other taxes collected by him.

1273 **SECTION 27.** Section 25-4-29, Mississippi Code of 1972, is  
1274 amended as follows:

1275 25-4-29. (1) Required statements hereunder shall be filed  
1276 as follows:

1277 (a) Every incumbent public official required by  
1278 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a  
1279 statement of economic interest shall file such statement with the  
1280 commission on or before May 1 of each year that such official  
1281 holds office, regardless of duration;

1282 (b) Candidates for office required to file a statement  
1283 hereunder shall file such statement within fifteen (15) days after  
1284 the deadline for qualification for that public office;



1285 (c) Persons who are required to file a statement  
1286 because of appointment to fill a vacancy in an office or required  
1287 to file under Section 25-4-25(d) and (e) shall file such statement  
1288 within thirty (30) days of their appointment;

1289 (d) No person by reason of successful candidacy or  
1290 assuming additional offices shall be required to file more than  
1291 one (1) statement of economic interest in any calendar year,  
1292 except such official shall notify the commission as soon as  
1293 practicable of additional offices not previously reported; and

1294 (e) The commission may, on an individual case basis,  
1295 provide for additional time to file a statement upon a showing  
1296 that compliance with a filing date set out under paragraph (a),  
1297 (b), (c) or (d) above would work an unreasonable hardship.

1298 (2) Any person who fails to file a statement of economic  
1299 interest within thirty (30) days of the date the statement is due  
1300 shall be deemed delinquent by the commission. The commission  
1301 shall give written notice of the delinquency to the person by  
1302 United States mail or by personal service of process. If within  
1303 fifteen (15) days of receiving written notice of delinquency the  
1304 delinquent filer has not filed the statement of economic interest,  
1305 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total  
1306 fine of One Thousand Dollars (\$1,000.00), shall be assessed  
1307 against the delinquent filer for each day thereafter in which the  
1308 statement of economic interest is not properly filed. The  
1309 commission shall enroll such assessment as a civil judgment with



1310 the circuit clerk in the delinquent filer's county of residence.  
1311 The commission may enforce the judgment for the benefit of the  
1312 State General Fund for the support of the \* \* \*~~Mississippi~~  
1313 ~~Adequate Education Program~~ Mississippi Uniform Per Student Funding  
1314 Formula in the same manner as is prescribed for other civil  
1315 judgments.

1316         **SECTION 28.** Section 27-25-706, Mississippi Code of 1972, is  
1317 amended as follows:

1318         27-25-706. The board of supervisors of any county in the  
1319 State of Mississippi bordering on the Pearl River and having a  
1320 population according to the 1970 census of not less than forty  
1321 thousand (40,000) and not more than fifty thousand (50,000), and  
1322 through which Interstate Highway 20 runs, and wherein there is  
1323 being constructed or has been constructed a plant for the  
1324 extracting of sulphur from natural gas, and the board of  
1325 supervisors of any county in the State of Mississippi bordering on  
1326 the Pearl River and having a population according to the 1970  
1327 census of not less than nineteen thousand (19,000) and not more  
1328 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and  
1329 Mississippi Highway 28 intersect and wherein there is being  
1330 constructed or has been constructed a plant for the extracting of  
1331 sulphur from natural gas, are hereby authorized and empowered, in  
1332 their discretion, to pledge all or any part of the county's share  
1333 of the severance tax on gas extracted, handled or processed  
1334 through such extraction plant, as additional security for the



1335 payment of bonds issued for the purpose of constructing,  
1336 reconstructing, overlaying and/or repairing, an access road or  
1337 roads or publicly owned railroads to and from such sulphur  
1338 extraction plant. The amount so pledged for the payment of the  
1339 principal of and the interest on such bonds shall be deducted and  
1340 set aside by such board of supervisors prior to the distribution  
1341 of such severance taxes in the manner provided by law, and only  
1342 the amount of such severance taxes remaining after such deduction  
1343 shall be subject to such distribution. The board of supervisors  
1344 in such counties may pledge only up to fifty percent (50%) of such  
1345 severance taxes as their respective county may receive to retire  
1346 the bonds and interest pursuant to the authority of this section.  
1347 The required local contribution of said counties to the cost of  
1348 the \* \* \*~~minimum foundation education program~~ uniform per student  
1349 funding formula shall not be reduced nor shall the obligation of  
1350 the state under \* \* \*~~said minimum foundation program~~ the funding  
1351 formula to said counties be increased because of the passage of  
1352 this section.

1353 Such bonds shall be issued under the provisions of Sections  
1354 19-9-1 through Section 19-9-19.

1355 **SECTION 29.** Section 27-33-3, Mississippi Code of 1972, is  
1356 amended as follows:

1357 27-33-3. In order to recognize and give effect to the  
1358 principle of tax-free homes as a public policy in Mississippi, to  
1359 encourage home building and ownership, and to give additional



1360 security to family groups, it is hereby declared that homes  
1361 legally assessed on the land roll, owned and actually occupied as  
1362 a home by bona fide residents of this state, who are heads of  
1363 families, shall be exempt from the ad valorem taxes herein  
1364 enumerated, on not in excess of Seven Thousand Five Hundred  
1365 Dollars (\$7,500.00) of the assessed value including an area of  
1366 land not in excess of that specified hereinafter in this article.  
1367 The exemption from taxes shall be limited to the following:

1368 (a) All homeowners who are heads of families and who  
1369 qualify under the provisions of this article shall be exempt from  
1370 taxes levied in 1983 and payable in 1984 and from taxes levied in  
1371 1984 and payable in 1985 as follows:

1372 (i) The ad valorem taxes levied by counties  
1373 pursuant to Section 27-39-329. Amounts so exempted shall not be  
1374 reimbursed by the state.

1375 (ii) Ad valorem taxes levied for maintenance and  
1376 current expenses by or for a county as authorized by Section  
1377 27-39-303, but the levy for such purpose in any year for which  
1378 reimbursement is to be made shall not exceed the millage levied  
1379 for such purpose for the 1984 fiscal year; or a levy for county  
1380 roads or a road district as authorized by Section 27-39-305; or a  
1381 levy for constructing and maintaining all bridges and culverts as  
1382 authorized by Section 65-15-7, but the levy for either or both of  
1383 such purposes for which reimbursement is to be made shall not in  
1384 any event exceed seven (7) mills in any year; the \* \* \*countywide



1385 levy for the support of the \* \* \*~~minimum education program~~ uniform  
1386 per student funding formula to produce the minimum local ad  
1387 valorem tax effort required \* \* \*~~of a county as authorized~~ of a  
1388 school district by Section 37-57-1, and the supplementary school  
1389 district tax levy for the support and maintenance of \* \* \*~~county~~  
1390 schools as authorized by Section 37-57-105; provided, however,  
1391 that the total of the levies made under said Sections 37-57-1 and  
1392 37-57-105, which shall be exempt under this article, shall be  
1393 limited to twenty (20) mills for any affected property area, and  
1394 in the event the total of such levies should exceed twenty (20)  
1395 mills for any affected property area, the excess shall not be  
1396 exempt under this article, and in such case, the levy for the  
1397 support of the \* \* \*~~minimum education program of the county~~  
1398 uniform per student funding formula shall have priority as an  
1399 exempt levy;

1400 (iii) Ad valorem taxes levied for the support and  
1401 maintenance of agricultural high schools within the limits and as  
1402 authorized by Section 37-27-3, and ad valorem taxes levied for the  
1403 support of community or junior colleges within the limits and as  
1404 authorized by subsection (2) of Section 37-29-141; provided,  
1405 however, that the exemption from taxation and reimbursement for  
1406 tax loss for agricultural high schools and community or junior  
1407 colleges, or any combination of same, shall not exceed three (3)  
1408 mills in any one (1) year for any one (1) county;



1409 (iv) Ad valorem taxes levied for the support of  
1410 the \* \* \*~~minimum education program of~~ uniform per student funding  
1411 formula in a municipal separate school district to produce the  
1412 minimum local ad valorem tax effort required of such municipal  
1413 separate school district as authorized by Section \* \* \*~~37-57-3~~  
1414 37-57-1, and the supplementary tax levy for the support and  
1415 maintenance of the schools of a municipal separate school district  
1416 as authorized by Section 37-57-105; provided, however, the total  
1417 of the levies made under said Sections \* \* \*~~37-57-3~~ 37-57-1 and  
1418 37-57-105 which shall be exempt under this article shall be  
1419 limited to fifteen (15) mills for any affected property area,  
1420 except in those special municipal separate school districts as  
1421 provided by Sections 37-7-701 through 37-7-743, the total of the  
1422 levies made under Sections 37-7-739 and 37-57-105 for such special  
1423 municipal separate school district which shall be exempt under  
1424 this article shall not exceed twenty (20) mills, and in the event  
1425 the total of such levies should exceed fifteen (15) mills for any  
1426 affected property area, or twenty (20) mills in the case of a  
1427 special municipal separate school district, the excess shall not  
1428 be exempt under this article, and, in such case, the levy for the  
1429 support of the \* \* \*~~minimum education program of~~ uniform per  
1430 student funding formula in the municipal separate school district  
1431 shall have priority as an exempt levy;

1432 (v) In the event any law referred to in this  
1433 section is amended so as to authorize an increase in the tax levy





1434 for any purposes, such increase in the levy shall be applied to  
1435 and taxes collected from the property owners on the entire  
1436 assessed value of exempted homes; and the tax loss resulting from  
1437 such increase shall not be reimbursed under the provisions of the  
1438 Homestead Exemption Law, unless such law clearly specifies that  
1439 the exempted assessed value of homes is exempt from such increase;

1440 (vi) Ad valorem taxes levied under Sections  
1441 65-15-7 and 65-15-21 shall be used solely for purposes levied.

1442 (b) Those homeowners who qualify for the exemptions  
1443 provided for in subsection (a) of this section and who have  
1444 reached the age of sixty-five (65) years on or before January 1 of  
1445 the year for which the exemption is claimed; and  
1446 service-connected, totally disabled American veterans who were  
1447 honorably discharged from military service, upon presentation of  
1448 proper proof of eligibility shall be exempt from any and all ad  
1449 valorem taxes, including the forest acreage tax authorized by  
1450 Section 49-19-115, on homesteads not in excess of Seven Thousand  
1451 Five Hundred Dollars (\$7,500.00) of assessed value thereof;  
1452 provided, however, that property owned jointly by husband and wife  
1453 and property owned in fee simple by either spouse shall be  
1454 eligible for this exemption in full if either spouse fulfills the  
1455 age or disability requirement. On all other jointly owned  
1456 property the amount of the allowable exemption shall be determined  
1457 on the basis of each individual joint owner's qualifications and  
1458 pro rata share of the property.



1459 (c) Those homeowners who qualify for the exemptions  
1460 provided for in subsection (a) of this section and who would be  
1461 classified as disabled under the Federal Social Security Act (42  
1462 USCS Section 416(i)), upon presentation of proper proof of  
1463 eligibility shall be exempt from any and all ad valorem taxes,  
1464 including the forest acreage tax authorized by Section 49-19-115,  
1465 on homesteads not in excess of Seven Thousand Five Hundred Dollars  
1466 (\$7,500.00) of assessed value thereof; provided, however, that  
1467 property owned jointly by husband and wife and property owned in  
1468 fee simple by either spouse shall be eligible for this exemption  
1469 in full if either spouse fulfills the disability requirement. On  
1470 all other jointly owned property, the amount of the allowable  
1471 exemption shall be determined on the basis of each individual  
1472 joint owner's qualifications and pro rata share of the property.

1473 (d) Homeowners who qualify for exemption under  
1474 subsection (c) of this section will not be included in the  
1475 limitations of Section 27-33-59(e).

1476 Reimbursement by the State of Mississippi to the various  
1477 taxing units for the tax losses incurred because of the additional  
1478 exemptions provided for under these subsections shall be made in  
1479 accordance with the procedures outlined in Section 27-33-41.

1480 This section shall not apply to claims for homestead  
1481 exemptions filed in any calendar year subsequent to the 1984  
1482 calendar year.



1483           **SECTION 30.** Section 27-39-317, Mississippi Code of 1972, is  
1484 amended as follows:

1485           27-39-317. The board of supervisors of each county shall, at  
1486 its regular meeting in September of each year, levy the county ad  
1487 valorem taxes for the fiscal year, and shall, by order, fix the  
1488 tax rate, or levy, for the county, for the road districts, if any,  
1489 and for the school districts, if any, and for any other taxing  
1490 districts; and the rates, or levies, for the county and for any  
1491 district shall be expressed in mills or a decimal fraction of a  
1492 mill. Said tax rates, or levies, shall determine the ad valorem  
1493 taxes to be collected upon each dollar of valuation, upon the  
1494 assessment rolls of the county, including the assessment of motor  
1495 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of  
1496 1958, Section 27-51-1 et seq., for county taxes; and upon each  
1497 dollar of valuation for the respective districts, as shown upon  
1498 the assessment rolls of the county, including the assessment of  
1499 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law  
1500 of 1958, Section 27-51-1 et seq.; except as to such values as  
1501 shall be exempt, in whole or in part, from certain tax rates or  
1502 levies. If the rate or levy for the county is an increase from  
1503 the previous fiscal year, then the proposed rate or levy shall be  
1504 advertised in accordance with Section 27-39-203. If the board of  
1505 supervisors of any county shall not levy the county taxes and the  
1506 district taxes at its regular September meeting, the board shall  
1507 levy the same on or before September 15 at an adjourned or special



1508 meeting, or thereafter, provided, however, that if such levy be  
1509 not made on or before the fifteenth day of September then the tax  
1510 collector or Department of Revenue may issue road and bridge  
1511 privilege tax license plates for motor vehicles as defined in the  
1512 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,  
1513 without collecting or requiring proof of payment of county ad  
1514 valorem taxes, and may continue to so issue such plates until such  
1515 levy is duly certified to him, and for twenty-four (24) hours  
1516 thereafter.

1517 Notwithstanding the requirements of this section, in the  
1518 event the Department of Revenue orders the county to make an  
1519 adjustment to the tax roll pursuant to Section 27-35-113, the  
1520 county shall have a period of thirty (30) days from the date of  
1521 the commission's final determination to adjust the millage in  
1522 order to collect the same dollar amount of taxes as originally  
1523 levied by the board.

1524 In making the levy of taxes, the board of supervisors shall  
1525 specify, in its order, the levy for each purpose, as follows:

1526 (a) For general county purposes (current expense and  
1527 maintenance taxes), as authorized by Section 27-39-303.

1528 (b) For roads and bridges, as authorized by Section  
1529 27-39-305.

1530 (c) For schools, including the \* \* \*~~countywide minimum~~  
1531 ~~education program~~ uniform per student funding formula levy and the  
1532 levy for each school district including special municipal separate



1533 school districts, but not including other municipal separate  
1534 school districts, and for an agricultural high school, county high  
1535 school or community or junior college (current expense and  
1536 maintenance taxes), as authorized by Chapter 57, Title 37,  
1537 Mississippi Code of 1972, and any other applicable statute. The  
1538 levy for schools shall apply to the assessed value of property in  
1539 the respective school districts, including special municipal  
1540 separate school districts, but not including other municipal  
1541 separate school districts, and a distinct and separate levy shall  
1542 be made for each school district, and the purpose for each levy  
1543 shall be stated.

1544 (d) For road bonds and the interest thereon, separately  
1545 for countywide bonds and for the bonds of each road district.

1546 (e) For school bonds and the interest thereon,  
1547 separately for countywide bonds and for the bonds of each school  
1548 district.

1549 (f) For countywide bonds, and the interest thereon,  
1550 other than for road bonds and school bonds.

1551 (g) For loans, notes or any other obligation, and the  
1552 interest thereon, if permitted by the law.

1553 (h) For any other purpose for which a levy is lawfully  
1554 made.

1555 The order shall state all of the purposes for which the  
1556 general county levy is made, using the administrative items  
1557 suggested by the State Department of Audit \* \* \*~~of Mississippi~~



1558 under the county budget law in its uniform system of accounts for  
1559 counties, but the rate or levy for any item or purpose need not be  
1560 shown; and if a countywide levy is made for any general or special  
1561 purpose under the provisions of any law other than Section  
1562 27-39-303, each such levy shall be separately stated.

1563 During the month of February of each year, if the order or  
1564 resolution of the board of trustees of any school district of said  
1565 county or partly in said county, is filed with it requesting the  
1566 levying of ad valorem taxes for the support and maintenance of  
1567 such school district for the following fiscal year, then the board  
1568 of supervisors of every such county in the state shall notify, in  
1569 writing, within thirty (30) days, the county superintendent of  
1570 education of such county, the levy or levies it intends to make  
1571 for the support and maintenance of such school districts of such  
1572 county at its regular meeting in September following, and the  
1573 county superintendent of education and the trustees of all such  
1574 school districts shall be authorized to use such expressed  
1575 intention of the board of supervisors in computing the support and  
1576 maintenance budget or budgets of such school district or districts  
1577 for the ensuing fiscal school year.

1578 **SECTION 31.** Section 29-3-47, Mississippi Code of 1972, is  
1579 amended as follows:

1580 29-3-47. For its services the State Forestry Commission  
1581 shall be entitled to receive its actual expenses incurred in the  
1582 discharge of the duties herein imposed. In order to provide funds



1583 with which to pay for the general supervision and sale of forest  
1584 products, fifteen percent (15%) of all receipts from the sales of  
1585 forest products shall be placed by the board in a Forestry Escrow  
1586 Fund and reserved to pay for work performed by the State Forestry  
1587 Commission. Such payments shall be equal to the actual expenses  
1588 incurred by the commission as substantiated by itemized bills  
1589 presented to the board.

1590 Money in the Forestry Escrow Fund may be used to pay for any  
1591 forestry work authorized during the period of the agreement and  
1592 shall not be subject to lapse by reason of county budget  
1593 limitations.

1594 In each school district having need of tree planting and  
1595 timber stand improvement, the board of education is authorized to  
1596 place additional amounts in the Forestry Escrow Fund to reimburse  
1597 the State Forestry Commission for actual expenses incurred in  
1598 performing this work, or to pay for any work done under private  
1599 contract under the supervision of said commission. Such  
1600 additional amounts may be made available from forest products  
1601 sales receipts, funds borrowed from the sixteenth section  
1602 principal fund as is provided for in Section 29-3-113, or any  
1603 other funds available to the board of education  
1604 excluding \* \* \*~~minimum foundation program~~ uniform per student  
1605 funding formula funds. Expenditures from the Forestry Escrow Fund  
1606 for tree planting, timber stand improvement, and other forestry



1607 work will be limited to payment for work recommended by the  
1608 Forestry Commission and agreed to by the board of education.

1609 When it becomes evident that the amount of money in the  
1610 Forestry Escrow Fund is in excess of the amount necessary to  
1611 accomplish the work needed to achieve the goals set by the board  
1612 of education and the Forestry Commission, the State Forestry  
1613 Commission shall advise said board to release any part of such  
1614 funds as will not be needed, which may then be spent for any  
1615 purpose authorized by law.

1616 **SECTION 32.** Section 29-3-49, Mississippi Code of 1972, is  
1617 amended as follows:

1618 29-3-49. It shall be the duty of the State Forestry  
1619 Commission, in the manner provided in Section 29-3-45, to enter  
1620 into agreements for timber improvement purposes with the board of  
1621 education upon the request of the board. The contract shall  
1622 provide for the carrying out of a long-term program of timber  
1623 improvement, including any or all of the following: The deadening  
1624 of undesirable hardwoods, the planting of trees, the cutting and  
1625 maintaining of fire lanes, and the establishment of marked  
1626 boundaries on all lands classified as forest lands in the  
1627 agreements, which provide for the reimbursement of all current  
1628 costs incurred by the State Forestry Commission and the carrying  
1629 out of the duties required by such agreements. In the  
1630 alternative, the commission, in its discretion, may have the  
1631 option to contract with a private contractor, subject to the





1632 approval of the board, to perform this work under the supervision  
1633 of the commission. Payment of the reimbursements as hereinabove  
1634 set forth to the Forestry Commission, or of compensation due under  
1635 any such contract with private contractors shall be made upon  
1636 presentation of itemized bills by the commission or the private  
1637 contractors, as the case may be, and may be made out of any  
1638 sixteenth section funds to the credit of, or accruing to, any  
1639 school district in which such work shall be done, or out of any  
1640 other funds available to such district, excluding \* \* \*~~minimum~~  
1641 ~~foundation program~~ uniform per student funding formula funds.

1642       **SECTION 33.** Section 29-3-113, Mississippi Code of 1972, is  
1643 amended as follows:

1644       29-3-113. The principal fund shall be a permanent township  
1645 fund which shall consist of funds heretofore or hereafter derived  
1646 from certain uses or for certain resources of school trust lands  
1647 which shall be invested and, except as otherwise provided in this  
1648 section, only the interest and income derived from such funds  
1649 shall be expendable by the school district.

1650       The principal fund shall consist of:

1651           (a) Funds received for easements and rights-of-way  
1652 pursuant to Section 29-3-91;

1653           (b) Funds received for sales of lieu land pursuant to  
1654 Sections 29-3-15 through 29-3-25;

1655           (c) Funds received from any permanent damage to the  
1656 school trust land;



1657 (d) Funds received from the sale of nonrenewable  
1658 resources, including, but not limited to, the sale of sand,  
1659 gravel, dirt, clays and royalties received from the sale of  
1660 mineral ores, coal, oil and gas;

1661 (e) Funds received from the sale of buildings pursuant  
1662 to Section 29-3-77;

1663 (f) Funds received from the sale of timber; and

1664 (g) Funds received pursuant to Section 29-3-23(2).

1665 It shall be the duty of the Board of Education to keep the  
1666 principal fund invested in any direct obligation issued by or  
1667 guaranteed in full as to principal and interest by the United  
1668 States of America or in certificates of deposit issued by a  
1669 qualified depository of the State of Mississippi as approved by  
1670 the State Treasurer. The certificates of deposit may bear  
1671 interest at any rate per annum which may be mutually agreed upon  
1672 but in no case shall said rate be less than that paid on passbook  
1673 savings.

1674 The Board of Education is authorized to invest the funds in  
1675 interest bearing deposits or other obligations of the types  
1676 described in Section 27-105-33 or in any other type investment in  
1677 which any other political subdivision of the State of Mississippi  
1678 may invest, except that one hundred percent (100%) of the funds  
1679 are authorized to be invested. For the purposes of investment,  
1680 the principal fund of each township may be combined into one or  
1681 more district accounts; however, the docket book of the county



1682 superintendent shall at all times reflect the proper source of  
1683 such funds. Provided that funds received from the sale of timber  
1684 shall be placed in a separate principal fund account, and may be  
1685 expended for any of the purposes authorized by law.

1686 The Board of Education shall have authority to borrow such  
1687 funds at a rate of interest not less than four percent (4%) per  
1688 annum and for a term not exceeding twenty (20) years, for the  
1689 erection, equipment or repair of said district schools, to provide  
1690 local funds for any building project approved by the State Board  
1691 of Education or to provide additional funds for forest stand  
1692 improvement as set forth in Section 29-3-47. In addition, the  
1693 board may borrow the funds under the same interest restrictions  
1694 for a term not exceeding ten (10) years to provide funds for the  
1695 purchase of school buses. The Board of Education of any school  
1696 district in any county that has an aggregate amount of assets in  
1697 its principal fund in excess of Five Million Dollars  
1698 (\$5,000,000.00), may deduct an amount not to exceed Five Hundred  
1699 Thousand Dollars (\$500,000.00) for the purpose of covering the  
1700 cost of asbestos removal from school district buildings. Such  
1701 asbestos removal shall be construed to constitute the repair of  
1702 school district facilities as prescribed in Section 29-3-115.

1703 No school land trust funds may be expended after the annual  
1704 payment date until the payment is made on such loan. The annual  
1705 payment can be made from any funds available to the school



1706 district except \* \* \*~~minimum foundation program~~ uniform per  
1707 student funding formula funds.

1708 It shall be unlawful for the Board of Education to borrow any  
1709 sixteenth section school funds in any other manner than that  
1710 prescribed herein, and if any such funds shall be borrowed or  
1711 invested in any other manner, any officer concerned in making such  
1712 loan and investment or suffering the same to be made in violation  
1713 of the provisions of this section, shall be liable personally and  
1714 on his official bond for the safety of the funds so loaned.

1715 **SECTION 34.** Section 29-3-137, Mississippi Code of 1972, is  
1716 amended as follows:

1717 29-3-137. (1) Beginning with the 1985-1986 fiscal year the  
1718 Legislature of the State of Mississippi shall appropriate to the  
1719 State Department of Education a sum of One Million Dollars  
1720 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an  
1721 additional One Million Dollars (\$1,000,000.00) each succeeding  
1722 fiscal year thereafter until a maximum appropriation of Five  
1723 Million Dollars (\$5,000,000.00) is made for the fiscal year  
1724 1989-1990. Beginning with the appropriation for  
1725 the \* \* \*~~1990-1991~~ 2018-2019 fiscal year, the amount appropriated  
1726 under the provisions of this section shall not exceed the total  
1727 average annual expendable revenue \* \* \*~~per teacher unit~~ received  
1728 by the Choctaw counties from school lands, or Five Million Dollars  
1729 (\$5,000,000.00), whichever is the lesser.



1730 (2) The State Department of Education is hereby authorized,  
1731 empowered and directed to allocate for distribution such funds  
1732 appropriated each year under subsection (1) of this section in  
1733 proportion to the \* \* \*~~number of teacher units~~ amount of funding  
1734 allotted under the \* \* \*~~minimum program,~~ uniform per student  
1735 funding formula to such school districts affected by the sale of  
1736 Chickasaw cession school lands. School districts not wholly  
1737 situated in Chickasaw cession affected territory shall receive a  
1738 prorated amount of such allocation based on the percentage of such  
1739 lands located within the district. Provided further, that the  
1740 State Department of Education shall, in addition, deduct from each  
1741 affected school district's allocation the amount such district  
1742 shall receive from interest payments from the Chickasaw School  
1743 Fund under Section 212, Mississippi Constitution of 1890 for each  
1744 fiscal year. \* \* \*~~The total number of teacher units in the~~  
1745 ~~Chickasaw counties shall be computed by the State Department of~~  
1746 ~~Education.~~ The department shall document the foregoing computation  
1747 in its annual budget request for the appropriation to the  
1748 Chickasaw School Fund, and shall revise its budget request under  
1749 such formula as the average annual revenues from sixteenth section  
1750 school lands fluctuate.

1751 (3) [Repealed]

1752 **SECTION 35.** Section 31-7-10, Mississippi Code of 1972, is  
1753 amended as follows:



1754 31-7-10. (1) For the purposes of this section, the term  
1755 "equipment" shall mean equipment, furniture, and if applicable,  
1756 associated software and other applicable direct costs associated  
1757 with the acquisition. In addition to its other powers and duties,  
1758 the Department of Finance and Administration shall have the  
1759 authority to develop a master lease-purchase program and, pursuant  
1760 to that program, shall have the authority to execute on behalf of  
1761 the state master lease-purchase agreements for equipment to be  
1762 used by an agency, as provided in this section. Each agency  
1763 electing to acquire equipment by a lease-purchase agreement shall  
1764 participate in the Department of Finance and Administration's  
1765 master lease-purchase program, unless the Department of Finance  
1766 and Administration makes a determination that such equipment  
1767 cannot be obtained under the program or unless the equipment can  
1768 be obtained elsewhere at an overall cost lower than that for which  
1769 the equipment can be obtained under the program. Such  
1770 lease-purchase agreements may include the refinancing or  
1771 consolidation, or both, of any state agency lease-purchase  
1772 agreements entered into after June 30, 1990.

1773 (2) All funds designated by agencies for procurement of  
1774 equipment and financing thereof under the master lease-purchase  
1775 program shall be paid into a special fund created in the State  
1776 Treasury known as the "Master Lease-Purchase Program Fund," which  
1777 shall be used by the Department of Finance and Administration for



1778 payment to the lessors for equipment acquired under master  
1779 lease-purchase agreements.

1780 (3) Upon final approval of an appropriation bill, each  
1781 agency shall submit to the Public Procurement Review Board a  
1782 schedule of proposed equipment acquisitions for the master  
1783 lease-purchase program. Upon approval of an equipment schedule by  
1784 the Public Procurement Review Board with the advice of the  
1785 Department of Information Technology Services, the Office of  
1786 Purchasing, Travel and Fleet Management, and the Division of  
1787 Energy and Transportation of the Mississippi Development Authority  
1788 as it pertains to energy efficient climate control systems, the  
1789 Public Procurement Review Board shall forward a copy of the  
1790 equipment schedule to the Department of Finance and  
1791 Administration.

1792 (4) The level of lease-purchase debt recommended by the  
1793 Department of Finance and Administration shall be subject to  
1794 approval by the State Bond Commission. After such approval, the  
1795 Department of Finance and Administration shall be authorized to  
1796 advertise and solicit written competitive proposals for a lessor,  
1797 who will purchase the equipment pursuant to bid awards made by the  
1798 using agency under a given category and then transfer the  
1799 equipment to the Department of Finance and Administration as  
1800 lessee, pursuant to a master lease-purchase agreement.

1801 The Department of Finance and Administration shall select the  
1802 successful proposer for the financing of equipment under the



1803 master lease-purchase program with the approval of the State Bond  
1804 Commission.

1805 (5) Each master lease-purchase agreement, and any subsequent  
1806 amendments, shall include such terms and conditions as the State  
1807 Bond Commission shall determine to be appropriate and in the  
1808 public interest, and may include any covenants deemed necessary or  
1809 desirable to protect the interests of the lessor, including, but  
1810 not limited to, provisions setting forth the interest rate (or  
1811 method for computing interest rates) for financing pursuant to  
1812 such agreement, covenants concerning application of payments and  
1813 funds held in the Master Lease-Purchase Program Fund, covenants to  
1814 maintain casualty insurance with respect to equipment subject to  
1815 the master lease-purchase agreement (and all state agencies are  
1816 specifically authorized to purchase any insurance required by a  
1817 master lease-purchase agreement) and covenants precluding or  
1818 limiting the right of the lessee or user to acquire equipment  
1819 within a specified time (not to exceed five (5) years) after  
1820 cancellation on the basis of a failure to appropriate funds for  
1821 payment of amounts due under a lease-purchase agreement covering  
1822 comparable equipment. The State Bond Commission shall transmit  
1823 copies of each such master lease-purchase agreement and each such  
1824 amendment to the Joint Legislative Budget Committee. To the  
1825 extent provided in any master lease-purchase agreement, title to  
1826 equipment leased pursuant thereto shall be deemed to be vested in  
1827 the state or the user of the equipment (as specified in such





1828 master lease-purchase agreement), subject to default under or  
1829 termination of such master lease-purchase agreement.

1830         A master lease-purchase agreement may provide for payment by  
1831 the lessor to the lessee of the purchase price of the equipment to  
1832 be acquired pursuant thereto prior to the date on which payment is  
1833 due to the vendor for such equipment and that the lease payments  
1834 by the lessee shall commence as though the equipment had been  
1835 provided on the date of payment. If the lessee, or lessee's  
1836 escrow agent, has sufficient funds for payment of equipment  
1837 purchases prior to payment due date to vendor of equipment, such  
1838 funds shall be held or utilized on an as-needed basis for payment  
1839 of equipment purchases either by the State Treasurer (in which  
1840 event the master lease-purchase agreement may include provisions  
1841 concerning the holding of such funds, the creation of a security  
1842 interest for the benefit of the lessor in such funds until  
1843 disbursed and other appropriate provisions approved by the Bond  
1844 Commission) or by a corporate trustee selected by the Department  
1845 of Finance and Administration (in which event the Department of  
1846 Finance and Administration shall have the authority to enter into  
1847 an agreement with such a corporate trustee containing terms and  
1848 conditions approved by the Bond Commission). Earnings on any  
1849 amount paid by the lessor prior to the acquisition of the  
1850 equipment may be used to make lease payments under the master  
1851 lease-purchase agreement or applied to pay costs and expenses  
1852 incurred in connection with such lease-purchase agreement. In



1853 such event, the equipment-use agreements with the user agency may  
1854 provide for lease payments to commence upon the date of payment by  
1855 the lessor and may also provide for a credit against such payments  
1856 to the extent that investment receipts from investment of the  
1857 purchase price are to be used to make lease-purchase payments.

1858 (6) The annual rate of interest paid under any  
1859 lease-purchase agreement authorized under this section shall not  
1860 exceed the maximum interest rate to maturity on general obligation  
1861 indebtedness permitted under Section 75-17-101.

1862 (7) The Department of Finance and Administration shall  
1863 furnish the equipment to the various agencies, also known as the  
1864 user, pursuant to an equipment-use agreement developed by the  
1865 Department of Finance and Administration. Such agreements shall  
1866 require that all monthly payments due from such agency be paid,  
1867 transferred or allocated into the Master Lease-Purchase Program  
1868 Fund pursuant to a schedule established by the Department of  
1869 Finance and Administration. In the event such sums are not paid  
1870 by the defined payment period, the Executive Director of the  
1871 Department of Finance and Administration shall issue a requisition  
1872 for a warrant to draw such amount as may be due from any funds  
1873 appropriated for the use of the agency which has failed to make  
1874 the payment as agreed.

1875 (8) All master lease-purchase agreements executed under the  
1876 authority of this section shall contain the following annual  
1877 allocation dependency clause or an annual allocation dependency



1878 clause which is substantially equivalent thereto: "The  
1879 continuation of each equipment schedule to this agreement is  
1880 contingent in whole or in part upon the appropriation of funds by  
1881 the Legislature to make the lease-purchase payments required under  
1882 such equipment schedule. If the Legislature fails to appropriate  
1883 sufficient funds to provide for the continuation of the  
1884 lease-purchase payments under any such equipment schedule, then  
1885 the obligations of the lessee and of the agency to make such  
1886 lease-purchase payments and the corresponding provisions of any  
1887 such equipment schedule to this agreement shall terminate on the  
1888 last day of the fiscal year for which appropriations were made."

1889 (9) The maximum lease term for any equipment acquired under  
1890 the master lease-purchase program shall not exceed the useful life  
1891 of such equipment as determined according to the upper limit of  
1892 the asset depreciation range (ADR) guidelines for the Class Life  
1893 Asset Depreciation Range System established by the Internal  
1894 Revenue Service pursuant to the United States Internal Revenue  
1895 Code and Regulations thereunder as in effect on December 31, 1980,  
1896 or comparable depreciation guidelines with respect to any  
1897 equipment not covered by ADR guidelines. The Department of  
1898 Finance and Administration shall be deemed to have met the  
1899 requirements of this subsection if the term of a master  
1900 lease-purchase agreement does not exceed the weighted average  
1901 useful life of all equipment covered by such agreement and the  
1902 schedules thereto as determined by the Department of Finance and



1903 Administration. For purposes of this subsection, the "term of a  
1904 master lease-purchase agreement" shall be the weighted average  
1905 maturity of all principal payments to be made under such master  
1906 lease-purchase agreement and all schedules thereto.

1907 (10) Interest paid on any master lease-purchase agreement  
1908 under this section shall be exempt from State of Mississippi  
1909 income taxation. All equipment, and the purchase thereof by any  
1910 lessor, acquired under the master lease-purchase program and all  
1911 lease-purchase payments with respect thereto shall be exempt from  
1912 all Mississippi sales, use and ad valorem taxes.

1913 (11) The Governor, in his annual executive budget to the  
1914 Legislature, shall recommend appropriations sufficient to provide  
1915 funds to pay all amounts due and payable during the applicable  
1916 fiscal year under master lease-purchase agreements entered into  
1917 pursuant to this section.

1918 (12) Any master lease-purchase agreement reciting in  
1919 substance that such agreement has been entered into pursuant to  
1920 this section shall be conclusively deemed to have been entered  
1921 into in accordance with all of the provisions and conditions set  
1922 forth in this section. Any defect or irregularity arising with  
1923 respect to procedures applicable to the acquisition of any  
1924 equipment shall not invalidate or otherwise limit the obligation  
1925 of the Department of Finance and Administration, or the state or  
1926 any agency of the state, under any master lease-purchase agreement  
1927 or any equipment-use agreement.



1928           (13) There shall be maintained by the Department of Finance  
1929 and Administration, with respect to each master lease-purchase  
1930 agreement, an itemized statement of the cash price, interest  
1931 rates, interest costs, commissions, debt service schedules and all  
1932 other costs and expenses paid by the state incident to the  
1933 lease-purchase of equipment under such agreement.

1934           (14) Lease-purchase agreements entered into by the Board of  
1935 Trustees of State Institutions of Higher Learning pursuant to the  
1936 authority of Section 37-101-413 or by any other agency which has  
1937 specific statutory authority other than pursuant to Section  
1938 31-7-13(e) to acquire equipment by lease-purchase shall not be  
1939 made pursuant to the master lease-purchase program under this  
1940 section, unless the Board of Trustees of State Institutions of  
1941 Higher Learning or such other agency elects to participate as to  
1942 part or all of its lease-purchase acquisitions in the master  
1943 lease-purchase program pursuant to this section.

1944           (15) The Department of Finance and Administration may  
1945 develop a master lease-purchase program for school districts and,  
1946 pursuant to that program, may execute on behalf of the school  
1947 districts master lease-purchase agreements for equipment to be  
1948 used by the school districts. The form and structure of this  
1949 program shall be substantially the same as set forth in this  
1950 section for the master lease-purchase program for state agencies.  
1951 If sums due from a school district under the master lease-purchase  
1952 program are not paid by the expiration of the defined payment



1953 period, the Executive Director of the Department of Finance and  
1954 Administration may withhold such amount that is due from the  
1955 school district's \* \* \*~~minimum education or adequate education~~  
1956 ~~program fund~~ uniform per student funding formula allotments.

1957 (16) The Department of Finance and Administration may  
1958 develop a master lease-purchase program for community and junior  
1959 college districts and, pursuant to that program, may execute on  
1960 behalf of the community and junior college districts master  
1961 lease-purchase agreements for equipment to be used by the  
1962 community and junior college districts. The form and structure of  
1963 this program must be substantially the same as set forth in this  
1964 section for the master lease-purchase program for state agencies.  
1965 If sums due from a community or junior college district under the  
1966 master lease-purchase program are not paid by the expiration of  
1967 the defined payment period, the Executive Director of the  
1968 Department of Finance and Administration may withhold an amount  
1969 equal to the amount due under the program from any funds allocated  
1970 for that community or junior college district in the state  
1971 appropriations for the use and support of the community and junior  
1972 colleges.

1973 (17) From and after July 1, 2016, the expenses of this  
1974 agency shall be defrayed by appropriation from the State General  
1975 Fund and all user charges and fees authorized under this section  
1976 shall be deposited into the State General Fund as authorized by  
1977 law.



1978 (18) From and after July 1, 2016, no state agency shall  
1979 charge another state agency a fee, assessment, rent or other  
1980 charge for services or resources received by authority of this  
1981 section.

1982 **SECTION 36.** Section 37-1-3, Mississippi Code of 1972, is  
1983 amended as follows:

1984 37-1-3. (1) The State Board of Education shall adopt rules  
1985 and regulations and set standards and policies for the  
1986 organization, operation, management, planning, budgeting and  
1987 programs of the State Department of Education.

1988 (a) The board is directed to identify all functions of  
1989 the department that contribute to or comprise a part of the state  
1990 system of educational accountability and to establish and maintain  
1991 within the department the necessary organizational structure,  
1992 policies and procedures for effectively coordinating such  
1993 functions. Such policies and procedures shall clearly fix and  
1994 delineate responsibilities for various aspects of the system and  
1995 for overall coordination of the total system and its effective  
1996 management.

1997 (b) The board shall establish and maintain a  
1998 system-wide plan of performance, policy and directions of public  
1999 education not otherwise provided for.

2000 (c) The board shall effectively use the personnel and  
2001 resources of the department to enhance technical assistance to  
2002 school districts in instruction and management therein.



2003 (d) The board shall establish and maintain a central  
2004 budget policy.

2005 (e) The board shall establish and maintain within the  
2006 State Department of Education a central management capacity under  
2007 the direction of the State Superintendent of Public Education.

2008 (f) The board, with recommendations from the  
2009 superintendent, shall design and maintain a five-year plan and  
2010 program for educational improvement that shall set forth  
2011 objectives for system performance and development and be the basis  
2012 for budget requests and legislative initiatives.

2013 (2) (a) The State Board of Education shall adopt and  
2014 maintain a curriculum and a course of study to be used in the  
2015 public school districts that is designed to prepare the state's  
2016 children and youth to be productive, informed, creative citizens,  
2017 workers and leaders, and it shall regulate all matters arising in  
2018 the practical administration of the school system not otherwise  
2019 provided for.

2020 (b) Before the 1999-2000 school year, the State Board  
2021 of Education shall develop personal living and finances objectives  
2022 that focus on money management skills for individuals and families  
2023 for appropriate, existing courses at the secondary level. The  
2024 objectives must require the teaching of those skills necessary to  
2025 handle personal business and finances and must include instruction  
2026 in the following:





- 2027 (i) Opening a bank account and assessing the  
2028 quality of a bank's services;
- 2029 (ii) Balancing a checkbook;
- 2030 (iii) Managing debt, including retail and credit  
2031 card debt;
- 2032 (iv) Completing a loan application;
- 2033 (v) The implications of an inheritance;
- 2034 (vi) The basics of personal insurance policies;
- 2035 (vii) Consumer rights and responsibilities;
- 2036 (viii) Dealing with salesmen and merchants;
- 2037 (ix) Computing state and federal income taxes;
- 2038 (x) Local tax assessments;
- 2039 (xi) Computing interest rates by various  
2040 mechanisms;
- 2041 (xii) Understanding simple contracts; and
- 2042 (xiii) Contesting an incorrect billing statement.

2043 (3) The State Board of Education shall have authority to  
2044 expend any available federal funds, or any other funds expressly  
2045 designated, to pay training, educational expenses, salary  
2046 incentives and salary supplements to licensed teachers employed in  
2047 local school districts or schools administered by the State Board  
2048 of Education. Such incentive payments shall not be considered  
2049 part of a school district's local supplement \* \* \*~~as defined in~~  
2050 ~~Section 37-151-5(e)~~, nor shall the incentives be considered part  
2051 of the local supplement paid to an individual teacher for the



2052 purposes of Section 37-19-7(1). \* \* \*~~MAEP funds or any other~~  
2053 ~~state~~ uniform per student funding formula funds shall not be used  
2054 to provide such incentives unless specifically authorized by law.

2055 (4) The State Board of Education shall through its actions  
2056 seek to implement the policies set forth in Section 37-1-2.

2057 **SECTION 37.** Section 37-3-11, Mississippi Code of 1972, is  
2058 amended as follows:

2059 37-3-11. The State Superintendent of Public Education shall  
2060 perform the duties assigned to him by the State Board of  
2061 Education, and he shall have the following duties:

2062 (a) To serve as secretary for the State Board of  
2063 Education;

2064 (b) To be the chief administrative officer of the State  
2065 Department of Education;

2066 (c) To recommend to the State Board of Education, for  
2067 its consideration, rules and regulations for the supervision of  
2068 the public schools and agricultural high schools of the school  
2069 districts throughout the state and for the efficient organization  
2070 and conduct of the same;

2071 (d) To collect data and make it available to the state  
2072 board for determining the proper distribution of the \* \* \*~~state~~  
2073 ~~common school~~ uniform per student funding formula funds;

2074 (e) To keep a complete record of all official acts of  
2075 the State Superintendent and the acts of the State Board of  
2076 Education;



2077 (f) To prepare, have printed and furnish all officers  
2078 charged with the administration of the laws pertaining to the  
2079 public schools, such blank forms and books as may be necessary to  
2080 the proper discharge of their duties, which printing is to be paid  
2081 for out of funds provided by the Legislature;

2082 (g) To have printed in pamphlet form the laws  
2083 pertaining to the public schools and publish therein forms for  
2084 conducting school business, the rules and regulations for the  
2085 government of schools that the State Superintendent or the State  
2086 Board of Education may recommend, and such other matters as may be  
2087 deemed worthy of public interest pertaining to the public schools,  
2088 which printing is to be paid for out of funds provided by the  
2089 Legislature;

2090 (h) To meet all superintendents annually at such time  
2091 and place as the State Superintendent shall appoint for the  
2092 purpose of accumulating facts relative to schools, to review the  
2093 educational progress made in the various sections of the state, to  
2094 compare views, discuss problems, hear discussions and suggestions  
2095 relative to examinations and qualifications of teachers, methods  
2096 of instruction, textbooks, summer schools for teachers, visitation  
2097 of schools, consolidation of schools, health work in the schools,  
2098 vocational education and other matters pertaining to the public  
2099 school system;

2100 (i) To advise all superintendents upon all matters  
2101 involving the welfare of the schools, and at the request of any



2102 superintendent, to give an opinion upon a written statement of  
2103 facts on all questions and controversies arising out of the  
2104 interpretation and construction of the school laws, in regard to  
2105 rights, powers and duties of school officers and superintendents,  
2106 and to keep a record of all such decisions. Before giving any  
2107 opinion, the superintendent may submit the statement of facts to  
2108 the Attorney General, and it shall be the duty of the Attorney  
2109 General forthwith to examine such statement and suggest the proper  
2110 decision to be made upon such fact;

2111 (j) To require annually, and as often as the State  
2112 Superintendent may deem proper, of all superintendents, detailed  
2113 reports on the educational business of the various districts;

2114 (k) On or before January 10 in each year to prepare,  
2115 under the direction of the State Board of Education, the annual  
2116 information report of the State Department of Education as  
2117 described in Section 37-151-97;

2118 (l) To determine the number of educable children in the  
2119 several school districts under rules and regulations prescribed by  
2120 the State Board of Education; and

2121 (m) To perform such other duties as may be prescribed  
2122 by the State Board of Education.

2123 **SECTION 38.** Section 37-3-83, Mississippi Code of 1972, is  
2124 amended as follows:

2125 37-3-83. (1) There is established within the State  
2126 Department of Education, using only existing staff and resources,



2127 a School Safety Grant Program, available to all eligible public  
2128 school districts, to assist in financing programs to provide  
2129 school safety. However, no monies from the Temporary Assistance  
2130 for Needy Families grant may be used for the School Safety Grant  
2131 Program.

2132 (2) The school board of each school district, with the  
2133 assistance of the State Department of Education School Safety  
2134 Center, shall adopt a comprehensive local school district school  
2135 safety plan and shall update the plan on an annual basis.

2136 (3) Subject to the extent of appropriations available, the  
2137 School Safety Grant Program shall offer any of the following  
2138 specific preventive services, and other additional services  
2139 appropriate to the most current school district school safety  
2140 plan:

2141 (a) Metal detectors;

2142 (b) Video surveillance cameras, communications  
2143 equipment and monitoring equipment for classrooms, school  
2144 buildings, school grounds and school buses;

2145 (c) Crisis management/action teams responding to school  
2146 violence;

2147 (d) Violence prevention training, conflict resolution  
2148 training, and other appropriate training designated by the State  
2149 Department of Education for faculty and staff; and

2150 (e) School safety personnel.



2151           (4) Each local school district of this state may annually  
2152 apply for school safety grant funds subject to appropriations by  
2153 the Legislature. School safety grants shall include a base grant  
2154 amount plus an additional amount per student in average  
2155 daily \* \* \*~~attendance~~ membership in the school or school district.  
2156 The base grant amount and amount per student shall be determined  
2157 by the State Board of Education, subject to specific appropriation  
2158 therefor by the Legislature. In order to be eligible for such  
2159 program, each local school board desiring to participate shall  
2160 apply to the State Department of Education by May 31 before the  
2161 beginning of the applicable fiscal year on forms provided by the  
2162 department, and shall be required to establish a local School  
2163 Safety Task Force to involve members of the community in the  
2164 school safety effort. The State Department of Education shall  
2165 determine by July 1 of each succeeding year which local school  
2166 districts have submitted approved applications for school safety  
2167 grants.

2168           (5) As part of the School Safety Grant Program, the State  
2169 Department of Education may conduct a pilot program to research  
2170 the feasibility of using video camera equipment in the classroom  
2171 to address the following:

2172                   (a) Determine if video cameras in the classroom reduce  
2173 student disciplinary problems;



2174 (b) Enable teachers to present clear and convincing  
2175 evidence of a student's disruptive behavior to the student, the  
2176 principal, the superintendent and the student's parents; and

2177 (c) Enable teachers to review teaching performance and  
2178 receive diagnostic feedback for developmental purposes.

2179 (6) Any local school district may use  
2180 audio/visual-monitoring equipment in classrooms, hallways,  
2181 buildings, grounds and buses for the purpose of monitoring school  
2182 disciplinary problems.

2183 (7) As a component of the comprehensive local school  
2184 district school safety plan required under subsection (2) of this  
2185 section, the school board of a school district may adopt and  
2186 implement a policy addressing sexual abuse of children, to be  
2187 known as "Erin's Law Awareness." Any policy adopted under this  
2188 subsection may include or address, but need not be limited to, the  
2189 following:

2190 (a) Methods for increasing teacher, student and  
2191 parental awareness of issues regarding sexual abuse of children,  
2192 including knowledge of likely warning signs indicating that a  
2193 child may be a victim of sexual abuse;

2194 (b) Educational information for parents or guardians,  
2195 which may be included in the school handbook, on the warning signs  
2196 of a child being abused, along with any needed assistance,  
2197 referral or resource information;



2198 (c) Training for school personnel on child sexual  
2199 abuse;

2200 (d) Age-appropriate curriculum for students in  
2201 prekindergarten through fifth grade;

2202 (e) Actions that a child who is a victim of sexual  
2203 abuse should take to obtain assistance and intervention;

2204 (f) Counseling and resources available for students  
2205 affected by sexual abuse; and

2206 (g) Emotional and educational support for a child who  
2207 has been abused to enable the child to be successful in school.

2208 **SECTION 39.** Section 37-7-208, Mississippi Code of 1972, is  
2209 amended as follows:

2210 37-7-208. The board of trustees of any consolidated school  
2211 district may pay from \* \* \*~~non-minimum program~~ funds other than  
2212 uniform per student funding formula funds the cost and expense of  
2213 litigation involved by or resulting from the creation of or  
2214 litigation to create single member school board trustee election  
2215 districts, and pay from \* \* \*~~non-minimum program~~ funds other than  
2216 uniform per student funding formula funds the cost or expense to  
2217 implement any plan, decree or reorganization as approved by the  
2218 court. Said payments by the board of trustees shall be deemed a  
2219 "new program" under the provisions of Section  
2220 37-57-107, \* \* \*~~Mississippi Code of 1972,~~ and any additional  
2221 millage levied for such purpose and the revenue generated  
2222 therefrom shall be excluded from the tax increase limitation





2223 prescribed in Sections 37-57-105 and 37-57-107. The board of  
2224 supervisors of any county in which there is located such  
2225 consolidated school district may, in its discretion, contribute  
2226 out of county general funds to the cost and expense of such  
2227 litigation and/or the cost of implementing such redistricting  
2228 plan.

2229 **SECTION 40.** Section 37-7-301, Mississippi Code of 1972, is  
2230 amended as follows:

2231 37-7-301. The school boards of all school districts shall  
2232 have the following powers, authority and duties in addition to all  
2233 others imposed or granted by law, to wit:

2234 (a) To organize and operate the schools of the district  
2235 and to make such division between the high school grades and  
2236 elementary grades as, in their judgment, will serve the best  
2237 interests of the school;

2238 (b) To introduce public school music, art, manual  
2239 training and other special subjects into either the elementary or  
2240 high school grades, as the board shall deem proper;

2241 (c) To be the custodians of real and personal school  
2242 property and to manage, control and care for same, both during the  
2243 school term and during vacation;

2244 (d) To have responsibility for the erection, repairing  
2245 and equipping of school facilities and the making of necessary  
2246 school improvements;



2247           (e) To suspend or to expel a pupil or to change the  
2248 placement of a pupil to the school district's alternative school  
2249 or homebound program for misconduct in the school or on school  
2250 property, as defined in Section 37-11-29, on the road to and from  
2251 school, or at any school-related activity or event, or for conduct  
2252 occurring on property other than school property or other than at  
2253 a school-related activity or event when such conduct by a pupil,  
2254 in the determination of the school superintendent or principal,  
2255 renders that pupil's presence in the classroom a disruption to the  
2256 educational environment of the school or a detriment to the best  
2257 interest and welfare of the pupils and teacher of such class as a  
2258 whole, and to delegate such authority to the appropriate officials  
2259 of the school district;

2260           (f) To visit schools in the district, in their  
2261 discretion, in a body for the purpose of determining what can be  
2262 done for the improvement of the school in a general way;

2263           (g) To support, within reasonable limits, the  
2264 superintendent, principal and teachers where necessary for the  
2265 proper discipline of the school;

2266           (h) To exclude from the schools students with what  
2267 appears to be infectious or contagious diseases; provided,  
2268 however, such student may be allowed to return to school upon  
2269 presenting a certificate from a public health officer, duly  
2270 licensed physician or nurse practitioner that the student is free  
2271 from such disease;



2272           (i) To require those vaccinations specified by the  
2273 State Health Officer as provided in Section 41-23-37;

2274           (j) To see that all necessary utilities and services  
2275 are provided in the schools at all times when same are needed;

2276           (k) To authorize the use of the school buildings and  
2277 grounds for the holding of public meetings and gatherings of the  
2278 people under such regulations as may be prescribed by said board;

2279           (l) To prescribe and enforce rules and regulations not  
2280 inconsistent with law or with the regulations of the State Board  
2281 of Education for their own government and for the government of  
2282 the schools, and to transact their business at regular and special  
2283 meetings called and held in the manner provided by law;

2284           (m) To maintain and operate all of the schools under  
2285 their control for such length of time during the year as may be  
2286 required;

2287           (n) To enforce in the schools the courses of study and  
2288 the use of the textbooks prescribed by the proper authorities;

2289           (o) To make orders directed to the superintendent of  
2290 schools for the issuance of pay certificates for lawful purposes  
2291 on any available funds of the district and to have full control of  
2292 the receipt, distribution, allotment and disbursement of all funds  
2293 provided for the support and operation of the schools of such  
2294 school district whether such funds be derived from state  
2295 appropriations, local ad valorem tax collections, or otherwise.  
2296 The local school board shall be authorized and empowered to



2297 promulgate rules and regulations that specify the types of claims  
2298 and set limits of the dollar amount for payment of claims by the  
2299 superintendent of schools to be ratified by the board at the next  
2300 regularly scheduled meeting after payment has been made;

2301 (p) To select all school district personnel in the  
2302 manner provided by law, and to provide for such employee fringe  
2303 benefit programs, including accident reimbursement plans, as may  
2304 be deemed necessary and appropriate by the board;

2305 (q) To provide athletic programs and other school  
2306 activities and to regulate the establishment and operation of such  
2307 programs and activities;

2308 (r) To join, in their discretion, any association of  
2309 school boards and other public school-related organizations, and  
2310 to pay from local funds other than \* \* \*~~minimum foundation~~ uniform  
2311 per student funding formula funds, any membership dues;

2312 (s) To expend local school activity funds, or other  
2313 available school district funds, other than \* \* \*~~minimum education~~  
2314 ~~program~~ uniform per student funding formula funds, for the  
2315 purposes prescribed under this paragraph. "Activity funds" shall  
2316 mean all funds received by school officials in all school  
2317 districts paid or collected to participate in any school activity,  
2318 such activity being part of the school program and partially  
2319 financed with public funds or supplemented by public funds. The  
2320 term "activity funds" shall not include any funds raised and/or  
2321 expended by any organization unless commingled in a bank account



2322 with existing activity funds, regardless of whether the funds were  
2323 raised by school employees or received by school employees during  
2324 school hours or using school facilities, and regardless of whether  
2325 a school employee exercises influence over the expenditure or  
2326 disposition of such funds. Organizations shall not be required to  
2327 make any payment to any school for the use of any school facility  
2328 if, in the discretion of the local school governing board, the  
2329 organization's function shall be deemed to be beneficial to the  
2330 official or extracurricular programs of the school. For the  
2331 purposes of this provision, the term "organization" shall not  
2332 include any organization subject to the control of the local  
2333 school governing board. Activity funds may only be expended for  
2334 any necessary expenses or travel costs, including advances,  
2335 incurred by students and their chaperons in attending any in-state  
2336 or out-of-state school-related programs, conventions or seminars  
2337 and/or any commodities, equipment, travel expenses, purchased  
2338 services or school supplies which the local school governing  
2339 board, in its discretion, shall deem beneficial to the official or  
2340 extracurricular programs of the district, including items which  
2341 may subsequently become the personal property of individuals,  
2342 including yearbooks, athletic apparel, book covers and trophies.  
2343 Activity funds may be used to pay travel expenses of school  
2344 district personnel. The local school governing board shall be  
2345 authorized and empowered to promulgate rules and regulations  
2346 specifically designating for what purposes school activity funds



2347 may be expended. The local school governing board shall provide  
2348 (i) that such school activity funds shall be maintained and  
2349 expended by the principal of the school generating the funds in  
2350 individual bank accounts, or (ii) that such school activity funds  
2351 shall be maintained and expended by the superintendent of schools  
2352 in a central depository approved by the board. The local school  
2353 governing board shall provide that such school activity funds be  
2354 audited as part of the annual audit required in Section 37-9-18.  
2355 The State Department of Education shall prescribe a uniform system  
2356 of accounting and financial reporting for all school activity fund  
2357 transactions;

2358 (t) To enter into an energy performance contract,  
2359 energy services contract, on a shared-savings, lease or  
2360 lease-purchase basis, for energy efficiency services and/or  
2361 equipment as provided for in Section 31-7-14;

2362 (u) To maintain accounts and issue pay certificates on  
2363 school food service bank accounts;

2364 (v) (i) To lease a school building from an individual,  
2365 partnership, nonprofit corporation or a private for-profit  
2366 corporation for the use of such school district, and to expend  
2367 funds therefor as may be available from any \* \* \* ~~nonminimum~~  
2368 ~~program~~ sources other than uniform per student funding formula  
2369 funds. The school board of the school district desiring to lease  
2370 a school building shall declare by resolution that a need exists  
2371 for a school building and that the school district cannot provide



2372 the necessary funds to pay the cost or its proportionate share of  
2373 the cost of a school building required to meet the present needs.  
2374 The resolution so adopted by the school board shall be published  
2375 once each week for three (3) consecutive weeks in a newspaper  
2376 having a general circulation in the school district involved, with  
2377 the first publication thereof to be made not less than thirty (30)  
2378 days prior to the date upon which the school board is to act on  
2379 the question of leasing a school building. If no petition  
2380 requesting an election is filed prior to such meeting as  
2381 hereinafter provided, then the school board may, by resolution  
2382 spread upon its minutes, proceed to lease a school building. If  
2383 at any time prior to said meeting a petition signed by not less  
2384 than twenty percent (20%) or fifteen hundred (1500), whichever is  
2385 less, of the qualified electors of the school district involved  
2386 shall be filed with the school board requesting that an election  
2387 be called on the question, then the school board shall, not later  
2388 than the next regular meeting, adopt a resolution calling an  
2389 election to be held within such school district upon the question  
2390 of authorizing the school board to lease a school building. Such  
2391 election shall be called and held, and notice thereof shall be  
2392 given, in the same manner for elections upon the questions of the  
2393 issuance of the bonds of school districts, and the results thereof  
2394 shall be certified to the school board. If at least three-fifths  
2395 (3/5) of the qualified electors of the school district who voted  
2396 in such election shall vote in favor of the leasing of a school



2397 building, then the school board shall proceed to lease a school  
2398 building. The term of the lease contract shall not exceed twenty  
2399 (20) years, and the total cost of such lease shall be either the  
2400 amount of the lowest and best bid accepted by the school board  
2401 after advertisement for bids or an amount not to exceed the  
2402 current fair market value of the lease as determined by the  
2403 averaging of at least two (2) appraisals by certified general  
2404 appraisers licensed by the State of Mississippi. The term "school  
2405 building" as used in this paragraph (v) (i) shall be construed to  
2406 mean any building or buildings used for classroom purposes in  
2407 connection with the operation of schools and shall include the  
2408 site therefor, necessary support facilities, and the equipment  
2409 thereof and appurtenances thereto such as heating facilities,  
2410 water supply, sewage disposal, landscaping, walks, drives and  
2411 playgrounds. The term "lease" as used in this paragraph (v) (i)  
2412 may include a lease-purchase contract;

2413 (ii) If two (2) or more school districts propose  
2414 to enter into a lease contract jointly, then joint meetings of the  
2415 school boards having control may be held but no action taken shall  
2416 be binding on any such school district unless the question of  
2417 leasing a school building is approved in each participating school  
2418 district under the procedure hereinabove set forth in paragraph  
2419 (v) (i). All of the provisions of paragraph (v) (i) regarding the  
2420 term and amount of the lease contract shall apply to the school  
2421 boards of school districts acting jointly. Any lease contract





2422 executed by two (2) or more school districts as joint lessees  
2423 shall set out the amount of the aggregate lease rental to be paid  
2424 by each, which may be agreed upon, but there shall be no right of  
2425 occupancy by any lessee unless the aggregate rental is paid as  
2426 stipulated in the lease contract. All rights of joint lessees  
2427 under the lease contract shall be in proportion to the amount of  
2428 lease rental paid by each;

2429 (w) To employ all noninstructional and noncertificated  
2430 employees and fix the duties and compensation of such personnel  
2431 deemed necessary pursuant to the recommendation of the  
2432 superintendent of schools;

2433 (x) To employ and fix the duties and compensation of  
2434 such legal counsel as deemed necessary;

2435 (y) Subject to rules and regulations of the State Board  
2436 of Education, to purchase, own and operate trucks, vans and other  
2437 motor vehicles, which shall bear the proper identification  
2438 required by law;

2439 (z) To expend funds for the payment of substitute  
2440 teachers and to adopt reasonable regulations for the employment  
2441 and compensation of such substitute teachers;

2442 (aa) To acquire in its own name by purchase all real  
2443 property which shall be necessary and desirable in connection with  
2444 the construction, renovation or improvement of any public school  
2445 building or structure. Whenever the purchase price for such real  
2446 property is greater than Fifty Thousand Dollars (\$50,000.00), the



2447 school board shall not purchase the property for an amount  
2448 exceeding the fair market value of such property as determined by  
2449 the average of at least two (2) independent appraisals by  
2450 certified general appraisers licensed by the State of Mississippi.  
2451 If the board shall be unable to agree with the owner of any such  
2452 real property in connection with any such project, the board shall  
2453 have the power and authority to acquire any such real property by  
2454 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
2455 Mississippi Code of 1972, and for such purpose, the right of  
2456 eminent domain is hereby conferred upon and vested in said board.  
2457 Provided further, that the local school board is authorized to  
2458 grant an easement for ingress and egress over sixteenth section  
2459 land or lieu land in exchange for a similar easement upon  
2460 adjoining land where the exchange of easements affords substantial  
2461 benefit to the sixteenth section land; provided, however, the  
2462 exchange must be based upon values as determined by a competent  
2463 appraiser, with any differential in value to be adjusted by cash  
2464 payment. Any easement rights granted over sixteenth section land  
2465 under such authority shall terminate when the easement ceases to  
2466 be used for its stated purpose. No sixteenth section or lieu land  
2467 which is subject to an existing lease shall be burdened by any  
2468 such easement except by consent of the lessee or unless the school  
2469 district shall acquire the unexpired leasehold interest affected  
2470 by the easement;



2471 (bb) To charge reasonable fees related to the  
2472 educational programs of the district, in the manner prescribed in  
2473 Section 37-7-335;

2474 (cc) Subject to rules and regulations of the State  
2475 Board of Education, to purchase relocatable classrooms for the use  
2476 of such school district, in the manner prescribed in Section  
2477 37-1-13;

2478 (dd) Enter into contracts or agreements with other  
2479 school districts, political subdivisions or governmental entities  
2480 to carry out one or more of the powers or duties of the school  
2481 board, or to allow more efficient utilization of limited resources  
2482 for providing services to the public;

2483 (ee) To provide for in-service training for employees  
2484 of the district;

2485 (ff) As part of their duties to prescribe the use of  
2486 textbooks, to provide that parents and legal guardians shall be  
2487 responsible for the textbooks and for the compensation to the  
2488 school district for any books which are not returned to the proper  
2489 schools upon the withdrawal of their dependent child. If a  
2490 textbook is lost or not returned by any student who drops out of  
2491 the public school district, the parent or legal guardian shall  
2492 also compensate the school district for the fair market value of  
2493 the textbooks;

2494 (gg) To conduct fund-raising activities on behalf of  
2495 the school district that the local school board, in its



2496 discretion, deems appropriate or beneficial to the official or  
2497 extracurricular programs of the district; provided that:

2498 (i) Any proceeds of the fund-raising activities  
2499 shall be treated as "activity funds" and shall be accounted for as  
2500 are other activity funds under this section; and

2501 (ii) Fund-raising activities conducted or  
2502 authorized by the board for the sale of school pictures, the  
2503 rental of caps and gowns or the sale of graduation invitations for  
2504 which the school board receives a commission, rebate or fee shall  
2505 contain a disclosure statement advising that a portion of the  
2506 proceeds of the sales or rentals shall be contributed to the  
2507 student activity fund;

2508 (hh) To allow individual lessons for music, art and  
2509 other curriculum-related activities for academic credit or  
2510 nonacademic credit during school hours and using school equipment  
2511 and facilities, subject to uniform rules and regulations adopted  
2512 by the school board;

2513 (ii) To charge reasonable fees for participating in an  
2514 extracurricular activity for academic or nonacademic credit for  
2515 necessary and required equipment such as safety equipment, band  
2516 instruments and uniforms;

2517 (jj) To conduct or participate in any fund-raising  
2518 activities on behalf of or in connection with a tax-exempt  
2519 charitable organization;



2520 (kk) To exercise such powers as may be reasonably  
2521 necessary to carry out the provisions of this section;

2522 (ll) To expend funds for the services of nonprofit arts  
2523 organizations or other such nonprofit organizations who provide  
2524 performances or other services for the students of the school  
2525 district;

2526 (mm) To expend federal No Child Left Behind Act funds,  
2527 or any other available funds that are expressly designated and  
2528 authorized for that use, to pay training, educational expenses,  
2529 salary incentives and salary supplements to employees of local  
2530 school districts; except that incentives shall not be considered  
2531 part of the local supplement \* \* \*~~as defined in Section~~  
2532 ~~37-151-5(e)~~, nor shall incentives be considered part of the local  
2533 supplement paid to an individual teacher for the purposes of  
2534 Section 37-19-7(1). \* \* \*~~Mississippi Adequate Education Program~~  
2535 Mississippi Uniform Per Student Funding Formula funds or any other  
2536 state funds may not be used for salary incentives or salary  
2537 supplements as provided in this paragraph (mm);

2538 (nn) To use any available funds, not appropriated or  
2539 designated for any other purpose, for reimbursement to the  
2540 state-licensed employees from both in state and out of state, who  
2541 enter into a contract for employment in a school district, for the  
2542 expense of moving when the employment necessitates the relocation  
2543 of the licensed employee to a different geographical area than  
2544 that in which the licensed employee resides before entering into



2545 the contract. The reimbursement shall not exceed One Thousand  
2546 Dollars (\$1,000.00) for the documented actual expenses incurred in  
2547 the course of relocating, including the expense of any  
2548 professional moving company or persons employed to assist with the  
2549 move, rented moving vehicles or equipment, mileage in the amount  
2550 authorized for county and municipal employees under Section  
2551 25-3-41 if the licensed employee used his personal vehicle or  
2552 vehicles for the move, meals and such other expenses associated  
2553 with the relocation. No licensed employee may be reimbursed for  
2554 moving expenses under this section on more than one (1) occasion  
2555 by the same school district. Nothing in this section shall be  
2556 construed to require the actual residence to which the licensed  
2557 employee relocates to be within the boundaries of the school  
2558 district that has executed a contract for employment in order for  
2559 the licensed employee to be eligible for reimbursement for the  
2560 moving expenses. However, the licensed employee must relocate  
2561 within the boundaries of the State of Mississippi. Any individual  
2562 receiving relocation assistance through the Critical Teacher  
2563 Shortage Act as provided in Section 37-159-5 shall not be eligible  
2564 to receive additional relocation funds as authorized in this  
2565 paragraph;

2566 (oo) To use any available funds, not appropriated or  
2567 designated for any other purpose, to reimburse persons who  
2568 interview for employment as a licensed employee with the district  
2569 for the mileage and other actual expenses incurred in the course



2570 of travel to and from the interview at the rate authorized for  
2571 county and municipal employees under Section 25-3-41;

2572 (pp) Consistent with the report of the Task Force to  
2573 Conduct a Best Financial Management Practices Review, to improve  
2574 school district management and use of resources and identify cost  
2575 savings as established in Section 8 of Chapter 610, Laws of 2002,  
2576 local school boards are encouraged to conduct independent reviews  
2577 of the management and efficiency of schools and school districts.  
2578 Such management and efficiency reviews shall provide state and  
2579 local officials and the public with the following:

2580 (i) An assessment of a school district's  
2581 governance and organizational structure;

2582 (ii) An assessment of the school district's  
2583 financial and personnel management;

2584 (iii) An assessment of revenue levels and sources;

2585 (iv) An assessment of facilities utilization,  
2586 planning and maintenance;

2587 (v) An assessment of food services, transportation  
2588 and safety/security systems;

2589 (vi) An assessment of instructional and  
2590 administrative technology;

2591 (vii) A review of the instructional management and  
2592 the efficiency and effectiveness of existing instructional  
2593 programs; and



2594 (viii) Recommended methods for increasing  
2595 efficiency and effectiveness in providing educational services to  
2596 the public;

2597 (qq) To enter into agreements with other local school  
2598 boards for the establishment of an educational service agency  
2599 (ESA) to provide for the cooperative needs of the region in which  
2600 the school district is located, as provided in Section 37-7-345;

2601 (rr) To implement a financial literacy program for  
2602 students in Grades 10 and 11. The board may review the national  
2603 programs and obtain free literature from various nationally  
2604 recognized programs. After review of the different programs, the  
2605 board may certify a program that is most appropriate for the  
2606 school districts' needs. If a district implements a financial  
2607 literacy program, then any student in Grade 10 or 11 may  
2608 participate in the program. The financial literacy program shall  
2609 include, but is not limited to, instruction in the same areas of  
2610 personal business and finance as required under Section  
2611 37-1-3(2) (b). The school board may coordinate with volunteer  
2612 teachers from local community organizations, including, but not  
2613 limited to, the following: United States Department of  
2614 Agriculture Rural Development, United States Department of Housing  
2615 and Urban Development, Junior Achievement, bankers and other  
2616 nonprofit organizations. Nothing in this paragraph shall be  
2617 construed as to require school boards to implement a financial  
2618 literacy program;





2619           (ss) To collaborate with the State Board of Education,  
2620 Community Action Agencies or the Department of Human Services to  
2621 develop and implement a voluntary program to provide services for  
2622 a prekindergarten program that addresses the cognitive, social,  
2623 and emotional needs of four-year-old and three-year-old children.  
2624 The school board may utilize any source of available revenue to  
2625 fund the voluntary program. Effective with the 2013-2014 school  
2626 year, to implement voluntary prekindergarten programs under the  
2627 Early Learning Collaborative Act of 2013 pursuant to state funds  
2628 awarded by the State Department of Education on a matching basis;

2629           (tt) With respect to any lawful, written obligation of  
2630 a school district, including, but not limited to, leases  
2631 (excluding leases of sixteenth section public school trust land),  
2632 bonds, notes, or other agreement, to agree in writing with the  
2633 obligee that the Department of Revenue or any state agency,  
2634 department or commission created under state law may:

2635                   (i) Withhold all or any part (as agreed by the  
2636 school board) of any monies which such local school board is  
2637 entitled to receive from time to time under any law and which is  
2638 in the possession of the Department of Revenue, or any state  
2639 agency, department or commission created under state law; and

2640                   (ii) Pay the same over to any financial  
2641 institution, trustee or other obligee, as directed in writing by  
2642 the school board, to satisfy all or part of such obligation of the  
2643 school district.



2644           The school board may make such written agreement to withhold  
2645 and transfer funds irrevocable for the term of the written  
2646 obligation and may include in the written agreement any other  
2647 terms and provisions acceptable to the school board. If the  
2648 school board files a copy of such written agreement with the  
2649 Department of Revenue, or any state agency, department or  
2650 commission created under state law then the Department of Revenue  
2651 or any state agency, department or commission created under state  
2652 law shall immediately make the withholdings provided in such  
2653 agreement from the amounts due the local school board and shall  
2654 continue to pay the same over to such financial institution,  
2655 trustee or obligee for the term of the agreement.

2656           This paragraph (tt) shall not grant any extra authority to a  
2657 school board to issue debt in any amount exceeding statutory  
2658 limitations on assessed value of taxable property within such  
2659 school district or the statutory limitations on debt maturities,  
2660 and shall not grant any extra authority to impose, levy or collect  
2661 a tax which is not otherwise expressly provided for, and shall not  
2662 be construed to apply to sixteenth section public school trust  
2663 land;

2664           (uu) With respect to any matter or transaction that is  
2665 competitively bid by a school district, to accept from any bidder  
2666 as a good-faith deposit or bid bond or bid surety, the same type  
2667 of good-faith deposit or bid bond or bid surety that may be  
2668 accepted by the state or any other political subdivision on



2669 similar competitively bid matters or transactions. This paragraph  
2670 (uu) shall not be construed to apply to sixteenth section public  
2671 school trust land. The school board may authorize the investment  
2672 of any school district funds in the same kind and manner of  
2673 investments, including pooled investments, as any other political  
2674 subdivision, including community hospitals;

2675 (vv) To utilize the alternate method for the conveyance  
2676 or exchange of unused school buildings and/or land, reserving a  
2677 partial or other undivided interest in the property, as  
2678 specifically authorized and provided in Section 37-7-485;

2679 (ww) To delegate, privatize or otherwise enter into a  
2680 contract with private entities for the operation of any and all  
2681 functions of nonacademic school process, procedures and operations  
2682 including, but not limited to, cafeteria workers, janitorial  
2683 services, transportation, professional development, achievement  
2684 and instructional consulting services materials and products,  
2685 purchasing cooperatives, insurance, business manager services,  
2686 auditing and accounting services, school safety/risk prevention,  
2687 data processing and student records, and other staff services;  
2688 however, the authority under this paragraph does not apply to the  
2689 leasing, management or operation of sixteenth section lands.

2690 Local school districts, working through their regional education  
2691 service agency, are encouraged to enter into buying consortia with  
2692 other member districts for the purposes of more efficient use of  
2693 state resources as described in Section 37-7-345;



2694 (xx) To partner with entities, organizations and  
2695 corporations for the purpose of benefiting the school district;

2696 (yy) To borrow funds from the Rural Economic  
2697 Development Authority for the maintenance of school buildings;

2698 (zz) To fund and operate voluntary early childhood  
2699 education programs, defined as programs for children less than  
2700 five (5) years of age on or before September 1, and to use any  
2701 source of revenue for such early childhood education programs.  
2702 Such programs shall not conflict with the Early Learning  
2703 Collaborative Act of 2013;

2704 (aaa) To issue and provide for the use of procurement  
2705 cards by school board members, superintendents and licensed school  
2706 personnel consistent with the rules and regulations of the  
2707 Mississippi Department of Finance and Administration under Section  
2708 31-7-9; and

2709 (bbb) To conduct an annual comprehensive evaluation of  
2710 the superintendent of schools consistent with the assessment  
2711 components of paragraph (pp) of this section and the assessment  
2712 benchmarks established by the Mississippi School Board Association  
2713 to evaluate the success the superintendent has attained in meeting  
2714 district goals and objectives, the superintendent's leadership  
2715 skill and whether or not the superintendent has established  
2716 appropriate standards for performance, is monitoring success and  
2717 is using data for improvement.



2718           **SECTION 41.** Section 37-7-302, Mississippi Code of 1972, is  
2719 amended as follows:  
2720           37-7-302. The board of trustees of any school district shall  
2721 be authorized to borrow such funds as may be reasonable and  
2722 necessary from the federal government, the State of Mississippi or  
2723 any political subdivision or entity thereof, or any other  
2724 governmental agency, from any individual, partnership, nonprofit  
2725 corporation or private for-profit corporation, to aid such school  
2726 districts in asbestos removal, to be repaid out of  
2727 any \* \* \* ~~nonminimum program~~ funds other than uniform per student  
2728 funding formula funds; provided, however, that the grant of  
2729 authority shall in no way be construed to require said boards of  
2730 trustees to remove asbestos material or substances from any  
2731 facilities under their control, nor shall there be any liability  
2732 to said school districts or boards for the failure to so remove  
2733 such asbestos materials. All indebtedness incurred under the  
2734 provisions of this section shall be evidenced by the negotiable  
2735 notes or certificates of indebtedness of the school district on  
2736 whose behalf the money is borrowed. Said notes or certificates of  
2737 indebtedness of the school district on whose behalf the money is  
2738 borrowed shall be signed by the president of the school board and  
2739 superintendent of schools of such school district. Such notes or  
2740 certificates of indebtedness shall not bear a greater overall  
2741 maximum interest rate to maturity than the rates now or hereafter  
2742 authorized under the provisions of Section 19-9-19. No such notes



2743 or certificates of indebtedness shall be issued and sold for less  
2744 than par and accrued interest. All notes or certificates of  
2745 indebtedness shall mature in approximately equal installments of  
2746 principal and interest over a period not to exceed twenty (20)  
2747 years from the dates of the issuance thereof. Principal and  
2748 interest shall be payable in such manner as may be determined by  
2749 the school board. Such notes or certificates of indebtedness shall  
2750 be issued in such form and in such denominations as may be  
2751 determined by the school board and same may be made payable at the  
2752 office of any bank or trust company selected by the school board  
2753 and, in such case, funds for the payment of principal and interest  
2754 due thereon shall be provided in the same manner provided by law  
2755 for the payment of the principal and interest due on bonds issued  
2756 by the taxing districts of this state.

2757       **SECTION 42.** Section 37-7-303, Mississippi Code of 1972, is  
2758 amended as follows:

2759       37-7-303. (1) The school board of any school district may  
2760 insure motor vehicles for any hazard that the board may choose,  
2761 and shall insure the school buildings, equipment and other school  
2762 property of the district against any and all hazards that the  
2763 board may deem necessary to provide insurance against. In  
2764 addition, the local school board of any school district shall  
2765 purchase and maintain business property insurance and business  
2766 personal property insurance on all school district-owned buildings  
2767 and/or contents as required by federal law and regulations of the



2768 Federal Emergency Management Agency (FEMA) as is necessary for  
2769 receiving public assistance or reimbursement for repair,  
2770 reconstruction, replacement or other damage to those buildings  
2771 and/or contents caused by the Hurricane Katrina Disaster of 2005  
2772 or subsequent disasters. The school district is authorized to  
2773 expend funds from any available source for the purpose of  
2774 obtaining and maintaining that property insurance. The school  
2775 district is authorized to enter into agreements with the  
2776 Department of Finance and Administration, other local school  
2777 districts, community/junior college districts, state institutions  
2778 of higher learning, community hospitals and/or other state  
2779 agencies to pool their liabilities to participate in a group  
2780 business property and/or business personal property insurance  
2781 program, subject to uniform rules and regulations as may be  
2782 adopted by the Department of Finance and Administration. Such  
2783 school board shall be authorized to contract for such insurance  
2784 for a term of not exceeding five (5) years and to obligate the  
2785 district for the payment of the premiums thereon. When necessary,  
2786 the school board is authorized and empowered, in its discretion,  
2787 to borrow money payable in annual installments for a period of not  
2788 exceeding five (5) years at a rate of interest not exceeding eight  
2789 percent (8%) per annum to provide funds to pay such insurance  
2790 premiums. The money so borrowed and the interest thereon shall be  
2791 payable from any school funds of the district other  
2792 than \* \* \*~~minimum education program~~ uniform per student funding



2793 formula funds. The school boards of school districts are further  
2794 authorized and empowered, in all cases where same may be  
2795 necessary, to bring and maintain suits and other actions in any  
2796 court of competent jurisdiction for the purpose of collecting the  
2797 proceeds of insurance policies issued upon the property of such  
2798 school district.

2799 (2) Two (2) or more school districts, together with other  
2800 educational entities or agencies, may agree to pool their  
2801 liabilities to participate in a group workers' compensation  
2802 program. The governing authorities of any school board or other  
2803 educational entity or agency may authorize the organization and  
2804 operation of, or the participation in such a group self-insurance  
2805 program with other school boards and educational entities or  
2806 agencies, subject to the requirements of Section 71-3-5. The  
2807 Workers' Compensation Commission shall approve such group  
2808 self-insurance programs subject to uniform rules and regulations  
2809 as may be adopted by the commission applicable to all groups.

2810 **SECTION 43.** Section 37-7-307, Mississippi Code of 1972, is  
2811 amended as follows:

2812 37-7-307. (1) For purposes of this section, the term  
2813 "licensed employee" means any employee of a public school district  
2814 required to hold a valid license by the Commission on Teacher and  
2815 Administrator Education, Certification and Licensure and  
2816 Development.





2817 (2) The school board of a school district shall establish by  
2818 rules and regulations a policy of sick leave with pay for licensed  
2819 employees and teacher assistants employed in the school district,  
2820 and such policy shall include the following minimum provisions for  
2821 sick and emergency leave with pay:

2822 (a) Each licensed employee and teacher assistant, at  
2823 the beginning of each school year, shall be credited with a  
2824 minimum sick leave allowance, with pay, of seven (7) days for  
2825 absences caused by illness or physical disability of the employee  
2826 during that school year.

2827 (b) Any unused portion of the total sick leave  
2828 allowance shall be carried over to the next school year and  
2829 credited to such licensed employee and teacher assistant if the  
2830 licensed employee or teacher assistant remains employed in the  
2831 same school district. In the event any public school licensed  
2832 employee or teacher assistant transfers from one public school  
2833 district in Mississippi to another, any unused portion of the  
2834 total sick leave allowance credited to such licensed employee or  
2835 teacher assistant shall be credited to such licensed employee or  
2836 teacher assistant in the computation of unused leave for  
2837 retirement purposes under Section 25-11-109. Accumulation of sick  
2838 leave allowed under this section shall be unlimited.

2839 (c) No deduction from the pay of such licensed employee  
2840 or teacher assistant may be made because of absence of such  
2841 licensed employee or teacher assistant caused by illness or



2842 physical disability of the licensed employee or teacher assistant  
2843 until after all sick leave allowance credited to such licensed  
2844 employee or teacher assistant has been used.

2845 (d) For the first ten (10) days of absence of a  
2846 licensed employee because of illness or physical disability, in  
2847 any school year, in excess of the sick leave allowance credited to  
2848 such licensed employee, there shall be deducted from the pay of  
2849 such licensed employee the established substitute amount of  
2850 licensed employee compensation paid in that local school district,  
2851 necessitated because of the absence of the licensed employee as a  
2852 result of illness or physical disability. In lieu of deducting  
2853 the established substitute amount from the pay of such licensed  
2854 employee, the policy may allow the licensed employee to receive  
2855 full pay for the first ten (10) days of absence because of illness  
2856 or physical disability, in any school year, in excess of the sick  
2857 leave allowance credited to such licensed employee. Thereafter,  
2858 the regular pay of such absent licensed employee shall be  
2859 suspended and withheld in its entirety for any period of absence  
2860 because of illness or physical disability during that school year.

2861 (3) (a) Beginning with the school year 1983-1984, each  
2862 licensed employee at the beginning of each school year shall be  
2863 credited with a minimum personal leave allowance, with pay, of two  
2864 (2) days for absences caused by personal reasons during that  
2865 school year. Effective for the 2010-2011 and 2011-2012 school  
2866 years, licensed employees shall be credited with an additional



2867 one-half (1/2) day of personal leave for every day the licensed  
2868 employee is furloughed without pay as provided in Section  
2869 37-7-308. Except as otherwise provided in paragraph (b) of this  
2870 subsection, such personal leave shall not be taken on the first  
2871 day of the school term, the last day of the school term, on a day  
2872 previous to a holiday or a day after a holiday. Personal leave  
2873 may be used for professional purposes, including absences caused  
2874 by attendance of such licensed employee at a seminar, class,  
2875 training program, professional association or other functions  
2876 designed for educators. No deduction from the pay of such  
2877 licensed employee may be made because of absence of such licensed  
2878 employee caused by personal reasons until after all personal leave  
2879 allowance credited to such licensed employee has been used.  
2880 However, the superintendent of a school district, in his  
2881 discretion, may allow a licensed employee personal leave in  
2882 addition to any minimum personal leave allowance, under the  
2883 condition that there shall be deducted from the salary of such  
2884 licensed employee the actual amount of any compensation paid to  
2885 any person as a substitute, necessitated because of the absence of  
2886 the licensed employee. Any unused portion of the total personal  
2887 leave allowance up to five (5) days shall be carried over to the  
2888 next school year and credited to such licensed employee if the  
2889 licensed employee remains employed in the same school district.  
2890 Any personal leave allowed for a furlough day shall not be carried  
2891 over to the next school year.



2892 (b) Notwithstanding the restrictions on the use of  
2893 personal leave prescribed under paragraph (a) of this subsection,  
2894 a licensed employee may use personal leave as follows:

2895 (i) Personal leave may be taken on the first day  
2896 of the school term, the last day of the school term, on a day  
2897 previous to a holiday or a day after a holiday if, on the  
2898 applicable day, an immediate family member of the employee is  
2899 being deployed for military service.

2900 (ii) Personal leave may be taken on a day previous  
2901 to a holiday or a day after a holiday if an employee of a school  
2902 district has either a minimum of ten (10) years' experience as an  
2903 employee of that school district or a minimum of thirty (30) days  
2904 of unused accumulated leave that has been earned while employed in  
2905 that school district.

2906 (iii) Personal leave may be taken on the first day  
2907 of the school term, the last day of the school term, on a day  
2908 previous to a holiday or a day after a holiday if, on the  
2909 applicable day, the employee has been summoned to appear for jury  
2910 duty or as a witness in court.

2911 (4) Beginning with the school year 1992-1993, each licensed  
2912 employee shall be credited with a professional leave allowance,  
2913 with pay, for each day of absence caused by reason of such  
2914 employee's statutorily required membership and attendance at a  
2915 regular or special meeting held within the State of Mississippi of  
2916 the State Board of Education, the Commission on Teacher and



2917 Administrator Education, Certification and Licensure and  
2918 Development, the Commission on School Accreditation, the  
2919 Mississippi Authority for Educational Television, the meetings of  
2920 the state textbook rating committees or other meetings authorized  
2921 by local school board policy.

2922 (5) Upon retirement from employment, each licensed and  
2923 nonlicensed employee shall be paid for not more than thirty (30)  
2924 days of unused accumulated leave earned while employed by the  
2925 school district in which the employee is last employed. Such  
2926 payment for licensed employees shall be made by the school  
2927 district at a rate equal to the amount paid to substitute teachers  
2928 and for nonlicensed employees, the payment shall be made by the  
2929 school district at a rate equal to the federal minimum wage. The  
2930 payment shall be treated in the same manner for retirement  
2931 purposes as a lump-sum payment for personal leave as provided in  
2932 Section 25-11-103(e). Any remaining lawfully credited unused  
2933 leave, for which payment has not been made, shall be certified to  
2934 the Public Employees' Retirement System in the same manner and  
2935 subject to the same limitations as otherwise provided by law for  
2936 unused leave. No payment for unused accumulated leave may be made  
2937 to either a licensed or nonlicensed employee at termination or  
2938 separation from service for any purpose other than for the purpose  
2939 of retirement.

2940 (6) The school board may adopt rules and regulations which  
2941 will reasonably aid to implement the policy of sick and personal



2942 leave, including, but not limited to, rules and regulations having  
2943 the following general effect:

2944 (a) Requiring the absent employee to furnish the  
2945 certificate of a physician or dentist or other medical  
2946 practitioner as to the illness of the absent licensed employee,  
2947 where the absence is for four (4) or more consecutive school days,  
2948 or for two (2) consecutive school days immediately preceding or  
2949 following a nonschool day;

2950 (b) Providing penalties, by way of full deduction from  
2951 salary, or entry on the work record of the employee, or other  
2952 appropriate penalties, for any materially false statement by the  
2953 employee as to the cause of absence;

2954 (c) Forfeiture of accumulated or future sick leave, if  
2955 the absence of the employee is caused by optional dental or  
2956 medical treatment or surgery which could, without medical risk,  
2957 have been provided, furnished or performed at a time when school  
2958 was not in session;

2959 (d) Enlarging, increasing or providing greater sick or  
2960 personal leave allowances than the minimum standards established  
2961 by this section in the discretion of the school board of each  
2962 school district.

2963 (7) School boards may include in their budgets provisions  
2964 for the payment of substitute employees, necessitated because of  
2965 the absence of regular licensed employees. All such substitute  
2966 employees shall be paid wholly from district funds, except as



2967 otherwise provided for long-term substitute teachers in Section  
2968 37-19-20. Such school boards, in their discretion, also may pay,  
2969 from district funds other than \* \* \*~~adequate education program~~  
2970 uniform per student funding formula funds, the whole or any part  
2971 of the salaries of all employees granted leaves for the purpose of  
2972 special studies or training.

2973 (8) The school board may further adopt rules and regulations  
2974 which will reasonably implement such leave policies for all other  
2975 nonlicensed and hourly paid school employees as the board deems  
2976 appropriate. Effective for the 2010-2011 and 2011-2012 school  
2977 years, nonlicensed employees shall be credited with an additional  
2978 one-half (1/2) day of personal leave for every day the nonlicensed  
2979 employee is furloughed without pay as provided in Section  
2980 37-7-308.

2981 (9) Vacation leave granted to either licensed or nonlicensed  
2982 employees shall be synonymous with personal leave. Unused  
2983 vacation or personal leave accumulated by licensed employees in  
2984 excess of the maximum five (5) days which may be carried over from  
2985 one year to the next may be converted to sick leave. The annual  
2986 conversion of unused vacation or personal leave to sick days for  
2987 licensed or unlicensed employees shall not exceed the allowable  
2988 number of personal leave days as provided in Section 25-3-93. The  
2989 annual total number of converted unused vacation and/or personal  
2990 days added to the annual unused sick days for any employee shall  
2991 not exceed the combined allowable number of days per year provided



2992 in Sections 25-3-93 and 25-3-95. Local school board policies that  
2993 provide for vacation, personal and sick leave for employees shall  
2994 not exceed the provisions for leave as provided in Sections  
2995 25-3-93 and 25-3-95. Any personal or vacation leave previously  
2996 converted to sick leave under a lawfully adopted policy before May  
2997 1, 2004, or such personal or vacation leave accumulated and  
2998 available for use prior to May 1, 2004, under a lawfully adopted  
2999 policy but converted to sick leave after May 1, 2004, shall be  
3000 recognized as accrued leave by the local school district and  
3001 available for use by the employee. The leave converted under a  
3002 lawfully adopted policy prior to May 1, 2004, or such personal and  
3003 vacation leave accumulated and available for use as of May 1,  
3004 2004, which was subsequently converted to sick leave may be  
3005 certified to the Public Employees' Retirement System upon  
3006 termination of employment and any such leave previously converted  
3007 and certified to the Public Employees' Retirement System shall be  
3008 recognized.

3009 (10) (a) For the purposes of this subsection, the following  
3010 words and phrases shall have the meaning ascribed in this  
3011 paragraph unless the context requires otherwise:

3012 (i) "Catastrophic injury or illness" means a  
3013 life-threatening injury or illness of an employee or a member of  
3014 an employee's immediate family that totally incapacitates the  
3015 employee from work, as verified by a licensed physician, and  
3016 forces the employee to exhaust all leave time earned by that





3017 employee, resulting in the loss of compensation from the local  
3018 school district for the employee. Conditions that are short-term  
3019 in nature, including, but not limited to, common illnesses such as  
3020 influenza and the measles, and common injuries, are not  
3021 catastrophic. Chronic illnesses or injuries, such as cancer or  
3022 major surgery, that result in intermittent absences from work and  
3023 that are long-term in nature and require long recuperation periods  
3024 may be considered catastrophic.

3025 (ii) "Immediate family" means spouse, parent,  
3026 stepparent, sibling, child or stepchild.

3027 (b) Any school district employee may donate a portion  
3028 of his or her unused accumulated personal leave or sick leave to  
3029 another employee of the same school district who is suffering from  
3030 a catastrophic injury or illness or who has a member of his or her  
3031 immediate family suffering from a catastrophic injury or illness,  
3032 in accordance with the following:

3033 (i) The employee donating the leave (the "donor  
3034 employee") shall designate the employee who is to receive the  
3035 leave (the "recipient employee") and the amount of unused  
3036 accumulated personal leave and sick leave that is to be donated,  
3037 and shall notify the school district superintendent or his  
3038 designee of his or her designation.

3039 (ii) The maximum amount of unused accumulated  
3040 personal leave that an employee may donate to any other employee  
3041 may not exceed a number of days that would leave the donor



3042 employee with fewer than seven (7) days of personal leave  
3043 remaining, and the maximum amount of unused accumulated sick leave  
3044 that an employee may donate to any other employee may not exceed  
3045 fifty percent (50%) of the unused accumulated sick leave of the  
3046 donor employee.

3047 (iii) An employee must have exhausted all of his  
3048 or her available leave before he or she will be eligible to  
3049 receive any leave donated by another employee. Eligibility for  
3050 donated leave shall be based upon review and approval by the donor  
3051 employee's supervisor.

3052 (iv) Before an employee may receive donated leave,  
3053 he or she must provide the school district superintendent or his  
3054 designee with a physician's statement that states that the illness  
3055 meets the catastrophic criteria established under this section,  
3056 the beginning date of the catastrophic injury or illness, a  
3057 description of the injury or illness, and a prognosis for recovery  
3058 and the anticipated date that the recipient employee will be able  
3059 to return to work.

3060 (v) Before an employee may receive donated leave,  
3061 the superintendent of education of the school district shall  
3062 appoint a review committee to approve or disapprove the said  
3063 donations of leave, including the determination that the illness  
3064 is catastrophic within the meaning of this section.

3065 (vi) If the total amount of leave that is donated  
3066 to any employee is not used by the recipient employee, the whole



3067 days of donated leave shall be returned to the donor employees on  
3068 a pro rata basis, based on the ratio of the number of days of  
3069 leave donated by each donor employee to the total number of days  
3070 of leave donated by all donor employees.

3071 (vii) Donated leave shall not be used in lieu of  
3072 disability retirement.

3073 **SECTION 44.** Section 37-7-319, Mississippi Code of 1972, is  
3074 amended as follows:

3075 37-7-319. All public school boards may purchase group  
3076 insurance coverage for the liability of all of its active  
3077 full-time instructional and noninstructional personnel. Such  
3078 policy shall be paid for with any funds available other  
3079 than \* \* \*~~state minimum education program~~ uniform per student  
3080 funding formula funds.

3081 **SECTION 45.** Section 37-7-333, Mississippi Code of 1972, is  
3082 amended as follows:

3083 37-7-333. The school boards of all school districts shall  
3084 have full control of the receipt, distribution, allotment and  
3085 disbursement of all funds which may be provided for the support  
3086 and maintenance of the schools of such district whether such funds  
3087 be \* \* \*~~minimum education program~~ uniform per student funding  
3088 formula allotments, funds derived from supplementary tax levies as  
3089 authorized by law, or funds derived from any other source  
3090 whatsoever except as may otherwise be provided by law for control  
3091 of the proceeds from school bonds or notes and the taxes levied to



3092 pay the principal of and interest on such bonds or notes. The tax  
3093 collector of each county shall make reports, in writing, verified  
3094 by his affidavit, on or before the twentieth day of each month to  
3095 the superintendent of schools of each school district within such  
3096 county reflecting all school district taxes collected by him for  
3097 the support of said school district during the preceding month.  
3098 He shall at the same time pay over all such school district taxes  
3099 collected by him for the support of said school district directly  
3100 to said superintendent of schools.

3101 All such allotments or funds shall be placed in the  
3102 depository or depositories selected by the school board in the  
3103 same manner as provided in Section 27-105-305 for the selection of  
3104 county depositories. Provided, however, the annual notice to be  
3105 given by the school board to financial institutions may be given  
3106 by the school board at any regular meeting subsequent to the  
3107 board's regular December meeting but prior to the regular May  
3108 meeting. The bids of financial institutions for the privilege of  
3109 keeping school funds may be received by the school board at some  
3110 subsequent meeting, but no later than the regular June meeting;  
3111 and the selection by the school board of the depository or  
3112 depositories shall be effective on July 1 of each year. School  
3113 boards shall advertise and accept bids for depositories, no less  
3114 than once every three (3) years, when such board determines that  
3115 it can obtain a more favorable rate of interest and less  
3116 administrative processing. Such depository shall place on deposit



3117 with the superintendent of schools the same securities as required  
3118 in Section 27-105-315.

3119 In the event a bank submits a bid or offer to a school  
3120 district to act as a depository for the district and such bid or  
3121 offer, if accepted, would result in a contract in which a member  
3122 of the school board would have a direct or indirect interest, the  
3123 school board should not open or consider any bids received. The  
3124 superintendent of schools shall submit the matter to the State  
3125 Treasurer, who shall have the authority to solicit bids, select a  
3126 depository or depositories, make all decisions and take any action  
3127 within the authority of the school board under this section  
3128 relating to the selection of a depository or depositories.

3129 **SECTION 46.** Section 37-7-339, Mississippi Code of 1972, is  
3130 amended as follows:

3131 37-7-339. (1) The school board of any local school  
3132 district, in its discretion, may provide extended day and extended  
3133 school year programs for kindergarten or compulsory-school-age  
3134 students, or both, and may expend any funds for these purposes  
3135 which are available from sources other than the \* \* \*~~adequate~~  
3136 ~~education program~~ uniform per student funding formula. It is not  
3137 the intent of the Legislature, in enacting this section, to  
3138 interfere with the Headstart program. School boards, in their  
3139 discretion, may charge participants a reasonable fee for such  
3140 programs.



3141           (2) The school board of any school district may adopt any  
3142 orders, policies, rules or regulations with respect to instruction  
3143 within that school district for which no specific provision has  
3144 been made by general law and which are not inconsistent with the  
3145 Mississippi Constitution of 1890, the Mississippi Code of 1972, or  
3146 any order, policy, rule or regulation of the State Board of  
3147 Education; those school boards also may alter, modify and repeal  
3148 any orders, policies, rules or regulations enacted under this  
3149 subsection. Any such program pertaining to reading must further  
3150 the goal that Mississippi students will demonstrate a growing  
3151 proficiency in reading and will reach or exceed the national  
3152 average within the next decade.

3153           **SECTION 47.** Section 37-7-419, Mississippi Code of 1972, is  
3154 amended as follows:

3155           37-7-419. The various school districts which may become  
3156 parties to any such agreement are authorized to appropriate and  
3157 expend for the purposes thereof any and all funds which may be  
3158 required to carry out the terms of any such agreement from any  
3159 funds available to any such party to such an agreement not  
3160 otherwise appropriated without limitation as to the source of such  
3161 funds, including \* \* \* ~~minimum foundation program~~ uniform per  
3162 student funding formula funds, sixteenth section funds, funds  
3163 received from the federal government or other sources by way of  
3164 grant, donation or otherwise, and funds which may be available to  
3165 any such party through the State Department of Education or any



3166 other agency of the state, regardless of the party to such  
3167 agreement designated thereby to be primarily responsible for the  
3168 construction or operation of any such regional high school center  
3169 and regardless of the limitation on the expenditure of any such  
3170 funds imposed by any other statute. However, no such funds whose  
3171 use was originally limited to the construction of capital  
3172 improvements shall be utilized for the purpose of defraying the  
3173 administrative or operating costs of any such center. Any one or  
3174 more of the parties to such an agreement may be designated as the  
3175 fiscal agent or contracting party in carrying out any of the  
3176 purposes of such agreement, and any and all funds authorized to be  
3177 spent therefor by any of the said parties may be paid over to the  
3178 fiscal agent or contracting party for disbursement by such fiscal  
3179 agent or contracting party. Such disbursements shall be made and  
3180 contracted for under the laws and regulations applicable to such  
3181 fiscal or disbursing agent. All of the school district parties to  
3182 any such agreement may issue bonds, negotiable notes or other  
3183 evidences of indebtedness for the purpose of providing funds for  
3184 the acquisition of land and for the construction of buildings and  
3185 permanent improvements under the terms of any such agreement under  
3186 any existing laws authorizing the issuance or sale thereof to  
3187 provide funds for any capital improvement.

3188         **SECTION 48.** Section 37-9-17, Mississippi Code of 1972, is  
3189 amended as follows:



3190           37-9-17. (1) On or before April 1 of each year, the  
3191 principal of each school shall recommend to the superintendent of  
3192 the local school district the licensed employees or  
3193 noninstructional employees to be employed for the school involved  
3194 except those licensed employees or noninstructional employees who  
3195 have been previously employed and who have a contract valid for  
3196 the ensuing scholastic year. If such recommendations meet with  
3197 the approval of the superintendent, the superintendent shall  
3198 recommend the employment of such licensed employees or  
3199 noninstructional employees to the local school board, and, unless  
3200 good reason to the contrary exists, the board shall elect the  
3201 employees so recommended. If, for any reason, the local school  
3202 board shall decline to elect any employee so recommended,  
3203 additional recommendations for the places to be filled shall be  
3204 made by the principal to the superintendent and then by the  
3205 superintendent to the local school board as provided above. The  
3206 school board of any local school district shall be authorized to  
3207 designate a personnel supervisor or another principal employed by  
3208 the school district to recommend to the superintendent licensed  
3209 employees or noninstructional employees; however, this  
3210 authorization shall be restricted to no more than two (2)  
3211 positions for each employment period for each school in the local  
3212 school district. Any noninstructional employee employed upon the  
3213 recommendation of a personnel supervisor or another principal  
3214 employed by the local school district must have been employed by





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

3229 When the licensed employees have been elected as provided in  
3230 the preceding paragraph, the superintendent of the district shall  
3231 enter into a contract with such persons in the manner provided in  
3232 this chapter.

3233 If, at the commencement of the scholastic year, any licensed  
3234 employee shall present to the superintendent a license of a higher  
3235 grade than that specified in such individual's contract, such  
3236 individual may, if funds are available from \* \* \*adequate  
3237 ~~education program~~ uniform per student funding formula funds of the  
3238 district, or from district funds, be paid from such funds the  
3239 amount to which such higher grade license would have entitled the



3240 individual, had the license been held at the time the contract was  
3241 executed.

3242 (2) Superintendents/directors of schools under the purview  
3243 of the State Board of Education, the superintendent of the local  
3244 school district and any private firm under contract with the local  
3245 public school district to provide substitute teachers to teach  
3246 during the absence of a regularly employed schoolteacher shall  
3247 require, through the appropriate governmental authority, that  
3248 current criminal records background checks and current child abuse  
3249 registry checks are obtained, and that such criminal record  
3250 information and registry checks are on file for any new hires  
3251 applying for employment as a licensed or nonlicensed employee at a  
3252 school and not previously employed in such school under the  
3253 purview of the State Board of Education or at such local school  
3254 district prior to July 1, 2000. In order to determine the  
3255 applicant's suitability for employment, the applicant shall be  
3256 fingerprinted. If no disqualifying record is identified at the  
3257 state level, the fingerprints shall be forwarded by the Department  
3258 of Public Safety to the Federal Bureau of Investigation for a  
3259 national criminal history record check. The fee for such  
3260 fingerprinting and criminal history record check shall be paid by  
3261 the applicant, not to exceed Fifty Dollars (\$50.00); however, the  
3262 State Board of Education, the school board of the local school  
3263 district or a private firm under contract with a local school  
3264 district to provide substitute teachers to teach during the



3265 temporary absence of the regularly employed schoolteacher, in its  
3266 discretion, may elect to pay the fee for the fingerprinting and  
3267 criminal history record check on behalf of any applicant. Under  
3268 no circumstances shall a member of the State Board of Education,  
3269 superintendent/director of schools under the purview of the State  
3270 Board of Education, local school district superintendent, local  
3271 school board member or any individual other than the subject of  
3272 the criminal history record checks disseminate information  
3273 received through any such checks except insofar as required to  
3274 fulfill the purposes of this section. Any nonpublic school which  
3275 is accredited or approved by the State Board of Education may  
3276 avail itself of the procedures provided for herein and shall be  
3277 responsible for the same fee charged in the case of local public  
3278 schools of this state. The determination whether the applicant  
3279 has a disqualifying crime, as set forth in subsection (3) of this  
3280 section, shall be made by the appropriate governmental authority,  
3281 and the appropriate governmental authority shall notify the  
3282 private firm whether a disqualifying crime exists.

3283 (3) If such fingerprinting or criminal record checks  
3284 disclose a felony conviction, guilty plea or plea of nolo  
3285 contendere to a felony of possession or sale of drugs, murder,  
3286 manslaughter, armed robbery, rape, sexual battery, sex offense  
3287 listed in Section 45-33-23(h), child abuse, arson, grand larceny,  
3288 burglary, gratification of lust or aggravated assault which has  
3289 not been reversed on appeal or for which a pardon has not been



3290 granted, the new hire shall not be eligible to be employed at such  
3291 school. Any employment contract for a new hire executed by the  
3292 superintendent of the local school district or any employment of a  
3293 new hire by a superintendent/director of a new school under the  
3294 purview of the State Board of Education or by a private firm shall  
3295 be voidable if the new hire receives a disqualifying criminal  
3296 record check. However, the State Board of Education or the school  
3297 board may, in its discretion, allow any applicant aggrieved by the  
3298 employment decision under this section to appear before the  
3299 respective board, or before a hearing officer designated for such  
3300 purpose, to show mitigating circumstances which may exist and  
3301 allow the new hire to be employed at the school. The State Board  
3302 of Education or local school board may grant waivers for such  
3303 mitigating circumstances, which shall include, but not be limited  
3304 to: (a) age at which the crime was committed; (b) circumstances  
3305 surrounding the crime; (c) length of time since the conviction and  
3306 criminal history since the conviction; (d) work history; (e)  
3307 current employment and character references; (f) other evidence  
3308 demonstrating the ability of the person to perform the employment  
3309 responsibilities competently and that the person does not pose a  
3310 threat to the health or safety of the children at the school.

3311 (4) No local school district, local school district  
3312 employee, member of the State Board of Education or employee of a  
3313 school under the purview of the State Board of Education shall be  
3314 held liable in any employment discrimination suit in which an



3315 allegation of discrimination is made regarding an employment  
3316 decision authorized under this Section 37-9-17.

3317         **SECTION 49.** Section 37-9-23, Mississippi Code of 1972, is  
3318 amended as follows:

3319         37-9-23. The superintendent shall enter into a contract with  
3320 each assistant superintendent, principal, licensed employee and  
3321 person anticipating graduation from an approved teacher education  
3322 program or the issuance of a proper license before October 15 or  
3323 February 15, as the case may be, who is elected and approved for  
3324 employment by the school board. Such contracts shall be in such  
3325 form as shall be prescribed by the State Board of Education and  
3326 shall be executed in duplicate with one (1) copy to be retained by  
3327 the appropriate superintendent and one (1) copy to be retained by  
3328 the principal, licensed employee or person recommended for a  
3329 licensed position contracted with. The contract shall show the  
3330 name of the district, the length of the school term, the position  
3331 held (whether an assistant superintendent, principal or licensed  
3332 employee), the scholastic years which it covers, the total amount  
3333 of the annual salary and how same is payable. The amount of  
3334 salary to be shown in such contract shall be the amount which  
3335 shall have been fixed and determined by the school board, but, as  
3336 to the licensed employees paid, in whole or in part,  
3337 with \* \* \*~~adequate education program~~ uniform per student funding  
3338 formula funds, such salary shall not be less than that required  
3339 under the provisions of Chapter 19 of this title. Beginning with



3340 the 2010-2011 school year, the contract shall include a provision  
3341 allowing the school district to reduce the state minimum salary by  
3342 a pro rata daily amount in order to comply with the school  
3343 district employee furlough provisions of Section 37-7-308, and  
3344 shall include a provision which conditions the payment of such  
3345 salary upon the availability of \* \* \*~~adequate education~~ uniform  
3346 per student funding formula funds provided for salaries. The  
3347 contract entered into with any person recommended for a licensed  
3348 position who is anticipating either graduation from an approved  
3349 teacher education program before September 1 or December 31, as  
3350 the case may be, or the issuance of a proper license before  
3351 October 15 or February 15, as the case may be, shall be a  
3352 conditional contract and shall include a provision stating that  
3353 the contract will be null and void if, as specified in the  
3354 contract, the contingency upon which the contract is conditioned  
3355 has not occurred. If any superintendent, other than those  
3356 elected, principal, licensed employee or person recommended for a  
3357 licensed position who has been elected and approved shall not  
3358 execute and return the contract within ten (10) days after same  
3359 has been tendered to him for execution, then, at the option of the  
3360 school board, the election of the licensed employee and the  
3361 contract tendered to him shall be void and of no effect.

3362       **SECTION 50.** Section 37-9-25, Mississippi Code of 1972, is  
3363 amended as follows:



3364 37-9-25. The school board shall have the power and  
3365 authority, in its discretion, to employ the superintendent, unless  
3366 such superintendent is elected at the November 2015 general  
3367 election, for not exceeding four (4) scholastic years and the  
3368 principals or licensed employees for not exceeding three (3)  
3369 scholastic years. In such case, contracts shall be entered into  
3370 with such superintendents, principals and licensed employees for  
3371 the number of years for which they have been employed. However,  
3372 in the event that a vacancy in the office of the superintendent of  
3373 schools elected at the November 2015 general election shall occur  
3374 before January 1, 2019, the local school board shall then appoint  
3375 the superintendent of the school district and enter into contract  
3376 with the appointee for a period not to exceed three (3) scholastic  
3377 years. All such contracts with licensed employees shall for the  
3378 years after the first year thereof be subject to the contingency  
3379 that the licensed employee may be released if, during the life of  
3380 the contract, the average daily \* \* \*~~attendance~~ membership should  
3381 decrease from that existing during the previous year and thus  
3382 necessitate a reduction in the number of licensed employees during  
3383 any year after the first year of the contract. However, in all  
3384 such cases the licensed employee must be released before July 1 or  
3385 at least thirty (30) days prior to the beginning of the school  
3386 term, whichever date should occur earlier. The salary to be paid  
3387 for the years after the first year of such contract shall be  
3388 subject to revision, either upward or downward, in the event of an



3389 increase or decrease in the funds available for the payment  
3390 thereof, but, unless such salary is revised prior to the beginning  
3391 of a school year, it shall remain for such school year at the  
3392 amount fixed in such contract. However, where school district  
3393 funds, other than \* \* \*~~minimum education program~~ uniform per  
3394 student funding formula funds, are available during the school  
3395 year in excess of the amount anticipated at the beginning of the  
3396 school year the salary to be paid for such year may be increased  
3397 to the extent that such additional funds are available and nothing  
3398 herein shall be construed to prohibit same.

3399 **SECTION 51.** Section 37-9-33, Mississippi Code of 1972, is  
3400 amended as follows:

3401 37-9-33. (1) In employing and contracting with appointed  
3402 superintendents, principals and \* \* \*~~certificated~~ licensed  
3403 employees, the school board shall in all cases determine whether  
3404 the amount of salary to be paid such superintendent, principals  
3405 and \* \* \*~~certificated~~ licensed employees is in compliance with the  
3406 provisions of \* \* \*~~the adequate education program~~ this chapter and  
3407 Section 37-19-7. No contract shall be entered into where the  
3408 salary of a superintendent, principal or \* \* \*~~certificated~~  
3409 licensed employee is to be paid, in whole or in part,  
3410 from \* \* \*~~adequate education program~~ uniform per student funding  
3411 formula funds except where the statutory requirements \* \* \*~~of said~~  
3412 ~~chapter~~ as to the amount of such salary are fully met. Nothing  
3413 herein shall be construed, however, to prohibit any school





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

3429 (2) Each school district shall provide an annual report to  
3430 the State Department of Education on the number  
3431 of \* \* \*~~certificated~~ licensed and \* \* \*~~noncertificated~~ nonlicensed  
3432 employees receiving a salary from the school district who are also  
3433 receiving retirement benefits from the Public Employees'  
3434 Retirement System. This report shall include the name of the  
3435 employee(s), the hours per week for which the employee is under  
3436 contract and the services for which the employee is under  
3437 contract. Said required annual report shall be in a form and  
3438 deadline promulgated by the State Board of Education.



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

3441           37-9-35.   \* \* \*~~No school district shall employ any teachers~~  
3442 ~~to be paid, in whole or in part, from minimum education program~~  
3443 ~~funds in excess of the number allowable under Chapter 19 of this~~  
3444 ~~Title, but as provided in said chapter the number of teachers~~  
3445 ~~paid, in whole or in part, from minimum education program funds~~  
3446 ~~shall be determined by the average daily attendance for the~~  
3447 ~~preceding year, and A reduction in the average~~  
3448 ~~daily \* \* \*attendance membership during a current year from that~~  
3449 ~~existing in the preceding year shall not authorize the discharge~~  
3450 ~~or release of a teacher or teachers during such current year.~~

3451           \* \* \*~~Nothing herein shall be construed to prohibit any school~~  
3452 ~~district from employing such additional teachers as it may deem~~  
3453 ~~necessary provided that such teachers are paid wholly from funds~~  
3454 ~~other than minimum education program funds.~~

3455           **SECTION 53.** Section 37-9-37, Mississippi Code of 1972, is  
3456 amended as follows:

3457           37-9-37. The amount of the salary to be paid any  
3458 superintendent, principal or licensed employee shall be fixed by  
3459 the school board, provided that the requirements of \* \* \*~~Chapter~~  
3460 ~~19 of this title are met as to superintendents, principals and~~  
3461 ~~licensed employees paid, in whole or in part, from \* \* \*minimum~~  
3462 ~~education program uniform per student funding formula funds. In~~  
3463 ~~employing such superintendents, principals and licensed employees~~



3464 and in fixing their salaries, the school boards shall take into  
3465 consideration the character, professional training, experience,  
3466 executive ability and teaching capacity of the licensed employee,  
3467 superintendent or principal. It is the intent of the Legislature  
3468 that whenever the salary of the school district superintendent is  
3469 set by a school board, the board shall take into consideration the  
3470 amount of money that the district spends per pupil, and shall  
3471 attempt to insure that the administrative cost of the district and  
3472 the amount of the salary of the superintendent are not excessive  
3473 in comparison to the per pupil expenditure of the district.

3474       **SECTION 54.** Section 37-9-77, Mississippi Code of 1972, is  
3475 amended as follows:

3476       37-9-77. (1) There is established the Mississippi School  
3477 Administrator Sabbatical Program which shall be available to  
3478 licensed teachers employed in Mississippi school districts for not  
3479 less than three (3) years, for the purpose of allowing such  
3480 teachers to become local school district administrators under the  
3481 conditions set forth in this section. The State Board of  
3482 Education, in coordination with the Board of Trustees of State  
3483 Institutions of Higher Learning, shall develop guidelines for the  
3484 program. Application shall be made to the State Department of  
3485 Education for the Mississippi School Administrator Sabbatical  
3486 Program by qualified teachers meeting the criteria for a  
3487 department-approved administration program and who have been  
3488 recommended by the local school board. Administration programs



3489 that are eligible for the administrator sabbatical program shall  
3490 be limited to those that have been approved by the department by  
3491 the January 1 preceding the date of admission to the program.  
3492 Admission into the program shall authorize the applicant to take  
3493 university course work and training leading to an administrator's  
3494 license.

3495 (2) The salaries of the teachers approved for participation  
3496 in the administrator sabbatical program shall be paid by the  
3497 employing school district from \* \* \*~~nonminimum education program~~  
3498 funds other than uniform per student funding formula funds.  
3499 However, the State Department of Education shall reimburse the  
3500 employing school districts for the cost of the salaries and paid  
3501 fringe benefits of teachers participating in the administrator  
3502 sabbatical program for one (1) contract year. Reimbursement shall  
3503 be made in accordance with the then current \* \* \*~~minimum education~~  
3504 ~~program~~ salary schedule under Section 37-19-7, except that the  
3505 maximum amount of the reimbursement from state funds shall not  
3506 exceed the \* \* \*~~minimum education program~~ salary prescribed for a  
3507 teacher holding a Class A license and having five (5) years'  
3508 experience. The local school district shall be responsible for  
3509 that portion of a participating teacher's salary attributable to  
3510 the local supplement and for any portion of the teacher's salary  
3511 that exceeds the maximum amount allowed for reimbursement from  
3512 state funds as provided in this subsection, and the school board  
3513 may not reduce the local supplement payable to that teacher. Any



3514 reimbursements made by the State Department of Education to local  
3515 school districts under this section shall be subject to available  
3516 appropriations and may be made only to school districts determined  
3517 by the State Board of Education as being in need of  
3518 administrators.

3519 (3) Such teachers participating in the program on a  
3520 full-time basis shall continue to receive teaching experience and  
3521 shall receive the salary prescribed in Section 37-19-7, including  
3522 the annual experience increments. Such participants shall be  
3523 fully eligible to continue participation in the Public Employees'  
3524 Retirement System and the Public School Employees Health Insurance  
3525 Plan during the time they are in the program on a full-time basis.

3526 (4) As a condition for participation in the School  
3527 Administrator Sabbatical Program, such teachers shall agree to  
3528 employment as administrators in the sponsoring school district for  
3529 not less than five (5) years following completion of administrator  
3530 licensure requirements. Any person failing to comply with this  
3531 employment commitment in any required school year, unless the  
3532 commitment is deferred as provided in subsection (5) of this  
3533 section, shall immediately be in breach of contract and become  
3534 liable to the State Department of Education for that amount of his  
3535 salary and paid fringe benefits paid by the state while the  
3536 teacher was on sabbatical, less twenty percent (20%) of the amount  
3537 of his salary and paid fringe benefits paid by the state for each  
3538 year that the person was employed as an administrator following



3539 completion of the administrator licensure requirements. In  
3540 addition, the person shall become liable to the local school  
3541 district for any portion of his salary and paid fringe benefits  
3542 paid by the local school district while the teacher was on  
3543 sabbatical that is attributable to the local salary supplement or  
3544 is attributable to the amount that exceeds the maximum amount  
3545 allowed for reimbursement from state funds as provided in  
3546 subsection (2) of this section, less twenty percent (20%) of the  
3547 amount of his salary and paid fringe benefits paid by the school  
3548 district for each year that the person was employed as an  
3549 administrator following completion of the administrator licensure  
3550 requirements. Interest on the amount due shall accrue at the  
3551 current Stafford Loan rate at the time the breach occurs. If the  
3552 claim for repayment of such salary and fringe benefits is placed  
3553 in the hands of an attorney for collection after default, then the  
3554 obligor shall be liable for an additional amount equal to a  
3555 reasonable attorney's fee.

3556 (5) If there is not an administrator position immediately  
3557 available in the sponsoring school district after a person has  
3558 completed the administrator licensure requirements, or if the  
3559 administrator position in the sponsoring school district in which  
3560 the person is employed is no longer needed before the completion  
3561 of the five-year employment commitment, the local school board  
3562 shall defer any part of the employment commitment that has not  
3563 been met until such time as an administrator position becomes



3564 available in the sponsoring school district. If such a deferral  
3565 is made, the sponsoring school district shall employ the person as  
3566 a teacher in the school district during the period of deferral,  
3567 unless the person desires to be released from employment by the  
3568 sponsoring school district and the district agrees to release the  
3569 person from employment. If the sponsoring school district  
3570 releases a person from employment, that person may be employed as  
3571 an administrator in another school district in the state that is  
3572 in need of administrators as determined by the State Board of  
3573 Education, and that employment for the other school district shall  
3574 be applied to any remaining portion of the five-year employment  
3575 commitment required under this section. Nothing in this  
3576 subsection shall prevent a school district from not renewing the  
3577 person's contract before the end of the five-year employment  
3578 commitment in accordance with the School Employment Procedures Law  
3579 (Section 37-9-101 et seq.). However, if the person is not  
3580 employed as an administrator by another school district after  
3581 being released by the sponsoring school district, or after his  
3582 contract was not renewed by the sponsoring school district, he  
3583 shall be liable for repayment of the amount of his salary and  
3584 fringe benefits as provided in subsection (4) of this section.

3585 (6) All funds received by the State Department of Education  
3586 from the repayment of salary and fringe benefits paid by the state  
3587 from program participants shall be deposited in the Mississippi  
3588 Critical Teacher Shortage Fund.



3589           **SECTION 55.** Section 37-11-11, Mississippi Code of 1972, is  
3590 amended as follows:

3591           37-11-11. (1) For the purposes of this section, the term  
3592 "hospital" shall include community-based programs and facilities  
3593 licensed or approved by the Department of Mental Health for  
3594 treatment of chemical substance use and abuse.

3595           (2) When five (5) or more children of educable mind between  
3596 the ages of six (6) and twenty-one (21) years who are capable of  
3597 pursuing courses of instruction at secondary school level or below  
3598 shall be confined in a hospital for an extended period of time,  
3599 such children shall be eligible for and shall be provided with a  
3600 program of education, instruction and training within such  
3601 hospital in the manner hereinafter set forth, provided that the  
3602 need for hospitalization for an extended period of time shall be  
3603 certified by the chief of staff of such hospital and that the  
3604 ability of such children to do school work shall be certified by  
3605 qualified psychologists and/or educators approved by the State  
3606 Board of Education.

3607           (3) When five (5) or more children as set forth herein shall  
3608 be confined in the same hospital, then the board of trustees of  
3609 the school district in which such hospital is located shall be  
3610 authorized and empowered, in its discretion, to provide a program  
3611 of education, instruction and training to such children within  
3612 such hospital. For such purpose the board shall be authorized and  
3613 empowered to employ and contract with teachers, provide textbooks





3614 and other instructional materials, correspondence courses and  
3615 instructional equipment and appliances, and otherwise provide for  
3616 the furnishing of such program and to administer and supervise the  
3617 same. Such program shall be furnished in a manner as prescribed  
3618 by rules and regulations adopted by the State Board of Education.  
3619 The state board shall have full power to adopt such rules,  
3620 regulations, policies and standards as it may deem necessary to  
3621 carry out the purpose of this section, including the establishment  
3622 of qualifications of any teachers employed under the provisions  
3623 hereof. It is expressly provided, however, that no program shall  
3624 be furnished under this section except in a hospital licensed for  
3625 operation by the State of Mississippi and only in cases where such  
3626 hospital shall consent thereto, shall provide any classroom space,  
3627 furniture and facilities which may be deemed necessary, and  
3628 otherwise shall cooperate in carrying out the provisions of this  
3629 section. Before such program of education, instruction and  
3630 training shall be provided, the governing authorities of said  
3631 hospital shall enter into a contract with the board of trustees of  
3632 the school district which stipulates that said hospital agrees to  
3633 furnish the necessary classroom space, furniture and facilities  
3634 and provide for their upkeep, fuel and such other things as may be  
3635 necessary for the successful operation of the program of  
3636 education, instruction and training.

3637 (4) In cases when children who are residents of school  
3638 districts other than the school district providing such education



3639 program may participate in the program prescribed in this section.  
3640 The boards of trustees of the districts of which such children are  
3641 residents shall pay to the board of trustees of the school  
3642 district furnishing such school program the pro rata part of the  
3643 expenses of furnishing such school program within such hospital,  
3644 which payments may be made from any funds available for the  
3645 operation and maintenance of the schools of the district in which  
3646 such child is a resident. The amount so paid shall be based upon,  
3647 but shall not exceed, the current per pupil cost of education in  
3648 the school district of the child's residence, and the amount to be  
3649 so paid by the school district of the child's residence shall be  
3650 fixed by the State Board of Education. If the amount to be paid  
3651 which has been so fixed shall not be paid upon due demand made by  
3652 the school district providing a program therefor, then the State  
3653 Board of Education shall deduct any such amounts from the next  
3654 allocation of \* \* \*~~minimum education program school~~ funds  
3655 attributable to any such district and shall remit the same to the  
3656 board of trustees of such school district which is furnishing such  
3657 school program. If the amounts so paid by such school districts  
3658 of the child's residence shall not be sufficient to pay the  
3659 expenses of furnishing such program, then the remainder of such  
3660 expenses over and above that so paid by such school districts  
3661 shall be paid by the State Board of Education to the school  
3662 district providing such school program out of any funds available  
3663 to the State Board of Education, including \* \* \*~~minimum education~~



3664 ~~program school~~ uniform per student funding formula funds. However,  
3665 such payments shall not exceed Three Hundred Dollars (\$300.00) per  
3666 child in average daily \* \* \* attendance membership in such program.  
3667 Provided, however, the State Board of Education shall in its  
3668 discretion be authorized and empowered to exceed the said Three  
3669 Hundred Dollars (\$300.00) per pupil limitation where such  
3670 limitation would make it impractical to operate such a program.

3671 **SECTION 56.** Section 37-13-63, Mississippi Code of 1972, is  
3672 amended as follows:

3673 37-13-63. (1) Except as otherwise provided, all public  
3674 schools in the state shall be kept in session for at least one  
3675 hundred eighty (180) days in each scholastic year.

3676 (2) If the school board of any school district shall  
3677 determine that it is not economically feasible or practicable to  
3678 operate any school within the district for the full one hundred  
3679 eighty (180) days required for a scholastic year as contemplated  
3680 due to an enemy attack, a man-made, technological or natural  
3681 disaster or extreme weather emergency in which the Governor has  
3682 declared a disaster or state of emergency under the laws of this  
3683 state or the President of the United States has declared an  
3684 emergency or major disaster to exist in this state, the school  
3685 board may notify the State Department of Education of the disaster  
3686 or weather emergency and submit a plan for altering the school  
3687 term. If the State Board of Education finds the disaster or  
3688 extreme weather emergency to be the cause of the school not



3689 operating for the contemplated school term and that such school  
3690 was in a school district covered by the Governor's or President's  
3691 disaster or state of emergency declaration, it may permit that  
3692 school board to operate the schools in its district for less than  
3693 one hundred eighty (180) days; however, in no instance of a  
3694 declared disaster or state of emergency under the provisions of  
3695 this subsection shall a school board receive payment from the  
3696 State Department of Education for per pupil expenditure for pupils  
3697 in average daily \* \* \*~~attendance~~ membership in excess of ten (10)  
3698 days.

3699         **SECTION 57.** Section 37-13-64, Mississippi Code of 1972, is  
3700 amended as follows:

3701         37-13-64. (1) Beginning with the 2010-2011 school term, any  
3702 school district required to close the operation of its schools by  
3703 decision of the superintendent, under the authority provided by  
3704 the local school board, due to extreme weather conditions, in the  
3705 best interests of the health and safety of the students,  
3706 administration and staff of the school district, shall be exempt  
3707 from the requirement that schools be kept in session a minimum of  
3708 one hundred eighty (180) days. Any school district that closes  
3709 its schools for reasons authorized under this section shall  
3710 receive payment from the State Department of Education for per  
3711 pupil expenditure for pupils in average daily \* \* \*~~attendance~~  
3712 membership not to exceed ten (10) days.



3713 (2) In the event weather conditions are cause for the  
3714 closure of operations of schools in any local school district in  
3715 any instance in which a state of emergency has not been declared  
3716 pursuant to Section \* \* \*~~37-151-7(3)(e)~~ 37-151-227(2)(b), the  
3717 State Board of Education may consider, on a case-by-case basis,  
3718 requests submitted by local school districts to alter the school  
3719 calendar consistent with the provision of that section.

3720 **SECTION 58.** Section 37-13-69, Mississippi Code of 1972, is  
3721 amended as follows:

3722 37-13-69. All public schools of this state may observe such  
3723 legal holidays as may be designated by the local school board, and  
3724 no sessions of school shall be held on holidays so designated and  
3725 observed. However, all schools shall operate for the full minimum  
3726 term required by law exclusive of the holidays authorized by this  
3727 section. The holidays thus observed shall not be deducted from  
3728 the reports of the superintendents, principals and teachers, and  
3729 such superintendents, principals and teachers shall be allowed pay  
3730 for full time as though they had taught on those holidays.  
3731 However, such holidays shall not be counted or included in any way  
3732 in determining the average daily \* \* \*attendance membership of the  
3733 school.

3734 **SECTION 59.** Section 37-15-38, Mississippi Code of 1972, is  
3735 amended as follows:



3736 37-15-38. (1) The following phrases have the meanings  
3737 ascribed in this section unless the context clearly requires  
3738 otherwise:

3739 (a) A dual enrolled student is a student who is  
3740 enrolled in a community or junior college or state institution of  
3741 higher learning while enrolled in high school.

3742 (b) A dual credit student is a student who is enrolled  
3743 in a community or junior college or state institution of higher  
3744 learning while enrolled in high school and who is receiving high  
3745 school and college credit for postsecondary coursework.

3746 (2) A local school board, the Board of Trustees of State  
3747 Institutions of Higher Learning and the Mississippi Community  
3748 College Board shall establish a dual enrollment system under which  
3749 students in the school district who meet the prescribed criteria  
3750 of this section may be enrolled in a postsecondary institution in  
3751 Mississippi while they are still in school.

3752 (3) **Dual credit eligibility.** Before credits earned by a  
3753 qualified high school student from a community or junior college  
3754 or state institution of higher learning may be transferred to the  
3755 student's home school district, the student must be properly  
3756 enrolled in a dual enrollment program.

3757 (4) **Admission criteria for dual enrollment in community and**  
3758 **junior college or university programs.** The Mississippi Community  
3759 College Board and the Board of Trustees of State Institutions of  
3760 Higher Learning may recommend to the State Board of Education



3761 admission criteria for dual enrollment programs under which high  
3762 school students may enroll at a community or junior college or  
3763 university while they are still attending high school and enrolled  
3764 in high school courses. Students may be admitted to enroll in  
3765 community or junior college courses under the dual enrollment  
3766 programs if they meet that individual institution's stated dual  
3767 enrollment admission requirements.

3768 (5) **Tuition and cost responsibility.** Tuition and costs for  
3769 university-level courses and community and junior college courses  
3770 offered under a dual enrollment program may be paid for by the  
3771 postsecondary institution, the local school district, the parents  
3772 or legal guardians of the student, or by grants, foundations or  
3773 other private or public sources. Payment for tuition and any  
3774 other costs must be made directly to the credit-granting  
3775 institution.

3776 (6) **Transportation responsibility.** Any transportation  
3777 required by a student to participate in the dual enrollment  
3778 program is the responsibility of the parent, custodian or legal  
3779 guardian of the student. Transportation costs may be paid from  
3780 any available public or private sources, including the local  
3781 school district.

3782 (7) **School district average daily \* \* \*attendance membership**  
3783 **credit.** When dually enrolled, the student may be counted,  
3784 for \* \* \*~~adequate education program funding~~ uniform per student  
3785 funding formula purposes, in the average daily \* \* \*attendance



3786 membership of the public school district in which the student  
3787 attends high school.

3788 (8) **High school student transcript transfer requirements.**

3789 Grades and college credits earned by a student admitted to a dual  
3790 credit program must be recorded on the high school student record  
3791 and on the college transcript at the university or community or  
3792 junior college where the student attends classes. The transcript  
3793 of the university or community or junior college coursework may be  
3794 released to another institution or applied toward college  
3795 graduation requirements.

3796 (9) **Determining factor of prerequisites for dual enrollment**

3797 **courses.** Each university and community or junior college  
3798 participating in a dual enrollment program shall determine course  
3799 prerequisites. Course prerequisites shall be the same for dual  
3800 enrolled students as for regularly enrolled students at that  
3801 university or community or junior college.

3802 (10) **Process for determining articulation of curriculum**  
3803 **between high school, university, and community and junior college**

3804 **courses.** All dual credit courses must meet the standards  
3805 established at the postsecondary level. Postsecondary level  
3806 developmental courses may not be considered as meeting the  
3807 requirements of the dual credit program. Dual credit memorandum  
3808 of understandings must be established between each postsecondary  
3809 institution and the school district implementing a dual credit  
3810 program.





3811 (11) [Deleted]

3812 (12) **Eligible courses for dual credit programs.** Courses  
3813 eligible for dual credit include, but are not necessarily limited  
3814 to, foreign languages, advanced math courses, advanced science  
3815 courses, performing arts, advanced business and technology, and  
3816 career and technical courses. Distance Learning Collaborative  
3817 Program courses approved under Section 37-67-1 shall be fully  
3818 eligible for dual credit. All courses being considered for dual  
3819 credit must receive unconditional approval from the superintendent  
3820 of the local school district and the chief instructional officer  
3821 at the participating community or junior college or university in  
3822 order for college credit to be awarded. A university or community  
3823 or junior college shall make the final decision on what courses  
3824 are eligible for semester hour credits.

3825 (13) **High school Carnegie unit equivalency.** One (1)  
3826 three-hour university or community or junior college course is  
3827 equal to one (1) high school Carnegie unit.

3828 (14) **Course alignment.** The universities, community and  
3829 junior colleges and the State Department of Education shall  
3830 periodically review their respective policies and assess the place  
3831 of dual credit courses within the context of their traditional  
3832 offerings.

3833 (15) **Maximum dual credits allowed.** It is the intent of the  
3834 dual enrollment program to make it possible for every eligible  
3835 student who desires to earn a semester's worth of college credit



3836 in high school to do so. A qualified dually enrolled high school  
3837 student must be allowed to earn an unlimited number of college or  
3838 university credits for dual credit.

3839 (16) **Dual credit program allowances.** A student may be  
3840 granted credit delivered through the following means:

3841 (a) Examination preparation taught at a high school by  
3842 a qualified teacher. A student may receive credit at the  
3843 secondary level after completion of an approved course and passing  
3844 the standard examination, such as an Advanced Placement or  
3845 International Baccalaureate course through which a high school  
3846 student is allowed CLEP credit by making a three (3) or higher on  
3847 the end-of-course examination.

3848 (b) College or university courses taught at a high  
3849 school or designated postsecondary site by a qualified teacher who  
3850 is an employee of the school district and approved as an  
3851 instructor by the collaborating college or university.

3852 (c) College or university courses taught at a college,  
3853 university or high school by an instructor employed by the college  
3854 or university and approved by the collaborating school district.

3855 (d) Online courses of any public university, community  
3856 or junior college in Mississippi.

3857 (17) **Qualifications of dual credit instructors.** A dual  
3858 credit academic instructor must meet the requirements set forth by  
3859 the regional accrediting association (Southern Association of  
3860 College and Schools). University and community and junior college



3861 personnel have the sole authority in the selection of dual credit  
3862 instructors.

3863         A dual credit career and technical education instructor must  
3864 meet the requirements set forth by the Mississippi Community  
3865 College Board in the qualifications manual for postsecondary  
3866 career and technical personnel.

3867         (18) **Guidance on local agreements.** The Chief Academic  
3868 Officer of the State Board of Trustees of State Institutions of  
3869 Higher Learning and the Chief Instructional Officers of the  
3870 Mississippi Community College Board and the State Department of  
3871 Education, working collaboratively, shall develop a template to be  
3872 used by the individual community and junior colleges and  
3873 institutions of higher learning for consistent implementation of  
3874 the dual enrollment program throughout the State of Mississippi.

3875         (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**  
3876 A local school board and the local community colleges board shall  
3877 establish a Mississippi Works Dual Enrollment-Dual Credit Option  
3878 Program under which potential or recent student dropouts may  
3879 dually enroll in their home school and a local community college  
3880 in a dual credit program consisting of high school completion  
3881 coursework and a community college credential, certificate or  
3882 degree program. Students completing the dual enrollment-credit  
3883 option may obtain their high school diploma while obtaining a  
3884 community college credential, certificate or degree. The  
3885 Mississippi Department of Employment Security shall assist



3886 students who have successfully completed the Mississippi Works  
3887 Dual Enrollment-Dual Credit Option in securing a job upon the  
3888 application of the student or the participating school or  
3889 community college. The Mississippi Works Dual Enrollment-Dual  
3890 Credit Option Program will be implemented statewide in the  
3891 2012-2013 school year and thereafter. The State Board of  
3892 Education, local school board and the local community college  
3893 board shall establish criteria for the Dual Enrollment-Dual Credit  
3894 Program. Students enrolled in the program will not be eligible to  
3895 participate in interscholastic sports or other extracurricular  
3896 activities at the home school district. Tuition and costs for  
3897 community college courses offered under the Dual Enrollment-Dual  
3898 Credit Program shall not be charged to the student, parents or  
3899 legal guardians. When dually enrolled, the student shall be  
3900 counted, for \* \* \*~~adequate education program funding~~ uniform per  
3901 student funding formula purposes, in the average  
3902 daily \* \* \*~~attendance~~ membership of the public school district in  
3903 which the student attends high school \* \* \*,~~as provided in~~  
3904 ~~Section 37-151-7(1)(a)~~. Any transportation required by the  
3905 student to participate in the Dual Enrollment-Dual Credit Program  
3906 is the responsibility of the parent or legal guardian of the  
3907 student, and transportation costs may be paid from any available  
3908 public or private sources, including the local school district.  
3909 Grades and college credits earned by a student admitted to this  
3910 Dual Enrollment-Dual Credit Program shall be recorded on the high



3911 school student record and on the college transcript at the  
3912 community college and high school where the student attends  
3913 classes. The transcript of the community college coursework may  
3914 be released to another institution or applied toward college  
3915 graduation requirements. Any course that is required for subject  
3916 area testing as a requirement for graduation from a public school  
3917 in Mississippi is eligible for dual credit, and courses eligible  
3918 for dual credit shall also include career, technical and degree  
3919 program courses. All courses eligible for dual credit shall be  
3920 approved by the superintendent of the local school district and  
3921 the chief instructional officer at the participating community  
3922 college in order for college credit to be awarded. A community  
3923 college shall make the final decision on what courses are eligible  
3924 for semester hour credits and the local school superintendent,  
3925 subject to approval by the Mississippi Department of Education,  
3926 shall make the final decision on the transfer of college courses  
3927 credited to the student's high school transcript.

3928       **SECTION 60.** Section 37-16-3, Mississippi Code of 1972, is  
3929 amended as follows:

3930       37-16-3. (1) The State Department of Education is directed  
3931 to implement a program of statewide assessment testing which shall  
3932 provide for the improvement of the operation and management of the  
3933 public schools. The statewide program shall be timed, as far as  
3934 possible, so as not to conflict with ongoing district assessment  
3935 programs. As part of the program, the department shall:



3936 (a) Establish, with the approval of the State Board of  
3937 Education, minimum performance standards related to the goals for  
3938 education contained in the state's plan including, but not limited  
3939 to, basic skills in reading, writing and mathematics. The minimum  
3940 performance standards shall be approved by April 1 in each year  
3941 they are established.

3942 (b) Conduct a uniform statewide testing program in  
3943 grades deemed appropriate in the public schools, including charter  
3944 schools. The program may test skill areas, basic skills and high  
3945 school course content.

3946 (c) Monitor the results of the assessment program and,  
3947 at any time the composite student performance of a school or basic  
3948 program is found to be below the established minimum standards,  
3949 notify the district superintendent or the governing board of the  
3950 charter school, as the case may be, the school principal and the  
3951 school advisory committee or other existing parent group of the  
3952 situation within thirty (30) days of its determination. The  
3953 department shall further provide technical assistance to a school  
3954 district in the identification of the causes of this deficiency  
3955 and shall recommend courses of action for its correction.

3956 (d) Provide technical assistance to the school  
3957 districts, when requested, in the development of student  
3958 performance standards in addition to the established minimum  
3959 statewide standards.



3960 (e) Issue security procedure regulations providing for  
3961 the security and integrity of the tests that are administered  
3962 under the basic skills assessment program.

3963 (f) In case of an allegation of a testing irregularity  
3964 that prompts a need for an investigation by the Department of  
3965 Education, the department may, in its discretion, take complete  
3966 control of the statewide test administration in a school district  
3967 or any part thereof, including, but not limited to, obtaining  
3968 control of the test booklets and answer documents. In the case of  
3969 any verified testing irregularity that jeopardized the security  
3970 and integrity of the test(s), validity or the accuracy of the test  
3971 results, the cost of the investigation and any other actual and  
3972 necessary costs related to the investigation paid by the  
3973 Department of Education shall be reimbursed by the local school  
3974 district from funds other than federal funds, \* \* \*~~Mississippi~~  
3975 ~~Adequate Education Program~~ uniform per student funding formula  
3976 funds, or any other state funds within six (6) months from the  
3977 date of notice by the department to the school district to make  
3978 reimbursement to the department.

3979 (2) Uniform basic skills tests shall be completed by each  
3980 student in the appropriate grade. These tests shall be  
3981 administered in such a manner as to preserve the integrity and  
3982 validity of the assessment. In the event of excused or unexcused  
3983 student absences, make-up tests shall be given. The school  
3984 superintendent of every school district in the state and the



3985 principal of each charter school shall annually certify to the  
3986 State Department of Education that each student enrolled in the  
3987 appropriate grade has completed the required basic skills  
3988 assessment test for his or her grade in a valid test  
3989 administration.

3990 (3) Within five (5) days of completing the administration of  
3991 a statewide test, the principal of the school where the test was  
3992 administered shall certify under oath to the State Department of  
3993 Education that the statewide test was administered in strict  
3994 accordance with the Requirements of the Mississippi Statewide  
3995 Assessment System as adopted by the State Board of Education. The  
3996 principal's sworn certification shall be set forth on a form  
3997 developed and approved by the Department of Education. If,  
3998 following the administration of a statewide test, the principal  
3999 has reason to believe that the test was not administered in strict  
4000 accordance with the Requirements of the Mississippi Statewide  
4001 Assessment System as adopted by the State Board of Education, the  
4002 principal shall submit a sworn certification to the Department of  
4003 Education setting forth all information known or believed by the  
4004 principal about all potential violations of the Requirements of  
4005 the Mississippi Statewide Assessment System as adopted by the  
4006 State Board of Education. The submission of false information or  
4007 false certification to the Department of Education by any licensed  
4008 educator may result in licensure disciplinary action pursuant to





4009 Section 37-3-2 and criminal prosecution pursuant to Section  
4010 37-16-4.

4011 **SECTION 61.** Section 37-17-6, Mississippi Code of 1972, is  
4012 amended as follows:

4013 37-17-6. (1) The State Board of Education, acting through  
4014 the Commission on School Accreditation, shall establish and  
4015 implement a permanent performance-based accreditation system, and  
4016 all noncharter public elementary and secondary schools shall be  
4017 accredited under this system.

4018 (2) \* \* \*~~No later than June 30, 1995,~~ The State Board of  
4019 Education, acting through the Commission on School Accreditation,  
4020 shall require school districts to provide school classroom space  
4021 that is air-conditioned as a minimum requirement for  
4022 accreditation.

4023 (3) (a) \* \* \*~~Beginning with the 1994-1995 school year,~~ The  
4024 State Board of Education, acting through the Commission on School  
4025 Accreditation, shall require that school districts employ  
4026 certified school librarians according to the following formula:

4027	Number of Students	Number of Certified
4028	Per School Library	School Librarians
4029	0 - 499 Students	1/2 Full-time Equivalent
4030		Certified Librarian
4031	500 or More Students	1 Full-time Certified
4032		Librarian



4033 (b) The State Board of Education, however, may increase  
4034 the number of positions beyond the above requirements.

4035 (c) The assignment of certified school librarians to  
4036 the particular schools shall be at the discretion of the local  
4037 school district. No individual shall be employed as a certified  
4038 school librarian without appropriate training and certification as  
4039 a school librarian by the State Department of Education.

4040 (d) School librarians in the district shall spend at  
4041 least fifty percent (50%) of direct work time in a school library  
4042 and shall devote no more than one-fourth (1/4) of the workday to  
4043 administrative activities that are library related.

4044 (e) Nothing in this subsection shall prohibit any  
4045 school district from employing more certified school librarians  
4046 than are provided for in this section.

4047 (f) Any additional millage levied to fund school  
4048 librarians required for accreditation under this subsection shall  
4049 be included in the tax increase limitation set forth in Sections  
4050 37-57-105 and 37-57-107 and shall not be deemed a new program for  
4051 purposes of the limitation.

4052 (4) On or before December 31, 2002, the State Board of  
4053 Education shall implement the performance-based accreditation  
4054 system for school districts and for individual noncharter public  
4055 schools which shall include the following:

4056 (a) High expectations for students and high standards  
4057 for all schools, with a focus on the basic curriculum;



4058 (b) Strong accountability for results with appropriate  
4059 local flexibility for local implementation;

4060 (c) A process to implement accountability at both the  
4061 school district level and the school level;

4062 (d) Individual schools shall be held accountable for  
4063 student growth and performance;

4064 (e) Set annual performance standards for each of the  
4065 schools of the state and measure the performance of each school  
4066 against itself through the standard that has been set for it;

4067 (f) A determination of which schools exceed their  
4068 standards and a plan for providing recognition and rewards to  
4069 those schools;

4070 (g) A determination of which schools are failing to  
4071 meet their standards and a determination of the appropriate role  
4072 of the State Board of Education and the State Department of  
4073 Education in providing assistance and initiating possible  
4074 intervention. A failing district is a district that fails to meet  
4075 both the absolute student achievement standards and the rate of  
4076 annual growth expectation standards as set by the State Board of  
4077 Education for two (2) consecutive years. The State Board of  
4078 Education shall establish the level of benchmarks by which  
4079 absolute student achievement and growth expectations shall be  
4080 assessed. In setting the benchmarks for school districts, the  
4081 State Board of Education may also take into account such factors  
4082 as graduation rates, dropout rates, completion rates, the extent



4083 to which the school or district employs qualified teachers in  
4084 every classroom, and any other factors deemed appropriate by the  
4085 State Board of Education. The State Board of Education, acting  
4086 through the State Department of Education, shall apply a simple  
4087 "A," "B," "C," "D" and "F" designation to the current school and  
4088 school district statewide accountability performance  
4089 classification labels beginning with the State Accountability  
4090 Results for the 2011-2012 school year and following, and in the  
4091 school, district and state report cards required under state and  
4092 federal law. Under the new designations, a school or school  
4093 district that has earned a "Star" rating shall be designated an  
4094 "A" school or school district; a school or school district that  
4095 has earned a "High-Performing" rating shall be designated a "B"  
4096 school or school district; a school or school district that has  
4097 earned a "Successful" rating shall be designated a "C" school or  
4098 school district; a school or school district that has earned an  
4099 "Academic Watch" rating shall be designated a "D" school or school  
4100 district; a school or school district that has earned a  
4101 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall  
4102 be designated an "F" school or school district. Effective with  
4103 the implementation of any new curriculum and assessment standards,  
4104 the State Board of Education, acting through the State Department  
4105 of Education, is further authorized and directed to change the  
4106 school and school district accreditation rating system to a simple  
4107 "A," "B," "C," "D," and "F" designation based on a combination of



4108 student achievement scores and student growth as measured by the  
4109 statewide testing programs developed by the State Board of  
4110 Education pursuant to Chapter 16, Title 37, Mississippi Code of  
4111 1972. In any statute or regulation containing the former  
4112 accreditation designations, the new designations shall be  
4113 applicable;

4114 (h) Development of a comprehensive student assessment  
4115 system to implement these requirements; and

4116 (i) The State Board of Education may, based on a  
4117 written request that contains specific reasons for requesting a  
4118 waiver from the school districts affected by Hurricane Katrina of  
4119 2005, hold harmless school districts from assignment of district  
4120 and school level accountability ratings for the 2005-2006 school  
4121 year. The State Board of Education upon finding an extreme  
4122 hardship in the school district may grant the request. It is the  
4123 intent of the Legislature that all school districts maintain the  
4124 highest possible academic standards and instructional programs in  
4125 all schools as required by law and the State Board of Education.

4126 (5) (a) Effective with the 2013-2014 school year, the State  
4127 Department of Education, acting through the Mississippi Commission  
4128 on School Accreditation, shall revise and implement a single "A"  
4129 through "F" school and school district accountability system  
4130 complying with applicable federal and state requirements in order  
4131 to reach the following educational goals:



4132 (i) To mobilize resources and supplies to ensure  
4133 that all students exit third grade reading on grade level by 2015;

4134 (ii) To reduce the student dropout rate to  
4135 thirteen percent (13%) by 2015; and

4136 (iii) To have sixty percent (60%) of students  
4137 scoring proficient and advanced on the assessments of the Common  
4138 Core State Standards by 2016 with incremental increases of three  
4139 percent (3%) each year thereafter.

4140 (b) The State Department of Education shall combine the  
4141 state school and school district accountability system with the  
4142 federal system in order to have a single system.

4143 (c) The State Department of Education shall establish  
4144 five (5) performance categories ("A," "B," "C," "D" and "F") for  
4145 the accountability system based on the following criteria:

4146 (i) Student Achievement: the percent of students  
4147 proficient and advanced on the current state assessments;

4148 (ii) Individual student growth: the percent of  
4149 students making one (1) year's progress in one (1) year's time on  
4150 the state assessment, with an emphasis on the progress of the  
4151 lowest twenty-five percent (25%) of students in the school or  
4152 district;

4153 (iii) Four-year graduation rate: the percent of  
4154 students graduating with a standard high school diploma in four  
4155 (4) years, as defined by federal regulations;



4156 (iv) Categories shall identify schools as Reward  
4157 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If  
4158 at least five percent (5%) of schools in the state are not graded  
4159 as "F" schools, the lowest five percent (5%) of school grade point  
4160 designees will be identified as Priority schools. If at least ten  
4161 percent (10%) of schools in the state are not graded as "D"  
4162 schools, the lowest ten percent (10%) of school grade point  
4163 designees will be identified as Focus schools;

4164 (v) The State Department of Education shall  
4165 discontinue the use of Star School, High-Performing, Successful,  
4166 Academic Watch, Low-Performing, At-Risk of Failing and Failing  
4167 school accountability designations;

4168 (vi) The system shall include the federally  
4169 compliant four-year graduation rate in school and school district  
4170 accountability system calculations. Graduation rate will apply to  
4171 high school and school district accountability ratings as a  
4172 compensatory component. The system shall discontinue the use of  
4173 the High School Completer Index (HSCI);

4174 (vii) The school and school district  
4175 accountability system shall incorporate a standards-based growth  
4176 model, in order to support improvement of individual student  
4177 learning;

4178 (viii) The State Department of Education shall  
4179 discontinue the use of the Quality Distribution Index (QDI);



4180 (ix) The State Department of Education shall  
4181 determine feeder patterns of schools that do not earn a school  
4182 grade because the grades and subjects taught at the school do not  
4183 have statewide standardized assessments needed to calculate a  
4184 school grade. Upon determination of the feeder pattern, the  
4185 department shall notify schools and school districts prior to the  
4186 release of the school grades beginning in 2013. Feeder schools  
4187 will be assigned the accountability designation of the school to  
4188 which they provide students;

4189 (x) Standards for student, school and school  
4190 district performance will be increased when student proficiency is  
4191 at a seventy-five percent (75%) and/or when sixty-five percent  
4192 (65%) of the schools and/or school districts are earning a grade  
4193 of "B" or higher, in order to raise the standard on performance  
4194 after targets are met.

4195 (6) Nothing in this section shall be deemed to require a  
4196 nonpublic school that receives no local, state or federal funds  
4197 for support to become accredited by the State Board of Education.

4198 (7) The State Board of Education shall create an  
4199 accreditation audit unit under the Commission on School  
4200 Accreditation to determine whether schools are complying with  
4201 accreditation standards.

4202 (8) The State Board of Education shall be specifically  
4203 authorized and empowered to withhold \* \* \*~~adequate education~~  
4204 ~~program fund~~ uniform per student funding formula





4205 allocations \* \* \*, ~~whichever is applicable,~~ to any public school  
4206 district for failure to timely report student, school personnel  
4207 and fiscal data necessary to meet state and/or federal  
4208 requirements.

4209 (9) [Deleted]

4210 (10) The State Board of Education shall establish, for those  
4211 school districts failing to meet accreditation standards, a  
4212 program of development to be complied with in order to receive  
4213 state funds, except as otherwise provided in subsection (15) of  
4214 this section when the Governor has declared a state of emergency  
4215 in a school district or as otherwise provided in Section 206,  
4216 Mississippi Constitution of 1890. The state board, in  
4217 establishing these standards, shall provide for notice to schools  
4218 and sufficient time and aid to enable schools to attempt to meet  
4219 these standards, unless procedures under subsection (15) of this  
4220 section have been invoked.

4221 (11) \* \* \* ~~Beginning July 1, 1998,~~ The State Board of  
4222 Education shall be charged with the implementation of the program  
4223 of development in each applicable school district as follows:

4224 (a) Develop an impairment report for each district  
4225 failing to meet accreditation standards in conjunction with school  
4226 district officials;

4227 (b) Notify any applicable school district failing to  
4228 meet accreditation standards that it is on probation until  
4229 corrective actions are taken or until the deficiencies have been



4230 removed. The local school district shall develop a corrective  
4231 action plan to improve its deficiencies. For district academic  
4232 deficiencies, the corrective action plan for each such school  
4233 district shall be based upon a complete analysis of the following:  
4234 student test data, student grades, student attendance reports,  
4235 student dropout data, existence and other relevant data. The  
4236 corrective action plan shall describe the specific measures to be  
4237 taken by the particular school district and school to improve:  
4238 (i) instruction; (ii) curriculum; (iii) professional development;  
4239 (iv) personnel and classroom organization; (v) student incentives  
4240 for performance; (vi) process deficiencies; and (vii) reporting to  
4241 the local school board, parents and the community. The corrective  
4242 action plan shall describe the specific individuals responsible  
4243 for implementing each component of the recommendation and how each  
4244 will be evaluated. All corrective action plans shall be provided  
4245 to the State Board of Education as may be required. The decision  
4246 of the State Board of Education establishing the probationary  
4247 period of time shall be final;

4248 (c) Offer, during the probationary period, technical  
4249 assistance to the school district in making corrective actions.

4250 \* \* \*~~Beginning July 1, 1998,~~ Subject to the availability of  
4251 funds, the State Department of Education shall provide technical  
4252 and/or financial assistance to all such school districts in order  
4253 to implement each measure identified in that district's corrective  
4254 action plan through professional development and on-site



4255 assistance. Each such school district shall apply for and utilize  
4256 all available federal funding in order to support its corrective  
4257 action plan in addition to state funds made available under this  
4258 paragraph;

4259 (d) Assign department personnel or contract, in its  
4260 discretion, with the institutions of higher learning or other  
4261 appropriate private entities with experience in the academic,  
4262 finance and other operational functions of schools to assist  
4263 school districts;

4264 (e) Provide for publication of public notice at least  
4265 one time during the probationary period, in a newspaper published  
4266 within the jurisdiction of the school district failing to meet  
4267 accreditation standards, or if no newspaper is published therein,  
4268 then in a newspaper having a general circulation therein. The  
4269 publication shall include the following: declaration of school  
4270 system's status as being on probation; all details relating to the  
4271 impairment report; and other information as the State Board of  
4272 Education deems appropriate. Public notices issued under this  
4273 section shall be subject to Section 13-3-31 and not contrary to  
4274 other laws regarding newspaper publication.

4275 (12) (a) If the recommendations for corrective action are  
4276 not taken by the local school district or if the deficiencies are  
4277 not removed by the end of the probationary period, the Commission  
4278 on School Accreditation shall conduct a hearing to allow the  
4279 affected school district to present evidence or other reasons why



4280 its accreditation should not be withdrawn. Additionally, if the  
4281 local school district violates accreditation standards that have  
4282 been determined by the policies and procedures of the State Board  
4283 of Education to be a basis for withdrawal of school district's  
4284 accreditation without a probationary period, the Commission on  
4285 School Accreditation shall conduct a hearing to allow the affected  
4286 school district to present evidence or other reasons why its  
4287 accreditation should not be withdrawn. After its consideration of  
4288 the results of the hearing, the Commission on School Accreditation  
4289 shall be authorized, with the approval of the State Board of  
4290 Education, to withdraw the accreditation of a public school  
4291 district, and issue a request to the Governor that a state of  
4292 emergency be declared in that district.

4293 (b) If the State Board of Education and the Commission  
4294 on School Accreditation determine that an extreme emergency  
4295 situation exists in a school district that jeopardizes the safety,  
4296 security or educational interests of the children enrolled in the  
4297 schools in that district and that emergency situation is believed  
4298 to be related to a serious violation or violations of  
4299 accreditation standards or state or federal law, or when a school  
4300 district meets the State Board of Education's definition of a  
4301 failing school district for two (2) consecutive full school years,  
4302 or if more than fifty percent (50%) of the schools within the  
4303 school district are designated as Schools At-Risk in any one (1)  
4304 year, the State Board of Education may request the Governor to



4305 declare a state of emergency in that school district. For  
4306 purposes of this paragraph, the declarations of a state of  
4307 emergency shall not be limited to those instances when a school  
4308 district's impairments are related to a lack of financial  
4309 resources, but also shall include serious failure to meet minimum  
4310 academic standards, as evidenced by a continued pattern of poor  
4311 student performance.

4312 (c) Whenever the Governor declares a state of emergency  
4313 in a school district in response to a request made under paragraph  
4314 (a) or (b) of this subsection, the State Board of Education may  
4315 take one or more of the following actions:

4316 (i) Declare a state of emergency, under which some  
4317 or all of state funds can be escrowed except as otherwise provided  
4318 in Section 206, Constitution of 1890, until the board determines  
4319 corrective actions are being taken or the deficiencies have been  
4320 removed, or that the needs of students warrant the release of  
4321 funds. The funds may be released from escrow for any program  
4322 which the board determines to have been restored to standard even  
4323 though the state of emergency may not as yet be terminated for the  
4324 district as a whole;

4325 (ii) Override any decision of the local school  
4326 board or superintendent of education, or both, concerning the  
4327 management and operation of the school district, or initiate and  
4328 make decisions concerning the management and operation of the  
4329 school district;



4330 (iii) Assign an interim superintendent, or in its  
4331 discretion, contract with a private entity with experience in the  
4332 academic, finance and other operational functions of schools and  
4333 school districts, who will have those powers and duties prescribed  
4334 in subsection (15) of this section;

4335 (iv) Grant transfers to students who attend this  
4336 school district so that they may attend other accredited schools  
4337 or districts in a manner that is not in violation of state or  
4338 federal law;

4339 (v) For states of emergency declared under  
4340 paragraph (a) only, if the accreditation deficiencies are related  
4341 to the fact that the school district is too small, with too few  
4342 resources, to meet the required standards and if another school  
4343 district is willing to accept those students, abolish that  
4344 district and assign that territory to another school district or  
4345 districts. If the school district has proposed a voluntary  
4346 consolidation with another school district or districts, then if  
4347 the State Board of Education finds that it is in the best interest  
4348 of the pupils of the district for the consolidation to proceed,  
4349 the voluntary consolidation shall have priority over any such  
4350 assignment of territory by the State Board of Education;

4351 (vi) For states of emergency declared under  
4352 paragraph (b) only, reduce local supplements paid to school  
4353 district employees, including, but not limited to, instructional  
4354 personnel, assistant teachers and extracurricular activities



4355 personnel, if the district's impairment is related to a lack of  
4356 financial resources, but only to an extent that will result in the  
4357 salaries being comparable to districts similarly situated, as  
4358 determined by the State Board of Education;

4359 (vii) For states of emergency declared under  
4360 paragraph (b) only, the State Board of Education may take any  
4361 action as prescribed in Section 37-17-13.

4362 (d) At the time that satisfactory corrective action has  
4363 been taken in a school district in which a state of emergency has  
4364 been declared, the State Board of Education may request the  
4365 Governor to declare that the state of emergency no longer exists  
4366 in the district.

4367 (e) The parent or legal guardian of a school-age child  
4368 who is enrolled in a school district whose accreditation has been  
4369 withdrawn by the Commission on School Accreditation and without  
4370 approval of that school district may file a petition in writing to  
4371 a school district accredited by the Commission on School  
4372 Accreditation for a legal transfer. The school district  
4373 accredited by the Commission on School Accreditation may grant the  
4374 transfer according to the procedures of Section 37-15-31(1)(b).  
4375 In the event the accreditation of the student's home district is  
4376 restored after a transfer has been approved, the student may  
4377 continue to attend the transferee school district.

4378 The \* \* \* ~~per-pupil amount~~ per student allocation prescribed under  
4379 Section 37-151-209 of the \* \* \* ~~adequate education program~~ uniform



4380 per student funding formula allotment \* \* \*,~~including the~~  
4381 ~~collective "add-on program" costs for the student's home school~~  
4382 ~~district~~ shall be transferred monthly to the school district  
4383 accredited by the Commission on School Accreditation that has  
4384 granted the transfer of the school-age child.

4385 (f) Upon the declaration of a state of emergency for  
4386 any school district in which the Governor has previously declared  
4387 a state of emergency, the State Board of Education may either:

4388 (i) Place the school district into district  
4389 transformation, in which the school district shall remain until it  
4390 has fulfilled all conditions related to district transformation.  
4391 If the district was assigned an accreditation rating of "D" or "F"  
4392 when placed into district transformation, the district shall be  
4393 eligible to return to local control when the school district has  
4394 attained a "C" rating or higher for five (5) consecutive years,  
4395 unless the State Board of Education determines that the district  
4396 is eligible to return to local control in less than the five-year  
4397 period;

4398 (ii) Abolish the school district and  
4399 administratively consolidate the school district with one or more  
4400 existing school districts;

4401 (iii) Reduce the size of the district and  
4402 administratively consolidate parts of the district, as determined  
4403 by the State Board of Education. However, no school district





4404 which is not in district transformation shall be required to  
4405 accept additional territory over the objection of the district; or

4406 (iv) Require the school district to develop and  
4407 implement a district improvement plan with prescriptive guidance  
4408 and support from the State Department of Education, with the goal  
4409 of helping the district improve student achievement. Failure of  
4410 the school board, superintendent and school district staff to  
4411 implement the plan with fidelity and participate in the activities  
4412 provided as support by the department shall result in the school  
4413 district retaining its eligibility for district transformation.

4414 (g) There is established a Mississippi Recovery School  
4415 District within the State Department of Education under the  
4416 supervision of a deputy superintendent appointed by the State  
4417 Superintendent of Public Education, who is subject to the approval  
4418 by the State Board of Education. The Mississippi Recovery School  
4419 District shall provide leadership and oversight of all school  
4420 districts that are subject to district transformation status, as  
4421 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,  
4422 and shall have all the authority granted under these two (2)  
4423 chapters. The \* \* \*~~Mississippi~~ State Department of Education,  
4424 with the approval of the State Board of Education, shall develop  
4425 policies for the operation and management of the Mississippi  
4426 Recovery School District. The deputy state superintendent is  
4427 responsible for the Mississippi Recovery School District and shall  
4428 be authorized to oversee the administration of the Mississippi



4429 Recovery School District, oversee the interim superintendent  
4430 assigned by the State Board of Education to a local school  
4431 district, hear appeals that would normally be filed by students,  
4432 parents or employees and heard by a local school board, which  
4433 hearings on appeal shall be conducted in a prompt and timely  
4434 manner in the school district from which the appeal originated in  
4435 order to ensure the ability of appellants, other parties and  
4436 witnesses to appeal without undue burden of travel costs or loss  
4437 of time from work, and perform other related duties as assigned by  
4438 the State Superintendent of Public Education. The deputy state  
4439 superintendent is responsible for the Mississippi Recovery School  
4440 District and shall determine, based on rigorous professional  
4441 qualifications set by the State Board of Education, the  
4442 appropriate individuals to be engaged to be interim  
4443 superintendents and financial advisors, if applicable, of all  
4444 school districts subject to district transformation status. After  
4445 State Board of Education approval, these individuals shall be  
4446 deemed independent contractors.

4447 (13) Upon the declaration of a state of emergency in a  
4448 school district under subsection (12) of this section, the  
4449 Commission on School Accreditation shall be responsible for public  
4450 notice at least once a week for at least three (3) consecutive  
4451 weeks in a newspaper published within the jurisdiction of the  
4452 school district failing to meet accreditation standards, or if no  
4453 newspaper is published therein, then in a newspaper having a



4454 general circulation therein. The size of the notice shall be no  
4455 smaller than one-fourth (1/4) of a standard newspaper page and  
4456 shall be printed in bold print. If an interim superintendent has  
4457 been appointed for the school district, the notice shall begin as  
4458 follows: "By authority of Section 37-17-6, Mississippi Code of  
4459 1972, as amended, adopted by the Mississippi Legislature during  
4460 the 1991 Regular Session, this school district (name of school  
4461 district) is hereby placed under the jurisdiction of the State  
4462 Department of Education acting through its appointed interim  
4463 superintendent (name of interim superintendent)."

4464 The notice also shall include, in the discretion of the State  
4465 Board of Education, any or all details relating to the school  
4466 district's emergency status, including the declaration of a state  
4467 of emergency in the school district and a description of the  
4468 district's impairment deficiencies, conditions of any district  
4469 transformation status and corrective actions recommended and being  
4470 taken. Public notices issued under this section shall be subject  
4471 to Section 13-3-31 and not contrary to other laws regarding  
4472 newspaper publication.

4473 Upon termination of the state of emergency in a school  
4474 district, the Commission on School Accreditation shall cause  
4475 notice to be published in the school district in the same manner  
4476 provided in this section, to include any or all details relating  
4477 to the corrective action taken in the school district that  
4478 resulted in the termination of the state of emergency.



4479 (14) The State Board of Education or the Commission on  
4480 School Accreditation shall have the authority to require school  
4481 districts to produce the necessary reports, correspondence,  
4482 financial statements, and any other documents and information  
4483 necessary to fulfill the requirements of this section.

4484 Nothing in this section shall be construed to grant any  
4485 individual, corporation, board or interim superintendent the  
4486 authority to levy taxes except in accordance with presently  
4487 existing statutory provisions.

4488 (15) (a) Whenever the Governor declares a state of  
4489 emergency in a school district in response to a request made under  
4490 subsection (12) of this section, the State Board of Education, in  
4491 its discretion, may assign an interim superintendent to the school  
4492 district, or in its discretion, may contract with an appropriate  
4493 private entity with experience in the academic, finance and other  
4494 operational functions of schools and school districts, who will be  
4495 responsible for the administration, management and operation of  
4496 the school district, including, but not limited to, the following  
4497 activities:

4498 (i) Approving or disapproving all financial  
4499 obligations of the district, including, but not limited to, the  
4500 employment, termination, nonrenewal and reassignment of all  
4501 licensed and nonlicensed personnel, contractual agreements and  
4502 purchase orders, and approving or disapproving all claim dockets  
4503 and the issuance of checks; in approving or disapproving



4504 employment contracts of superintendents, assistant superintendents  
4505 or principals, the interim superintendent shall not be required to  
4506 comply with the time limitations prescribed in Sections 37-9-15  
4507 and 37-9-105;

4508 (ii) Supervising the day-to-day activities of the  
4509 district's staff, including reassigning the duties and  
4510 responsibilities of personnel in a manner which, in the  
4511 determination of the interim superintendent, will best suit the  
4512 needs of the district;

4513 (iii) Reviewing the district's total financial  
4514 obligations and operations and making recommendations to the  
4515 district for cost savings, including, but not limited to,  
4516 reassigning the duties and responsibilities of staff;

4517 (iv) Attending all meetings of the district's  
4518 school board and administrative staff;

4519 (v) Approving or disapproving all athletic, band  
4520 and other extracurricular activities and any matters related to  
4521 those activities;

4522 (vi) Maintaining a detailed account of  
4523 recommendations made to the district and actions taken in response  
4524 to those recommendations;

4525 (vii) Reporting periodically to the State Board of  
4526 Education on the progress or lack of progress being made in the  
4527 district to improve the district's impairments during the state of  
4528 emergency; and



4529 (viii) Appointing a parent advisory committee,  
4530 comprised of parents of students in the school district that may  
4531 make recommendations to the interim superintendent concerning the  
4532 administration, management and operation of the school district.

4533 The cost of the salary of the interim superintendent and any  
4534 other actual and necessary costs related to district  
4535 transformation status paid by the State Department of Education  
4536 shall be reimbursed by the local school district from funds other  
4537 than \* \* \*~~adequate education program~~ uniform per student funding  
4538 formula funds. The department shall submit an itemized statement  
4539 to the superintendent of the local school district for  
4540 reimbursement purposes, and any unpaid balance may be withheld  
4541 from the district's \* \* \*~~adequate education program~~ uniform per  
4542 student funding formula funds.

4543 At the time that the Governor, in accordance with the request  
4544 of the State Board of Education, declares that the state of  
4545 emergency no longer exists in a school district, the powers and  
4546 responsibilities of the interim superintendent assigned to the  
4547 district shall cease.

4548 (b) In order to provide loans to school districts under  
4549 a state of emergency or in district transformation status that  
4550 have impairments related to a lack of financial resources, the  
4551 School District Emergency Assistance Fund is created as a special  
4552 fund in the State Treasury into which monies may be transferred or  
4553 appropriated by the Legislature from any available public



4554 education funds. Funds in the School District Emergency  
4555 Assistance Fund up to a maximum balance of Three Million Dollars  
4556 (\$3,000,000.00) annually shall not lapse but shall be available  
4557 for expenditure in subsequent years subject to approval of the  
4558 State Board of Education. Any amount in the fund in excess of  
4559 Three Million Dollars (\$3,000,000.00) at the end of the fiscal  
4560 year shall lapse into the State General Fund or the Education  
4561 Enhancement Fund, depending on the source of the fund.

4562         The State Board of Education may loan monies from the School  
4563 District Emergency Assistance Fund to a school district that is  
4564 under a state of emergency or in district transformation status,  
4565 in those amounts, as determined by the board, that are necessary  
4566 to correct the district's impairments related to a lack of  
4567 financial resources. The loans shall be evidenced by an agreement  
4568 between the school district and the State Board of Education and  
4569 shall be repayable in principal, without necessity of interest, to  
4570 the School District Emergency Assistance Fund by the school  
4571 district from any allowable funds that are available. The total  
4572 amount loaned to the district shall be due and payable within five  
4573 (5) years after the impairments related to a lack of financial  
4574 resources are corrected. If a school district fails to make  
4575 payments on the loan in accordance with the terms of the agreement  
4576 between the district and the State Board of Education, the State  
4577 Department of Education, in accordance with rules and regulations  
4578 established by the State Board of Education, may withhold that



4579 district's \* \* \*~~adequate education program~~ uniform per student  
4580 funding formula funds in an amount and manner that will effectuate  
4581 repayment consistent with the terms of the agreement; the funds  
4582 withheld by the department shall be deposited into the School  
4583 District Emergency Assistance Fund.

4584         The State Board of Education shall develop a protocol that  
4585 will outline the performance standards and requisite timeline  
4586 deemed necessary for extreme emergency measures. If the State  
4587 Board of Education determines that an extreme emergency exists,  
4588 simultaneous with the powers exercised in this subsection, it  
4589 shall take immediate action against all parties responsible for  
4590 the affected school districts having been determined to be in an  
4591 extreme emergency. The action shall include, but not be limited  
4592 to, initiating civil actions to recover funds and criminal actions  
4593 to account for criminal activity. Any funds recovered by the  
4594 State Auditor or the State Board of Education from the surety  
4595 bonds of school officials or from any civil action brought under  
4596 this subsection shall be applied toward the repayment of any loan  
4597 made to a school district hereunder.

4598         (16) If a majority of the membership of the school board of  
4599 any school district resigns from office, the State Board of  
4600 Education shall be authorized to assign an interim superintendent,  
4601 who shall be responsible for the administration, management and  
4602 operation of the school district until the time as new board  
4603 members are selected or the Governor declares a state of emergency





4604 in that school district under subsection (12), whichever occurs  
4605 first. In that case, the State Board of Education, acting through  
4606 the interim superintendent, shall have all powers which were held  
4607 by the previously existing school board, and may take any action  
4608 as prescribed in Section 37-17-13 and/or one or more of the  
4609 actions authorized in this section.

4610 (17) (a) If the Governor declares a state of emergency in a  
4611 school district, the State Board of Education may take all such  
4612 action pertaining to that school district as is authorized under  
4613 subsection (12) or (15) of this section, including the appointment  
4614 of an interim superintendent. The State Board of Education shall  
4615 also have the authority to issue a written request with  
4616 documentation to the Governor asking that the office of the  
4617 superintendent of the school district be subject to recall. If  
4618 the Governor declares that the office of the superintendent of the  
4619 school district is subject to recall, the local school board or  
4620 the county election commission, as the case may be, shall take the  
4621 following action:

4622 (i) If the office of superintendent is an elected  
4623 office, in those years in which there is no general election, the  
4624 name shall be submitted by the State Board of Education to the  
4625 county election commission, and the county election commission  
4626 shall submit the question at a special election to the voters  
4627 eligible to vote for the office of superintendent within the  
4628 county, and the special election shall be held within sixty (60)



4629 days from notification by the State Board of Education. The  
4630 ballot shall read substantially as follows:

4631 "Shall County Superintendent of Education \_\_\_\_\_ (here the  
4632 name of the superintendent shall be inserted) of the \_\_\_\_\_  
4633 (here the title of the school district shall be inserted) be  
4634 retained in office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4635 If a majority of those voting on the question votes against  
4636 retaining the superintendent in office, a vacancy shall exist  
4637 which shall be filled in the manner provided by law; otherwise,  
4638 the superintendent shall remain in office for the term of that  
4639 office, and at the expiration of the term shall be eligible for  
4640 qualification and election to another term or terms.

4641 (ii) If the office of superintendent is an  
4642 appointive office, the name of the superintendent shall be  
4643 submitted by the president of the local school board at the next  
4644 regular meeting of the school board for retention in office or  
4645 dismissal from office. If a majority of the school board voting  
4646 on the question vote against retaining the superintendent in  
4647 office, a vacancy shall exist which shall be filled as provided by  
4648 law, otherwise the superintendent shall remain in office for the  
4649 duration of his employment contract.

4650 (b) The State Board of Education may issue a written  
4651 request with documentation to the Governor asking that the  
4652 membership of the school board of the school district shall be  
4653 subject to recall. Whenever the Governor declares that the



4654 membership of the school board is subject to recall, the county  
4655 election commission or the local governing authorities, as the  
4656 case may be, shall take the following action:

4657           (i) If the members of the local school board are  
4658 elected to office, in those years in which the specific member's  
4659 office is not up for election, the name of the school board member  
4660 shall be submitted by the State Board of Education to the county  
4661 election commission, and the county election commission at a  
4662 special election shall submit the question to the voters eligible  
4663 to vote for the particular member's office within the county or  
4664 school district, as the case may be, and the special election  
4665 shall be held within sixty (60) days from notification by the  
4666 State Board of Education. The ballot shall read substantially as  
4667 follows:

4668           "Members of the \_\_\_\_\_ (here the title of the school  
4669 district shall be inserted) School Board who are not up for  
4670 election this year are subject to recall because of the school  
4671 district's failure to meet critical accountability standards as  
4672 defined in the letter of notification to the Governor from the  
4673 State Board of Education. Shall the member of the school board  
4674 representing this area, \_\_\_\_\_ (here the name of the school  
4675 board member holding the office shall be inserted), be retained in  
4676 office? Yes \_\_\_\_\_ No \_\_\_\_\_"

4677           If a majority of those voting on the question vote against  
4678 retaining the member of the school board in office, a vacancy in



4679 that board member's office shall exist, which shall be filled in  
4680 the manner provided by law; otherwise, the school board member  
4681 shall remain in office for the term of that office, and at the  
4682 expiration of the term of office, the member shall be eligible for  
4683 qualification and election to another term or terms of office.  
4684 However, if a majority of the school board members are recalled in  
4685 the special election, the Governor shall authorize the board of  
4686 supervisors of the county in which the school district is situated  
4687 to appoint members to fill the offices of the members recalled.  
4688 The board of supervisors shall make those appointments in the  
4689 manner provided by law for filling vacancies on the school board,  
4690 and the appointed members shall serve until the office is filled  
4691 at the next regular special election or general election.

4692 (ii) If the local school board is an appointed  
4693 school board, the name of all school board members shall be  
4694 submitted as a collective board by the president of the municipal  
4695 or county governing authority, as the case may be, at the next  
4696 regular meeting of the governing authority for retention in office  
4697 or dismissal from office. If a majority of the governing  
4698 authority voting on the question vote against retaining the board  
4699 in office, a vacancy shall exist in each school board member's  
4700 office, which shall be filled as provided by law; otherwise, the  
4701 members of the appointed school board shall remain in office for  
4702 the duration of their term of appointment, and those members may  
4703 be reappointed.



4704 (iii) If the local school board is comprised of  
4705 both elected and appointed members, the elected members shall be  
4706 subject to recall in the manner provided in subparagraph (i) of  
4707 this paragraph (b), and the appointed members shall be subject to  
4708 recall in the manner provided in subparagraph (ii).

4709 (18) \* \* \*~~Beginning with the school district audits~~  
4710 ~~conducted for the 1997-1998 fiscal year,~~ The State Board of  
4711 Education, acting through the Commission on School Accreditation,  
4712 shall require each school district to comply with standards  
4713 established by the State Department of Audit for the verification  
4714 of fixed assets and the auditing of fixed assets records as a  
4715 minimum requirement for accreditation.

4716 (19) \* \* \*~~Before December 1, 1999, the State Board of~~  
4717 ~~Education shall recommend a program to the Education Committees of~~  
4718 ~~the House of Representatives and the Senate for identifying and~~  
4719 ~~rewarding public schools that improve or are high performing. The~~  
4720 ~~program shall be described by the board in a written report, which~~  
4721 ~~shall include criteria and a process through which improving~~  
4722 ~~schools and high-performing schools will be identified and~~  
4723 ~~rewarded.~~ [Deleted]

4724 The State Superintendent of Public Education and the State  
4725 Board of Education also shall develop a comprehensive  
4726 accountability plan to ensure that local school boards,  
4727 superintendents, principals and teachers are held accountable for  
4728 student achievement. \* \* \*~~A written report on the accountability~~



4729 ~~plan shall be submitted to the Education Committees of both houses~~  
4730 ~~of the Legislature before December 1, 1999, with any necessary~~  
4731 ~~legislative recommendations.~~

4732 (20) Before January 1, 2008, the State Board of Education  
4733 shall evaluate and submit a recommendation to the Education  
4734 Committees of the House of Representatives and the Senate on  
4735 inclusion of graduation rate and dropout rate in the school level  
4736 accountability system.

4737 (21) If a local school district is determined as failing and  
4738 placed into district transformation status for reasons authorized  
4739 by the provisions of this section, the interim superintendent  
4740 appointed to the district shall, within forty-five (45) days after  
4741 being appointed, present a detailed and structured corrective  
4742 action plan to move the local school district out of district  
4743 transformation status to the deputy superintendent. A copy of the  
4744 interim superintendent's corrective action plan shall also be  
4745 filed with the State Board of Education.

4746 **SECTION 62.** Section 37-17-17, Mississippi Code of 1972, is  
4747 amended as follows:

4748 37-17-17. (1) There is created the Mississippi Achievement  
4749 School District for the purpose of transforming persistently  
4750 failing public schools and districts throughout the state into  
4751 quality educational institutions. The Mississippi Achievement  
4752 School District shall be a statewide school district, separate and  
4753 distinct from all other school districts but not confined to any



4754 specified geographic boundaries, and may be comprised of any  
4755 public schools or school districts in the state which, during two  
4756 (2) consecutive school years, are designated an "F" school or  
4757 district by the State Board of Education under the accountability  
4758 rating system or which have been persistently failing and  
4759 chronically underperforming.

4760 (2) The Mississippi Achievement School District shall be  
4761 governed by the State Board of Education.

4762 (3) The State Board of Education shall obtain suitable  
4763 office space to serve as the administrative office of the school  
4764 district.

4765 (4) The State Board of Education shall select an individual  
4766 to serve as superintendent of the Mississippi Achievement School  
4767 District. The superintendent must be deemed by the board to be  
4768 highly qualified with a demonstrable track record for producing  
4769 results in a context relevant to that of Mississippi Achievement  
4770 School District schools. The superintendent of the Mississippi  
4771 Achievement School District shall exercise powers and duties that  
4772 would afford significant autonomy but are bound by the governance  
4773 of the State Board of Education.

4774 (5) (a) Each public school or district in the state which,  
4775 during each of two (2) consecutive school years or during two (2)  
4776 of three (3) consecutive school years, receives an "F" designation  
4777 by the State Board of Education under the accountability rating  
4778 system or has been persistently failing as defined by the State



4779 Board of Education may be absorbed into and become a part of the  
4780 Mississippi Achievement School District. All eligible public  
4781 schools and districts shall be prioritized by the Mississippi  
4782 Achievement School District according to criteria set by the  
4783 Mississippi Achievement School District and publicized prior to  
4784 the annual release of accountability rating data. The Mississippi  
4785 Achievement School District shall takeover only the number of  
4786 schools and districts for which it has the capacity to serve. The  
4787 transfer of the school's/district's governance from the local  
4788 school district to the Mississippi Achievement School District  
4789 shall take effect upon the approval of the State Board of  
4790 Education unless, in the sole determination of the Mississippi  
4791 Achievement School District, the transition may be more smoothly  
4792 accomplished through a gradual transfer of control. If the  
4793 Mississippi Achievement School District elects not to assume  
4794 complete control of a school or district immediately after that  
4795 school receives an "F" designation during each of two (2)  
4796 consecutive school years or during two (2) of the three (3)  
4797 consecutive school years, the State Board of Education shall  
4798 prescribe the process and timetable by which the school or  
4799 district shall be absorbed; however, in no event may the transfer  
4800 of the school or district to the Mississippi Achievement School  
4801 District be completed later than the beginning of the school year  
4802 next succeeding the year during which the school or district  
4803 receives the "F" designation. School districts that are eligible





4804 to be absorbed by the Achievement School District, but are not  
4805 absorbed due to the capacity of the Achievement School District,  
4806 shall develop and implement a district improvement plan with  
4807 prescriptive guidance and support from the Mississippi Department  
4808 of Education, with the goal of helping the district improve  
4809 student achievement. Failure of the school board, superintendent  
4810 and school district staff to implement the plan with fidelity and  
4811 participate in the activities provided as support by the  
4812 department shall result in the school district retaining its  
4813 eligibility for the Mississippi Achievement School District.

4814 (b) The State Board of Education shall adopt rules and  
4815 regulations governing the operation of the Mississippi Achievement  
4816 School District.

4817 (c) Designations assigned to schools or districts under  
4818 the accountability rating system by the State Board of Education  
4819 before the 2015-2016 school year may not be considered in  
4820 determining whether a particular school or district is subject to  
4821 being absorbed by the Mississippi Achievement School District.  
4822 During the 2017-2018 school year, any school or district receiving  
4823 an "F" designation after also being designated an "F" school or  
4824 district in the 2015-2016 and 2016-2017 school years may be  
4825 absorbed immediately by the Mississippi Achievement School  
4826 District, upon approval of the State Board of Education.

4827 (d) The school district from which an "F" school or  
4828 district is being absorbed must cooperate fully with the



4829 Mississippi Achievement School District and the State Board of  
4830 Education in order to provide as smooth a transition as possible  
4831 in the school's/district's governance and operations for the  
4832 students enrolled in the school or district. Upon completion of  
4833 the transfer of a school or district to the Mississippi  
4834 Achievement School District, the school or district shall be  
4835 governed by the rules, regulations, policies and procedures  
4836 established by the State Board of Education specifically for the  
4837 Mississippi Achievement School District, and the school or  
4838 district shall no longer be under the purview of the school board  
4839 of the local school district. In the event of the transfer of  
4840 governance and operations of a school district, the State Board of  
4841 Education shall abolish the district as prescribed in Section  
4842 37-17-13.

4843           (e) Upon the transfer of the school or school district  
4844 to the Mississippi Achievement School District, the individual  
4845 appointed by the State Board of Education to serve as  
4846 superintendent for the Mississippi Achievement School District  
4847 shall be responsible for the administration, management and  
4848 operation of the school or school district, including the  
4849 following activities: (i) approving or denying all financial  
4850 obligations of the school or school district; (ii) approving or  
4851 denying the employment, termination, nonrenewal and reassignment  
4852 of all licensed and nonlicensed personnel; (iii) approving or  
4853 denying contractual agreements and purchase orders; (iv)



4854 approving or denying all claim dockets and the issuance of checks;  
4855 (v) supervising the day-to-day activities of the school or school  
4856 district's staff in a manner which in the determination of the  
4857 Mississippi Achievement School District will best suit the needs  
4858 of the school or school district; (vi) approving or denying all  
4859 athletic, band and other extracurricular activities and any  
4860 matters related to those activities; (vii) honoring any reasonable  
4861 financial commitment of the district being absorbed; and (viii)  
4862 reporting periodically to the State Board of Education on the  
4863 progress or lack of progress being made in the school or school  
4864 district to improve the school or school district's impairments.

4865 (f) Upon attaining and maintaining a school or district  
4866 accountability rating of "C" or better under the State Department  
4867 of Education's accountability rating system for five (5)  
4868 consecutive years, the State Board of Education may decide to  
4869 revert the absorbed school or district back to local governance,  
4870 provided the school or school(s) in question are not conversion  
4871 charter schools. "Local governance" may include a traditional  
4872 school board model of governance or other new form of governance  
4873 such as mayoral control, or other type of governance. The State  
4874 Board of Education shall determine the best form of local  
4875 governance and school board composition after soliciting the input  
4876 of local citizens and shall outline a process for establishing the  
4877 type of governance selected. The manner and timeline for  
4878 reverting a school or district back to local control shall be at



4879 the discretion of the State School Board, but in no case shall it  
4880 exceed five (5) years.

4881 (6) The Superintendent of the Mississippi Achievement School  
4882 District shall hire those persons to be employed as principals,  
4883 teachers and noninstructional personnel in schools or districts  
4884 absorbed into the Mississippi Achievement School District. Only  
4885 highly qualified individuals having a demonstrable record of  
4886 success may be selected by the superintendent for such positions  
4887 in the Mississippi Achievement School District. The  
4888 superintendent may choose to continue the employment of any person  
4889 employed in an "F" rated school when the school or district is  
4890 absorbed into the Mississippi Achievement School District;  
4891 alternatively, the superintendent may elect not to offer continued  
4892 employment to a person formerly employed at a school or district  
4893 that is absorbed into the Mississippi Achievement School District.  
4894 Any persons employed by the Mississippi Achievement School  
4895 District shall not be subject to Sections 37-9-101 through  
4896 37-9-113.

4897 (7) (a) The Mississippi Achievement School District may use  
4898 a school building and all facilities and property that is a part  
4899 of a school and recognized as part of the facilities or assets of  
4900 the school before it is absorbed into the Mississippi Achievement  
4901 School District. In addition, the Mississippi Achievement School  
4902 District shall have access to those additional facilities that  
4903 typically were available to that school or district, its students,



4904 faculty and staff before its absorption by the Mississippi  
4905 Achievement School District. Use of facilities by a school or  
4906 district in the Mississippi Achievement School District must be  
4907 unrestricted and free of charge. However, the Mississippi  
4908 Achievement School District shall be responsible for providing  
4909 routine maintenance and repairs necessary to maintain the  
4910 facilities in as good a condition as when the right of use was  
4911 acquired by the Mississippi Achievement School District. The  
4912 Mississippi Achievement School District shall be responsible for  
4913 paying all utilities at the facilities used for the absorbed  
4914 school. Any fixtures, improvements and tangible assets added to a  
4915 school building or facility by the Mississippi Achievement School  
4916 District must remain at the school or district building or  
4917 facility if the school or district is returned to local  
4918 governance.

4919 (b) The State Board of Education shall include in the  
4920 rules and regulations adopted pursuant to subsection (5) of this  
4921 section specific provisions addressing the rights and  
4922 responsibilities of the Mississippi Achievement School District  
4923 relating to the real and personal property of a school or district  
4924 that is absorbed into the Mississippi Achievement School District.

4925 (8) (a) The Mississippi Achievement School District shall  
4926 certify annually to the State Board of Education in which a  
4927 Mississippi Achievement School District school or district is



4928 located the number of students residing in the school district  
4929 which are enrolled in that school or district.

4930 (b) Whenever an increase in funding is requested by the  
4931 school board for the support of schools within a particular school  
4932 district absorbed into the Mississippi Achievement School  
4933 District, the State Board of Education and the superintendent for  
4934 the Mississippi Achievement School District shall hold a public  
4935 meeting in the local municipality having jurisdiction of the  
4936 absorbed school district to allow input of local residents on the  
4937 matter, and subsequent to the conclusion of such meeting, the  
4938 board of the Mississippi Achievement School District shall submit  
4939 its request for ad valorem increase in dollars to the local  
4940 governing authority having jurisdiction over the absorbed school  
4941 district for approval of the request for increase in ad valorem  
4942 tax effort. In a district in which a school or schools but not  
4943 the entire district is absorbed into the Mississippi Achievement  
4944 School District, the local school district shall pay directly to  
4945 the Mississippi Achievement School District an amount for each  
4946 student enrolled in that school equal to the ad valorem tax  
4947 receipts and in-lieu payments received per pupil for the support  
4948 of the local school district in which the student resides. The  
4949 pro rata ad valorem receipts and in-lieu receipts to be  
4950 transferred to the Mississippi Achievement School District shall  
4951 include all levies for the support of the local school district  
4952 under Sections 37-57-1 (local contribution to the \* \* \*education



4953 ~~funding program~~ uniform per student funding formula) and 37-57-105  
4954 (school district operational levy) and may not include any taxes  
4955 levied for the retirement of the local school district's bonded  
4956 indebtedness or short-term notes or any taxes levied for the  
4957 support of vocational-technical education programs, unless the  
4958 school or schools absorbed include a high school at which  
4959 vocational-technical education programs are offered. In no event  
4960 may the payment exceed the pro rata amount of the local ad valorem  
4961 payment to the \* \* \*~~education funding program~~ uniform per student  
4962 funding formula under Section 37-57-1 for the school district in  
4963 which the student resides. Payments made under this section by a  
4964 school district to the Mississippi Achievement School District  
4965 must be made before the expiration of three (3) business days  
4966 after the funds are distributed to the local school district by  
4967 the tax collector.

4968 (c) If an entire school district is absorbed into the  
4969 Mississippi Achievement School District, the tax collector shall  
4970 pay the amounts as described in paragraph (b) of this subsection,  
4971 with the exception that all funds should transfer, including taxes  
4972 levied for the retirement of the local school district's bonded  
4973 indebtedness or short-term notes and any taxes levied for the  
4974 support of vocational-technical education programs. The  
4975 Mississippi Achievement School District shall pay funds raised to  
4976 retire the district's debts to the appropriate creditors on behalf  
4977 of the former district.



4978           (9)   (a)   The State Department of Education shall make  
4979 payments to the Mississippi Achievement School District for each  
4980 student in average daily membership at a Mississippi Achievement  
4981 School District school equal to the state share of  
4982 the \* \* \*~~education funding program~~ uniform per student funding  
4983 formula payments for each student in average daily \* \* \*~~attendance~~  
4984 membership at the local school district or former local school  
4985 district in which that school is located. In calculating the  
4986 local contribution for purposes of determining the state share of  
4987 the \* \* \*~~education funding program~~ uniform per student funding  
4988 formula payments, the department shall deduct the pro rata local  
4989 contribution of the school district or former school district in  
4990 which the student resides \* \* \*, ~~to be determined as provided in~~  
4991 ~~Section 37-151-7(2) (a).~~

4992           (b)   Payments made pursuant to this subsection by the  
4993 State Department of Education must be made at the same time and in  
4994 the same manner as \* \* \*~~education funding program~~ uniform per  
4995 student funding formula payments are made to all other school  
4996 districts under Sections 37-151-101 and 37-151-103. Amounts  
4997 payable to the Mississippi Achievement School District must be  
4998 determined by the State Department of Education in the same manner  
4999 that such amounts are calculated for all other school districts  
5000 under the \* \* \*~~education funding program~~ uniform per student  
5001 funding formula.





5002 (10) The Mississippi Achievement School District shall be  
5003 considered a local educational agency for the same purposes and to  
5004 the same extent that all other school districts in the state are  
5005 deemed local educational agencies under applicable federal laws.

5006 (11) The Mississippi Achievement School District may receive  
5007 donations or grants from any public or private source, including  
5008 any federal funding that may be available to the school district  
5009 or individual schools within the Mississippi Achievement School  
5010 District.

5011 (12) The Legislature may appropriate sufficient funding to  
5012 the State Department of Education for the 2017 fiscal year for the  
5013 specific purpose of funding the start-up, operational and any  
5014 other required costs of the Mississippi Achievement School  
5015 District during the 2017-2018 school year.

5016 **SECTION 63.** Section 37-19-7, Mississippi Code of 1972, is  
5017 amended as follows:

5018 37-19-7. (1) \* \* \*~~The allowance in the Mississippi Adequate~~  
5019 ~~Education Program for~~ Teachers' salaries in each county and  
5020 separate school district shall be determined and paid in  
5021 accordance with the scale for teachers' salaries as provided in  
5022 this subsection. For teachers holding the following types of  
5023 licenses or the equivalent as determined by the State Board of  
5024 Education, and the following number of years of teaching  
5025 experience, the scale shall be as follows:

5026 \* \* \*~~2014-2015 MINIMUM SALARY SCHEDULE~~



5027	Years				
5028	Exp.	AAA	AA	A	
5029	0	38,108.00	36,944.00	35,780.00	33,390.00
5030	1	38,108.00	36,944.00	35,780.00	33,390.00
5031	2	38,108.00	36,944.00	35,780.00	33,390.00
5032	3	38,902.00	37,671.00	36,440.00	33,885.00
5033	4	39,696.00	38,398.00	37,100.00	34,380.00
5034	5	40,490.00	39,125.00	37,760.00	34,875.00
5035	6	41,284.00	39,852.00	38,420.00	35,370.00
5036	7	42,078.00	40,579.00	39,080.00	35,865.00
5037	8	42,872.00	41,306.00	39,740.00	36,360.00
5038	9	43,666.00	42,033.00	40,400.00	36,855.00
5039	10	44,460.00	42,760.00	41,060.00	37,350.00
5040	11	45,254.00	43,487.00	41,720.00	37,845.00
5041	12	46,048.00	44,214.00	42,380.00	38,340.00
5042	13	46,842.00	44,941.00	43,040.00	38,835.00
5043	14	47,636.00	45,668.00	43,700.00	39,330.00
5044	15	48,430.00	46,395.00	44,360.00	39,825.00
5045	16	49,224.00	47,122.00	45,020.00	40,320.00
5046	17	50,018.00	47,849.00	45,680.00	40,815.00
5047	18	50,812.00	48,576.00	46,340.00	41,310.00
5048	19	51,606.00	49,303.00	47,000.00	41,805.00
5049	20	52,400.00	50,030.00	47,660.00	42,300.00
5050	21	53,194.00	50,757.00	48,320.00	42,795.00
5051	22	53,988.00	51,484.00	48,980.00	43,290.00



5052	<del>23</del>	<del>54,782.00</del>	<del>52,211.00</del>	<del>49,640.00</del>	<del>43,785.00</del>
5053	<del>24</del>	<del>55,576.00</del>	<del>52,938.00</del>	<del>50,300.00</del>	<del>44,280.00</del>
5054	<del>25</del>	<del>58,430.00</del>	<del>55,725.00</del>	<del>53,020.00</del>	<del>46,835.00</del>
5055	<del>26</del>	<del>59,224.00</del>	<del>56,452.00</del>	<del>53,680.00</del>	<del>47,330.00</del>
5056	<del>27</del>	<del>60,018.00</del>	<del>57,179.00</del>	<del>54,340.00</del>	<del>47,825.00</del>
5057	<del>28</del>	<del>60,812.00</del>	<del>57,906.00</del>	<del>55,000.00</del>	<del>48,320.00</del>
5058	<del>29</del>	<del>61,606.00</del>	<del>58,633.00</del>	<del>55,660.00</del>	<del>48,815.00</del>
5059	<del>30</del>	<del>62,400.00</del>	<del>59,360.00</del>	<del>56,320.00</del>	<del>49,310.00</del>
5060	<del>31</del>	<del>63,194.00</del>	<del>60,087.00</del>	<del>56,980.00</del>	<del>49,805.00</del>
5061	<del>32</del>	<del>63,988.00</del>	<del>60,814.00</del>	<del>57,640.00</del>	<del>50,300.00</del>
5062	<del>33</del>	<del>64,782.00</del>	<del>61,541.00</del>	<del>58,300.00</del>	<del>50,795.00</del>
5063	<del>34</del>	<del>65,576.00</del>	<del>62,268.00</del>	<del>58,960.00</del>	<del>51,290.00</del>
5064	<del>35</del>				
5065	<del>&amp; above</del>	<del>66,370.00</del>	<del>62,995.00</del>	<del>59,620.00</del>	<del>51,785.00</del>

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

5067	Years				
5068	Exp.	AAAA	AAA	AA	A
5069	0	39,108.00	37,944.00	36,780.00	34,390.00
5070	1	39,108.00	37,944.00	36,780.00	34,390.00
5071	2	39,108.00	37,944.00	36,780.00	34,390.00
5072	3	39,902.00	38,671.00	37,440.00	34,885.00
5073	4	40,696.00	39,398.00	38,100.00	35,380.00
5074	5	41,490.00	40,125.00	38,760.00	35,875.00
5075	6	42,284.00	40,852.00	39,420.00	36,370.00
5076	7	43,078.00	41,579.00	40,080.00	36,865.00



5077	8	43,872.00	42,306.00	40,740.00	37,360.00
5078	9	44,666.00	43,033.00	41,400.00	37,855.00
5079	10	45,460.00	43,760.00	42,060.00	38,350.00
5080	11	46,254.00	44,487.00	42,720.00	38,845.00
5081	12	47,048.00	45,214.00	43,380.00	39,340.00
5082	13	47,842.00	45,941.00	44,040.00	39,835.00
5083	14	48,636.00	46,668.00	44,700.00	40,330.00
5084	15	49,430.00	47,395.00	45,360.00	40,825.00
5085	16	50,224.00	48,122.00	46,020.00	41,320.00
5086	17	51,018.00	48,849.00	46,680.00	41,815.00
5087	18	51,812.00	49,576.00	47,340.00	42,310.00
5088	19	52,606.00	50,303.00	48,000.00	42,805.00
5089	20	53,400.00	51,030.00	48,660.00	43,300.00
5090	21	54,194.00	51,757.00	49,320.00	43,795.00
5091	22	54,988.00	52,484.00	49,980.00	44,290.00
5092	23	55,782.00	53,211.00	50,640.00	44,785.00
5093	24	56,576.00	53,938.00	51,300.00	45,280.00
5094	25	59,430.00	56,725.00	54,020.00	47,835.00
5095	26	60,224.00	57,452.00	54,680.00	48,330.00
5096	27	61,018.00	58,179.00	55,340.00	48,825.00
5097	28	61,812.00	58,906.00	56,000.00	49,320.00
5098	29	62,606.00	59,633.00	56,660.00	49,815.00
5099	30	63,400.00	60,360.00	57,320.00	50,310.00
5100	31	64,194.00	61,087.00	57,980.00	50,805.00
5101	32	64,988.00	61,814.00	58,640.00	51,300.00



5102	33	65,782.00	62,541.00	59,300.00	51,795.00
5103	34	66,576.00	63,268.00	59,960.00	52,290.00
5104	35				
5105	& above	67,370.00	63,995.00	60,620.00	52,785.00

5106           It is the intent of the Legislature that any state funds made  
5107 available for salaries of licensed personnel in excess of the  
5108 funds paid for such salaries for the 1986-1987 school year shall  
5109 be paid to licensed personnel pursuant to a personnel appraisal  
5110 and compensation system implemented by the State Board of  
5111 Education. The State Board of Education shall have the authority  
5112 to adopt and amend rules and regulations as are necessary to  
5113 establish, administer and maintain the system.

5114           All teachers employed on a full-time basis shall be paid a  
5115 minimum salary in accordance with the above scale. However, no  
5116 school district shall receive any funds under this section for any  
5117 school year during which the local supplement paid to any  
5118 individual teacher shall have been reduced to a sum less than that  
5119 paid to that individual teacher for performing the same duties  
5120 from local supplement during the immediately preceding school  
5121 year. The amount actually spent for the purposes of group health  
5122 and/or life insurance shall be considered as a part of the  
5123 aggregate amount of local supplement but shall not be considered a  
5124 part of the amount of individual local supplement.

5125           The level of professional training of each teacher to be used  
5126 in establishing the salary \* \* \*~~allotment~~ for the \* \* \*~~teachers~~



5127 teacher for each year shall be determined by the type of valid  
5128 teacher's license issued to \* \* \*~~those teachers~~ that teacher on or  
5129 before October 1 of the current school year. \* \* \*~~Provided,~~  
5130 However, \* \* \*~~that~~ school districts are authorized, in their  
5131 discretion, to negotiate the salary levels applicable  
5132 to \* \* \*~~certificated~~ licensed employees who are receiving  
5133 retirement benefits from the retirement system of another  
5134 state \* \* \*, ~~and the annual experience increment provided above in~~  
5135 ~~Section 37-19-7 shall not be applicable to any such retired~~  
5136 ~~certificated employee.~~

5137 (2) (a) The following employees shall receive an annual  
5138 salary supplement in the amount of Six Thousand Dollars  
5139 (\$6,000.00), plus fringe benefits, in addition to any other  
5140 compensation to which the employee may be entitled:

5141 (i) Any licensed teacher who has met the  
5142 requirements and acquired a Master Teacher certificate from the  
5143 National Board for Professional Teaching Standards and who is  
5144 employed by a local school board or the State Board of Education  
5145 as a teacher and not as an administrator. Such teacher shall  
5146 submit documentation to the State Department of Education that the  
5147 certificate was received prior to October 15 in order to be  
5148 eligible for the full salary supplement in the current school  
5149 year, or the teacher shall submit such documentation to the State  
5150 Department of Education prior to February 15 in order to be



5151 eligible for a prorated salary supplement beginning with the  
5152 second term of the school year.

5153           (ii) A licensed nurse who has met the requirements  
5154 and acquired a certificate from the National Board for  
5155 Certification of School Nurses, Inc., and who is employed by a  
5156 local school board or the State Board of Education as a school  
5157 nurse and not as an administrator. The licensed school nurse  
5158 shall submit documentation to the State Department of Education  
5159 that the certificate was received before October 15 in order to be  
5160 eligible for the full salary supplement in the current school  
5161 year, or the licensed school nurse shall submit the documentation  
5162 to the State Department of Education before February 15 in order  
5163 to be eligible for a prorated salary supplement beginning with the  
5164 second term of the school year. Provided, however, that the total  
5165 number of licensed school nurses eligible for a salary supplement  
5166 under this subparagraph (ii) shall not exceed thirty-five (35).

5167           (iii) Any licensed school counselor who has met  
5168 the requirements and acquired a National Certified School  
5169 Counselor (NCSC) endorsement from the National Board of Certified  
5170 Counselors and who is employed by a local school board or the  
5171 State Board of Education as a counselor and not as an  
5172 administrator. Such licensed school counselor shall submit  
5173 documentation to the State Department of Education that the  
5174 endorsement was received prior to October 15 in order to be  
5175 eligible for the full salary supplement in the current school



5176 year, or the licensed school counselor shall submit such  
5177 documentation to the State Department of Education prior to  
5178 February 15 in order to be eligible for a prorated salary  
5179 supplement beginning with the second term of the school year.  
5180 However, any school counselor who started the National Board for  
5181 Professional Teaching Standards process for school counselors  
5182 between June 1, 2003, and June 30, 2004, and completes the  
5183 requirements and acquires the Master Teacher certificate shall be  
5184 entitled to the master teacher supplement, and those counselors  
5185 who complete the process shall be entitled to a one-time  
5186 reimbursement for the actual cost of the process as outlined in  
5187 paragraph (b) of this subsection.

5188 (iv) Any licensed speech-language pathologist and  
5189 audiologist who has met the requirements and acquired a  
5190 Certificate of Clinical Competence from the American  
5191 Speech-Language-Hearing Association and any certified academic  
5192 language therapist (CALT) who has met the certification  
5193 requirements of the Academic Language Therapy Association and who  
5194 is employed by a local school board or is employed by a state  
5195 agency under the State Personnel Board. The licensed  
5196 speech-language pathologist and audiologist and certified academic  
5197 language therapist shall submit documentation to the State  
5198 Department of Education that the certificate or endorsement was  
5199 received before October 15 in order to be eligible for the full  
5200 salary supplement in the current school year, or the licensed





5201 speech-language pathologist and audiologist and certified academic  
5202 language therapist shall submit the documentation to the State  
5203 Department of Education before February 15 in order to be eligible  
5204 for a prorated salary supplement beginning with the second term of  
5205 the school year. However, the total number of certified academic  
5206 language therapists eligible for a salary supplement under this  
5207 paragraph (iv) shall not exceed twenty (20).

5208 (b) An employee shall be reimbursed for the actual cost  
5209 of completing each component of acquiring the certificate or  
5210 endorsement, excluding any costs incurred for postgraduate  
5211 courses, not to exceed Five Hundred Dollars (\$500.00) for each  
5212 component, not to exceed four (4) components, for a teacher,  
5213 school counselor or speech-language pathologist and audiologist,  
5214 regardless of whether or not the process resulted in the award of  
5215 the certificate or endorsement. A local school district or any  
5216 private individual or entity may pay the cost of completing the  
5217 process of acquiring the certificate or endorsement for any  
5218 employee of the school district described under paragraph (a), and  
5219 the State Department of Education shall reimburse the school  
5220 district for such cost, regardless of whether or not the process  
5221 resulted in the award of the certificate or endorsement. If a  
5222 private individual or entity has paid the cost of completing the  
5223 process of acquiring the certificate or endorsement for an  
5224 employee, the local school district may agree to directly



5225 reimburse the individual or entity for such cost on behalf of the  
5226 employee.

5227 (c) All salary supplements, fringe benefits and process  
5228 reimbursement authorized under this subsection shall be paid  
5229 directly by the State Department of Education to the local school  
5230 district and shall be in addition to its \* \* \*~~minimum education~~  
5231 ~~program~~ uniform per student funding formula allotments and not a  
5232 part thereof in accordance with regulations promulgated by the  
5233 State Board of Education. Local school districts shall not reduce  
5234 the local supplement paid to any employee receiving such salary  
5235 supplement, and the employee shall receive any local supplement to  
5236 which employees with similar training and experience otherwise are  
5237 entitled. However, an educational employee shall receive the  
5238 salary supplement in the amount of Six Thousand Dollars  
5239 (\$6,000.00) for only one (1) of the qualifying certifications  
5240 authorized under paragraph (a) of this subsection. No school  
5241 district shall provide more than one (1) annual salary supplement  
5242 under the provisions of this subsection to any one individual  
5243 employee holding multiple qualifying national certifications.

5244 (d) If an employee for whom such cost has been paid, in  
5245 full or in part, by a local school district or private individual  
5246 or entity fails to complete the certification or endorsement  
5247 process, the employee shall be liable to the school district or  
5248 individual or entity for all amounts paid by the school district



5249 or individual or entity on behalf of that employee toward his or  
5250 her certificate or endorsement.

5251 (3) The following employees shall receive an annual salary  
5252 supplement in the amount of Four Thousand Dollars (\$4,000.00),  
5253 plus fringe benefits, in addition to any other compensation to  
5254 which the employee may be entitled:

5255 Effective July 1, 2016, if funds are available for that  
5256 purpose, any licensed teacher who has met the requirements and  
5257 acquired a Master Teacher Certificate from the National Board for  
5258 Professional Teaching Standards and who is employed in a public  
5259 school district located in one (1) of the following counties:

5260 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,  
5261 Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington.

5262 The salary supplement awarded under the provisions of this  
5263 subsection (3) shall be in addition to the salary supplement  
5264 awarded under the provisions of subsection (2) of this section.

5265 Teachers who meet the qualifications for a salary supplement  
5266 under this subsection (3) who are assigned for less than one (1)  
5267 full year or less than full time for the school year shall receive  
5268 the salary supplement in a prorated manner, with the portion of  
5269 the teacher's assignment to the critical geographic area to be  
5270 determined as of June 15th of the school year.

5271 (4) (a) This subsection shall be known and may be cited as  
5272 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition  
5273 to the minimum base pay described in this section, only \* \* \*~~after~~



5274 ~~full funding of MAEP and~~ if funds are available for that purpose,  
5275 the State of Mississippi may provide monies from state funds to  
5276 school districts for the purposes of rewarding \* \* \*~~certified~~  
5277 licensed teachers, administrators and nonlicensed personnel at  
5278 individual schools showing improvement in student test scores.  
5279 The MPBP plan shall be developed by the State Department of  
5280 Education based on the following criteria:

5281 (i) It is the express intent of this legislation  
5282 that the MPBP plan shall utilize only existing standards of  
5283 accreditation and assessment as established by the State Board of  
5284 Education.

5285 (ii) To ensure that all of Mississippi's teachers,  
5286 administrators and nonlicensed personnel at all schools have equal  
5287 access to the monies set aside in this section, the MPBP program  
5288 shall be designed to calculate each school's performance as  
5289 determined by the school's increase in scores from the prior  
5290 school year. The MPBP program shall be based on a standardized  
5291 scores rating where all levels of schools can be judged in a  
5292 statistically fair and reasonable way upon implementation. At the  
5293 end of each year, after all student achievement scores have been  
5294 standardized, the State Department of Education shall implement  
5295 the MPBP plan.

5296 (iii) To ensure all teachers cooperate in the  
5297 spirit of teamwork, individual schools shall submit a plan to the  
5298 local school district to be approved before the beginning of each



5299 school year \* \* \*~~beginning July 1, 2008.~~ The plan shall include,  
5300 but not be limited to, how all teachers, regardless of subject  
5301 area, and administrators will be responsible for improving student  
5302 achievement for their individual school.

5303 (b) The State Board of Education shall develop the  
5304 processes and procedures for designating schools eligible to  
5305 participate in the MPBP. State assessment results, growth in  
5306 student achievement at individual schools and other measures  
5307 deemed appropriate in designating successful student achievement  
5308 shall be used in establishing MPBP criteria. The State Board of  
5309 Education shall develop the MPBP policies \* \* \*~~and procedures and~~  
5310 ~~report to the Legislature and Governor by December 1, 2006.~~

5311 (5) (a) \* \* \*~~Beginning in the 2008-2009 school year,~~ If  
5312 funds are available for that purpose, each school in Mississippi  
5313 shall have mentor teachers, as defined by Sections 37-9-201  
5314 through 37-9-213, who shall receive additional base compensation  
5315 provided for by the State Legislature in the amount of One  
5316 Thousand Dollars (\$1,000.00) per each beginning teacher that is  
5317 being mentored. The additional state compensation shall be  
5318 limited to those mentor teachers that provide mentoring services  
5319 to beginning teachers. For the purposes of such funding, a  
5320 beginning teacher shall be defined as any teacher in any school in  
5321 Mississippi that has less than one (1) year of classroom  
5322 experience teaching in a public school. For the purposes of such



5323 funding, no full-time academic teacher shall mentor more than two  
5324 (2) beginning teachers.

5325 (b) To be eligible for this state funding, the  
5326 individual school must have a classroom management program  
5327 approved by the local school board.

5328 (6) Effective with the 2014-2015 school year, the school  
5329 districts participating in the Pilot Performance-Based  
5330 Compensation System pursuant to Section 37-19-9 may award  
5331 additional teacher and administrator pay based thereon.

5332 **SECTION 64.** Section 37-21-6, Mississippi Code of 1972, is  
5333 amended as follows:

5334 37-21-6. The Mississippi Early Childhood Education Program  
5335 shall be the kindergarten program implemented by local school  
5336 districts \* \* \*~~under the minimum education program.~~

5337 **SECTION 65.** Section 37-21-7, Mississippi Code of 1972, is  
5338 amended as follows:

5339 37-21-7. (1) This section shall be referred to as the  
5340 "Mississippi Elementary Schools Assistant Teacher Program," the  
5341 purpose of which shall be to provide an early childhood education  
5342 program that assists in the instruction of basic skills. The  
5343 State Board of Education is authorized, empowered and directed to  
5344 implement a statewide system of assistant teachers in kindergarten  
5345 classes and in the first, second and third grades. The assistant  
5346 teacher shall assist pupils in actual instruction under the strict  
5347 supervision of a licensed teacher.



5348           (2)   (a)   Except as otherwise authorized under subsection  
5349   (7), each school district shall employ the total number of  
5350   assistant teachers funded under subsection (6) of this section.  
5351   The superintendent of each district shall assign the assistant  
5352   teachers to the kindergarten, first-, second- and third-grade  
5353   classes in the district in a manner that will promote the maximum  
5354   efficiency, as determined by the superintendent, in the  
5355   instruction of skills such as verbal and linguistic skills,  
5356   logical and mathematical skills, and social skills.

5357           (b)   If a licensed teacher to whom an assistant teacher  
5358   has been assigned is required to be absent from the classroom, the  
5359   assistant teacher may assume responsibility for the classroom in  
5360   lieu of a substitute teacher. However, no assistant teacher shall  
5361   assume sole responsibility of the classroom for more than three  
5362   (3) consecutive school days. Further, in no event shall any  
5363   assistant teacher be assigned to serve as a substitute teacher for  
5364   any teacher other than the licensed teacher to whom that assistant  
5365   teacher has been assigned.

5366           (3)   Assistant teachers shall have, at a minimum, a high  
5367   school diploma or a High School Equivalency Diploma equivalent,  
5368   and shall show demonstratable proficiency in reading and writing  
5369   skills. The State Department of Education shall develop a testing  
5370   procedure for assistant teacher applicants to be used in all  
5371   school districts in the state.



5372 (4) (a) In order to receive funding, each school district  
5373 shall:

5374 (i) Submit a plan on the implementation of a  
5375 reading improvement program to the State Department of Education;  
5376 and

5377 (ii) Develop a plan of educational accountability  
5378 and assessment of performance, including pretests and posttests,  
5379 for reading in Grades 1 through 6.

5380 (b) Additionally, each school district shall:

5381 (i) Provide annually a mandatory preservice  
5382 orientation session, using an existing in-school service day, for  
5383 administrators and teachers on the effective use of assistant  
5384 teachers as part of a team in the classroom setting and on the  
5385 role of assistant teachers, with emphasis on program goals;

5386 (ii) Hold periodic workshops for administrators  
5387 and teachers on the effective use and supervision of assistant  
5388 teachers;

5389 (iii) Provide training annually on specific  
5390 instructional skills for assistant teachers;

5391 (iv) Annually evaluate their program in accordance  
5392 with their educational accountability and assessment of  
5393 performance plan; and

5394 (v) Designate the necessary personnel to supervise  
5395 and report on their program.

5396 (5) The State Department of Education shall:





5397           (a) Develop and assist in the implementation of a  
5398 statewide uniform training module, subject to the availability of  
5399 funds specifically appropriated therefor by the Legislature, which  
5400 shall be used in all school districts for training administrators,  
5401 teachers and assistant teachers. The module shall provide for the  
5402 consolidated training of each assistant teacher and teacher to  
5403 whom the assistant teacher is assigned, working together as a  
5404 team, and shall require further periodic training for  
5405 administrators, teachers and assistant teachers regarding the role  
5406 of assistant teachers;

5407           (b) Annually evaluate the program on the district and  
5408 state level. Subject to the availability of funds specifically  
5409 appropriated therefor by the Legislature, the department shall  
5410 develop: (i) uniform evaluation reports, to be performed by the  
5411 principal or assistant principal, to collect data for the annual  
5412 overall program evaluation conducted by the department; or (ii) a  
5413 program evaluation model that, at a minimum, addresses process  
5414 evaluation; and

5415           (c) Promulgate rules, regulations and such other  
5416 standards deemed necessary to effectuate the purposes of this  
5417 section. Noncompliance with the provisions of this section and  
5418 any rules, regulations or standards adopted by the department may  
5419 result in a violation of compulsory accreditation standards as  
5420 established by the State Board of Education and the Commission on  
5421 School Accreditation.



5422           (6)   \* \* \*~~In addition to other funds allotted under the~~  
5423 ~~Minimum Education or Adequate Education Program, each school~~  
5424 ~~district shall be allotted sufficient funding for the purpose of~~  
5425 ~~employing assistant teachers.~~ No assistant teacher shall be paid  
5426 less than the amount he or she received in the prior school year.  
5427 No school district shall receive any funds under this section for  
5428 any school year during which the aggregate amount of the local  
5429 contribution to the salaries of assistant teachers by the district  
5430 shall have been reduced below such amount for the previous year.

5431           For the 2007-2008 school year and school years thereafter,  
5432 the minimum salary for assistant teachers shall be Twelve Thousand  
5433 Five Hundred Dollars (\$12,500.00).

5434           In addition, for each one percent (1%) that the Sine Die  
5435 General Fund Revenue Estimate Growth exceeds five percent (5%) in  
5436 fiscal year 2006, as certified by the Legislative Budget Office to  
5437 the State Board of Education and subject to the specific  
5438 appropriation therefor by the Legislature, the State Board of  
5439 Education shall revise the salary scale in the appropriate year to  
5440 provide an additional one percent (1%) across-the-board increase  
5441 in the base salaries for assistant teachers. The State Board of  
5442 Education shall revise the salaries prescribed above for assistant  
5443 teachers to conform to any adjustments made in prior fiscal years  
5444 due to revenue growth over and above five percent (5%). The  
5445 assistant teachers shall not be restricted to working only in the



5446 grades for which the funds were allotted, but may be assigned to  
5447 other classes as provided in subsection (2)(a) of this section.

5448 (7) (a) As an alternative to employing assistant teachers,  
5449 any school district may use the allotment provided under  
5450 subsection (6) of this section for the purpose of employing  
5451 licensed teachers for kindergarten, first-, second- and  
5452 third-grade classes; however, no school district shall be  
5453 authorized to use the allotment for assistant teachers for the  
5454 purpose of employing licensed teachers unless the district has  
5455 established that the employment of licensed teachers using such  
5456 funds will reduce the teacher:student ratio in the kindergarten,  
5457 first-, second- and third-grade classes. All state funds for  
5458 assistant teachers shall be applied to reducing teacher:student  
5459 ratio in Grades K-3.

5460 It is the intent of the Legislature that no school district  
5461 shall dismiss any assistant teacher for the purpose of using the  
5462 assistant teacher allotment to employ licensed teachers. School  
5463 districts may rely only upon normal attrition to reduce the number  
5464 of assistant teachers employed in that district.

5465 (b) Districts meeting the highest levels of  
5466 accreditation standards, as defined by the State Board of  
5467 Education, shall be exempted from the provisions of subsection (4)  
5468 of this section.

5469 **SECTION 66.** Section 37-22-5, Mississippi Code of 1972, is  
5470 amended as follows:



5471 37-22-5. There is \* \* \*~~herein~~ created an Emergency Fund Loss  
5472 Assistance Program to provide temporary grants to eligible school  
5473 districts. The purpose of the program shall be to provide relief  
5474 to school districts suffering losses of financial assistance under  
5475 federal programs, such as the IMPACT Program, designed to serve  
5476 the educational needs of children of government employees and  
5477 Choctaw Indian children. Any school district which has sustained  
5478 losses in direct payments from the federal government for the  
5479 purpose of educating the children of federal government employees  
5480 and Choctaw Indian children living on United States government  
5481 owned reservation land shall be entitled to an Emergency Fund Loss  
5482 Assistance Grant, in the amount of the reduction of the grant  
5483 funds received from the federal government from prior years. This  
5484 grant shall be limited to losses resulting from reductions in the  
5485 level of federal funding allocated to school districts from prior  
5486 years and not from reductions resulting from a loss of students  
5487 served by the school districts. Losses incurred prior to July 1,  
5488 1987, shall not be considered for purposes of determining the  
5489 amount of the grant. There is hereby established an Emergency  
5490 Fund Loss Assistance Fund in the State Treasury which shall be  
5491 used to distribute the emergency grants to school districts.  
5492 Expenditures from this fund shall not exceed One Million Dollars  
5493 (\$1,000,000.00) in any fiscal year. If the total of all grant  
5494 entitlements from local school districts exceeds such sum, then  
5495 the grants to the school districts shall be prorated accordingly.



5496 \* \* \*~~The State Treasurer shall transfer funds from this program~~  
5497 ~~in the same manner that funds are transferred from the Minimum~~  
5498 ~~Education Program Fund, as provided in Section 37-19-47.~~

5499 **SECTION 67.** Section 37-23-1, Mississippi Code of 1972, is  
5500 amended as follows:

5501 37-23-1. The purpose of Sections 37-23-1 through 37-23-159  
5502 is to mandate free appropriate public educational services and  
5503 equipment for exceptional children in the age range three (3)  
5504 through twenty (20) for whom the regular school programs are not  
5505 adequate and to provide, on a permissive basis, a free appropriate  
5506 public education, as a part of the state's early intervention  
5507 system in accordance with regulations developed in collaboration  
5508 with the agency designated as "lead agency" under Part C of the  
5509 Individuals with Disabilities Education Act. The portion of the  
5510 regulations developed in collaboration with the lead agency which  
5511 are necessary to implement the programs under the authority of the  
5512 State Board of Education shall be presented to the State Board of  
5513 Education for adoption. This specifically includes, but shall not  
5514 be limited to, provision for day schools for the deaf and blind of  
5515 an age under six (6) years, where early training is in accordance  
5516 with the most advanced and best approved scientific methods of  
5517 instruction, always taking into consideration the best interests  
5518 of the child and his improvement at a time during which he is most  
5519 susceptible of improvement. Educational programs to exceptional  
5520 children under the age of three (3) years shall be eligible



5521 for \* \* \*~~adequate education program~~ uniform per student funding  
5522 formula funds.

5523 All references in the laws of this state to the "Individuals  
5524 with Disabilities Education Act" or to the "IDEA" shall be  
5525 construed to include any subsequent amendments to that act.

5526 The educational programs and services provided for  
5527 exceptional children in Sections 37-23-1 through 37-23-15,  
5528 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77  
5529 shall be designed to provide individualized appropriate special  
5530 education and related services that enable a child to reach his or  
5531 her appropriate and uniquely designed goals for success. The  
5532 State Board of Education shall establish an accountability system  
5533 for special education programs and students with disabilities.  
5534 The system shall establish accountability standards for services  
5535 provided to improve the educational skills designed to prepare  
5536 children for life after their years in school. These standards  
5537 shall be a part of the accreditation system and shall be  
5538 implemented before July 1, 1996.

5539 The State Department of Education shall establish goals for  
5540 the performance of children with disabilities that will promote  
5541 the purpose of IDEA and are consistent, to the maximum extent  
5542 appropriate, with other goals and standards for children  
5543 established by the State Department of Education. Performance  
5544 indicators used to assess progress toward achieving those goals  
5545 that, at a minimum, address the performance of children with



5546 disabilities on assessments, drop-out rates, and graduation rates  
5547 shall be developed. Every two (2) years, the progress toward  
5548 meeting the established performance goals shall be reported to the  
5549 public.

5550 **SECTION 68.** Section 37-23-15, Mississippi Code of 1972, is  
5551 amended as follows:

5552 37-23-15. (1) The State Department of Education, in  
5553 accordance with Sections 37-23-1 through 37-23-75, and any  
5554 additional authority granted in this chapter, shall:

5555 (a) Adopt pilot programs under which certain students  
5556 enrolled or enrolling in public schools in this state shall be  
5557 tested for dyslexia and related disorders as may be necessary.  
5558 The pilot programs shall provide that upon the request of a  
5559 parent, student, school nurse, classroom teacher or other school  
5560 personnel who has reason to believe that a student has a need to  
5561 be tested for dyslexia, such student shall be reviewed for  
5562 appropriate services. However, a student shall not be tested for  
5563 dyslexia whose parent or guardian objects thereto on grounds that  
5564 such testing conflicts with his conscientiously held religious  
5565 beliefs.

5566 (b) In accordance with the pilot programs adopted by  
5567 the State Department of Education, such school boards shall  
5568 provide remediation in an appropriate multi-sensory, systematic  
5569 language-based regular education program or programs, as  
5570 determined by the school district, such as the Texas Scottish Rite



5571 Hospital Dyslexia Training Program, pertinent to the child's  
5572 physical and educational disorders or the sensory area in need of  
5573 remediation for those students who do not qualify for special  
5574 education services.

5575 (c) The State Department of Education, by not later  
5576 than January 1, 1997, shall make recommendations to the school  
5577 boards designated for the pilot programs for the delivery of  
5578 services to students who are identified as dyslexic.

5579 (d) For the purposes of this section:

5580 (i) "Dyslexia" means a language processing  
5581 disorder which may be manifested by difficulty processing  
5582 expressive or receptive, oral or written language despite adequate  
5583 intelligence, educational exposure and cultural opportunity.  
5584 Specific manifestations may occur in one or more areas, including  
5585 difficulty with the alphabet, reading comprehension, writing and  
5586 spelling.

5587 (ii) "Related disorders" shall include disorders  
5588 similar to or related to dyslexia such as developmental auditory  
5589 imperception, dysphasia, specific developmental dyslexia,  
5590 dyspraxia, developmental dysgraphia and developmental spelling  
5591 disability.

5592 (e) Local school districts designated for the pilot  
5593 programs may utilize any source of funds other than \* \* \*~~minimum~~  
5594 program uniform per student funding formula funds to provide any  
5595 services under this section.





5596 (f) Nothing in this section shall be construed to  
5597 require any school district to implement this section unless the  
5598 local school board, by resolution spread on its minutes,  
5599 voluntarily agrees to comply with this section and any regulations  
5600 promulgated under this section. Any local school board may  
5601 withdraw from participation in the program authorized under this  
5602 section by providing written notice of its determination to  
5603 withdraw to the State Department of Education no later than June 1  
5604 of the preceding fiscal year.

5605 (2) State funding for the pilot programs for testing  
5606 students for dyslexia shall be subject to the availability of  
5607 funds specifically appropriated therefor by the Legislature.

5608 (3) The State Department of Education shall prepare a report  
5609 for the 1999 Regular Session of the Legislature to be submitted to  
5610 the Chairmen of the Education Committees of the Senate and House  
5611 of Representatives not later than November 1, 1998, with  
5612 recommendations as to the effectiveness of the pilot programs for  
5613 students with dyslexia and whether or not the pilot programs  
5614 should be expanded or discontinued.

5615 **SECTION 69.** Section 37-23-69, Mississippi Code of 1972, is  
5616 amended as follows:

5617 37-23-69. The State Department of Education may determine  
5618 and pay the amount of the financial assistance to be made  
5619 available to each applicant, and see that all applicants and the  
5620 programs for them meet the requirements of the program for



5621 exceptional children. No financial assistance shall exceed the  
5622 obligation actually incurred by the applicant for educational  
5623 costs, which shall include special education and related services  
5624 as defined by the Mississippi Department of Education Policies and  
5625 Procedures Regarding Children with Disabilities under the federal  
5626 Individuals with Disabilities Education Act (IDEA). Within the  
5627 amount of available state funds \* \* \* ~~appropriated~~ for that  
5628 purpose, each such applicant may receive assistance according to  
5629 the following allowances:

5630 (a) If the applicant chooses to attend a private  
5631 school, a parochial school or a speech, hearing and/or language  
5632 clinic having an appropriate program for the applicant, and if the  
5633 school or clinic meets federal and state regulations, then the  
5634 educational costs reimbursement will be one hundred percent (100%)  
5635 of the first Six Hundred Dollars (\$600.00) in educational costs  
5636 charged by the school or clinic; or, if the applicant is under six  
5637 (6) years of age, and no program appropriate for the child exists  
5638 in the public schools of his domicile, then the reimbursement  
5639 shall be one hundred percent (100%) of the first Six Hundred  
5640 Dollars (\$600.00) in educational costs charged by the school or  
5641 clinic, and fifty percent (50%) of the next Eight Hundred Dollars  
5642 (\$800.00) in educational costs charged by the school or clinic;

5643 (b) A public school district shall be reimbursed for  
5644 the educational costs of an applicant up to an annual maximum  
5645 based on a \* \* \* ~~multiple of the base student cost as determined~~



5646 ~~under the Mississippi Adequate Education Program (MAEP) or other~~  
5647 cost factor \* \* \*~~as~~ determined by the State Board of Education if  
5648 the following conditions are met: (i) an applicant in the age  
5649 range six (6) through twenty (20) requests the public school  
5650 district where he resides to provide an education for him and the  
5651 nature of the applicant's educational problem is such that,  
5652 according to best educational practices, it cannot be met in the  
5653 public school district where the child resides; (ii) the public  
5654 school district decides to provide the applicant a free  
5655 appropriate education by placing him in a private school, a  
5656 parochial school or a speech, hearing and/or language clinic  
5657 having an appropriate program for the applicant; (iii) the program  
5658 meets federal and state regulations; and (iv) the applicant is  
5659 approved for financial assistance by a State Level Review Board  
5660 established by the State Board of Education. The Review Board  
5661 will act on financial assistance requests within five (5) working  
5662 days of receipt. Nothing in this paragraph shall prevent two (2)  
5663 or more public school districts from forming a cooperative to meet  
5664 the needs of low incidence exceptional children, nor shall the  
5665 public school be relieved of its responsibility to provide an  
5666 education for all children. If state monies are not sufficient to  
5667 fund all applicants, there will be a ratable reduction for all  
5668 recipients receiving state funds under this section. School  
5669 districts may pay additional educational costs from available  
5670 federal, state and local funds.



5671           If an exceptional child, as defined in Section 37-23-3, is  
5672 placed in a therapeutic or other group home licensed or approved  
5673 by the state that has no educational program associated with it,  
5674 the local school district in which the home is located shall offer  
5675 an appropriate educational program to that child.

5676           At any time that the Individualized Education Program (IEP)  
5677 Committee in the district where the home is located determines  
5678 that an exceptional child, as defined in Section 37-23-3, residing  
5679 in that home can no longer be provided a free appropriate public  
5680 education in that school district, and the State Department of  
5681 Education agrees with that decision, then the State Department of  
5682 Education shall recommend to the Department of Human Services  
5683 placement of the child by the Department of Human Services, which  
5684 shall take appropriate action. The placement of the exceptional  
5685 child in the facility shall be at no cost to the local school  
5686 district. Funds available under Sections 37-23-61 through  
5687 37-23-77, as well as any available federal funds, may be used to  
5688 provide the educational costs of the placement. If the  
5689 exceptional child is under the guardianship of the Department of  
5690 Human Services or another state agency, the State Department of  
5691 Education shall pay only for the educational costs of that  
5692 placement, and the other agency shall be responsible for the room,  
5693 board and any other costs. The special education and related  
5694 services provided to the child shall be in compliance with State  
5695 Department of Education and any related federal regulations. The



5696 State Board of Education may promulgate regulations that are  
5697 necessary to implement this section; and

5698 (c) If an appropriate local or regional system of care,  
5699 including a free appropriate public education, is available for  
5700 exceptional children who are currently being served in  
5701 out-of-district or Department of Human Services placements under  
5702 Section 37-23-69(b) or 37-23-77, then the state funds from the  
5703 State Department of Education that would have been used for those  
5704 placements may be paid into a pool of funds with funds from other  
5705 state agencies to be used for the implementation of the  
5706 individualized plans of care for those children. If there are  
5707 sufficient funds to serve additional exceptional children because  
5708 of cost savings as a result of serving these students at home  
5709 and/or matching the pooled funds with federal dollars, the funds  
5710 may be used to implement individualized plans of care for those  
5711 additional exceptional children. Each local or regional provider  
5712 of services included in the individualized plans of care shall  
5713 comply with all appropriate state and federal regulations. The  
5714 State Board of Education may promulgate regulations that are  
5715 necessary to implement this section.

5716 The State Department of Education may also provide for the  
5717 payment of that financial assistance in installments and for  
5718 proration of that financial assistance in the case of children  
5719 attending a school or clinic for less than a full school session  
5720 and, if available funds are insufficient, may allocate the



5721 available funds among the qualified applicants and local school  
5722 districts by reducing the maximum assistance provided for in this  
5723 section.

5724 Any monies provided an applicant under Sections 37-23-61  
5725 through 37-23-75 shall be applied by the receiving educational  
5726 institution as a reduction in the amount of the educational costs  
5727 paid by the applicant, and the total educational costs paid by the  
5728 applicant shall not exceed the total educational costs paid by any  
5729 other child in similar circumstances enrolled in the same program  
5730 in that institution. However, this limitation shall not prohibit  
5731 the waiving of all or part of the educational costs for a limited  
5732 number of children based upon demonstrated financial need, and the  
5733 State Department of Education may adopt and enforce reasonable  
5734 rules and regulations to carry out the intent of these provisions.

5735 **SECTION 70.** Section 37-23-109, Mississippi Code of 1972, is  
5736 amended as follows:

5737 37-23-109. Any child development center created under the  
5738 provisions of Sections 37-23-91 through 37-23-111 shall be  
5739 entitled to receive all contributions and benefits allowed to the  
5740 other school districts from the federal and state governments  
5741 including, but not limited to, contributions on the basis of the  
5742 average daily \* \* \*attendance membership per child, school  
5743 textbooks and school lunch program.

5744 **SECTION 71.** Section 37-23-179, Mississippi Code of 1972, is  
5745 amended as follows:



5746           37-23-179. (1) The board shall specifically promulgate  
5747 rules, regulations and guidelines which establish model programs  
5748 of gifted education and also establish minimum criteria for gifted  
5749 education programs. In providing programs of gifted education,  
5750 the local district may use the model programs prepared by the  
5751 board or may itself develop programs of gifted education which,  
5752 prior to being implemented, shall be approved by the board,  
5753 provided, that no such plan or program shall be approved or  
5754 continued unless it meets the minimum criteria established by the  
5755 board.

5756           (2) There is hereby created within the department an office  
5757 for gifted education which shall be staffed by such professional,  
5758 support and clerical personnel as may be necessary to implement  
5759 the provisions of Sections 37-23-171 through 37-23-181.

5760           (3) All local school districts may have programs of gifted  
5761 education for intellectually, creatively and/or artistically  
5762 gifted students in Grades 2 through 12 and for academically gifted  
5763 students in Grades 9 through 12 approved by the board. Beginning  
5764 with the 1993-1994 school year, all local school districts shall  
5765 have programs of gifted education for intellectually gifted  
5766 students in Grade 2, subject to the approval of the State Board of  
5767 Education and the availability of funds appropriated therefor by  
5768 line-item. Beginning with the 1994-1995 school year, all local  
5769 school districts shall have programs of gifted education for  
5770 intellectually gifted students in Grades 2 and 3, subject to the



5771 approval of the State Board of Education. Beginning with the  
5772 1995-1996 school year, all local school districts shall have  
5773 programs of gifted education for intellectually gifted students in  
5774 Grades 2, 3 and 4 subject to the approval of the State Board of  
5775 Education. Beginning with the 1996-1997 school year, all local  
5776 school districts shall have programs of gifted education for  
5777 intellectually gifted students in Grades 2, 3, 4 and 5, subject to  
5778 the approval of the State Board of Education. Beginning with the  
5779 1997-1998 school year, all local school districts shall have  
5780 programs of gifted education for intellectually gifted students in  
5781 Grades 2, 3, 4, 5 and 6, subject to the approval of the State  
5782 Board of Education. \* \* \*~~The programs shall be funded as a part~~  
5783 ~~of the exceptional child programs in accordance with Section~~  
5784 ~~37-19-5(3).~~ Each local school district shall include as a part of  
5785 its five-year plan a description of any proposed gifted education  
5786 programs of the district. \* \* \*~~State funded teacher units for~~  
5787 ~~gifted education programs for fiscal year 1994 and thereafter~~  
5788 ~~shall be at least the number funded for gifted education programs~~  
5789 ~~for fiscal year 1993 and any additional numbers that may be funded~~  
5790 ~~by appropriation of the Legislature for those programs.~~  
5791 ~~Additional programs above the number authorized statewide and~~  
5792 ~~expansion of programs using state funds shall be allowed only in~~  
5793 ~~years in which the funding for gifted education teacher units~~  
5794 ~~exceeds the number funded for fiscal year 1993. In the Minimum~~  
5795 ~~Education Program appropriation bill each year, there shall be a~~





5796 ~~line item specifying the number of special education teacher units~~  
5797 ~~that are to be used for gifted education programs.~~

5798       **SECTION 72.** Section 37-27-55, Mississippi Code of 1972, is  
5799 amended as follows:

5800       37-27-55. When any pupils shall attend any agricultural high  
5801 school or community or junior college under the provisions of  
5802 Section 37-27-51, such pupils shall be reported and accounted for  
5803 the allocation of \* \* \*~~minimum education program~~ uniform per  
5804 student funding formula funds and building funds just as though  
5805 such pupils were attending the regular schools of the district in  
5806 which they reside. For this purpose reports shall be made to the  
5807 board of trustees of the school district involved by the  
5808 agricultural high school or community or junior college of the  
5809 number of children in average daily \* \* \*~~attendance~~ membership,  
5810 and the average daily \* \* \*~~attendance~~ membership of such pupils  
5811 shall thereupon be included in reports made to the county or  
5812 school district under the provisions of Chapters 19 and 47 of this  
5813 title. The allocation of \* \* \*~~minimum education program~~ uniform  
5814 per student funding formula funds and state public school building  
5815 funds shall be made for such children just as though such children  
5816 were attending the regular schools of the district. However,  
5817 all \* \* \*~~minimum education program~~ uniform per student funding  
5818 formula funds which accrue to any district as a result of the  
5819 pupils who are in attendance at such agricultural high school or  
5820 community or junior college \* \* \*, ~~except amounts allotted for~~



5821 ~~transportation purposes,~~ shall be paid by the board of trustees of  
5822 the municipal separate school district or the county board of  
5823 education, as the case may be, to the agricultural high school or  
5824 community or junior college at which the pupils are in attendance,  
5825 and shall be expended by said agricultural high school or  
5826 community or junior college for the instruction of said  
5827 pupils \* \* \*~~and for the purposes for which the funds were~~  
5828 ~~originally allotted.~~ Funds allotted to the school district for  
5829 building purposes under Chapter 47 of this title, shall, however,  
5830 be retained by the school district entitled thereto. The term  
5831 "school district" as used in Sections 37-27-51 through 37-27-59  
5832 shall be defined as including all public school districts in this  
5833 state and also all agricultural high schools not located on the  
5834 campus of a community or junior college.

5835       **SECTION 73.** Section 37-27-57, Mississippi Code of 1972, is  
5836 amended as follows:

5837       37-27-57. Any additional or supplemental expenses incurred  
5838 by the agricultural high school or community or junior college in  
5839 the instruction of such pupils above that defrayed by \* \* \*~~minimum~~  
5840 education uniform per student funding formula funds as provided in  
5841 Section 37-27-55, shall be paid either from the amounts received  
5842 from the state appropriation for the support of agricultural high  
5843 schools or from the tax levy for the support of such agricultural  
5844 high school or community or junior college or from any other funds



5845 which such agricultural high school or community or junior college  
5846 may have available for such purpose.

5847         **SECTION 74.** Section 37-28-5, Mississippi Code of 1972, is  
5848 amended as follows:

5849             37-28-5. As used in this chapter, the following words and  
5850 phrases have the meanings ascribed in this section unless the  
5851 context clearly indicates otherwise:

5852             (a) "Applicant" means any person or group that develops  
5853 and submits an application for a charter school to the authorizer.

5854             (b) "Application" means a proposal from an applicant to  
5855 the authorizer to enter into a charter contract whereby the  
5856 proposed school obtains charter school status.

5857             (c) "Authorizer" means the Mississippi Charter School  
5858 Authorizer Board established under Section 37-28-7 to review  
5859 applications, decide whether to approve or reject applications,  
5860 enter into charter contracts with applicants, oversee charter  
5861 schools, and decide whether to renew, not renew, or revoke charter  
5862 contracts.

5863             (d) "Charter contract" means a fixed-term, renewable  
5864 contract between a charter school and the authorizer which  
5865 outlines the roles, powers, responsibilities and performance  
5866 expectations for each party to the contract.

5867             (e) "Charter school" means a public school that is  
5868 established and operating under the terms of charter contract  
5869 between the school's governing board and the authorizer. The term



5870 "charter school" includes a conversion charter school and start-up  
5871 charter school.

5872 (f) "Conversion charter school" means a charter school  
5873 that existed as a noncharter public school before becoming a  
5874 charter school.

5875 (g) "Education service provider" means a charter  
5876 management organization, school design provider or any other  
5877 partner entity with which a charter school intends to contract for  
5878 educational design, implementation or comprehensive management.

5879 (h) "Governing board" means the independent board of a  
5880 charter school which is party to the charter contract with the  
5881 authorizer and whose members have been elected or selected  
5882 pursuant to the school's application.

5883 (i) "Noncharter public school" means a public school  
5884 that is under the direct management, governance and control of a  
5885 school board or the state.

5886 (j) "Parent" means a parent, guardian or other person  
5887 or entity having legal custody of a child.

5888 (k) "School board" means a school board exercising  
5889 management and control over a local school district and the  
5890 schools of that district pursuant to the State Constitution and  
5891 state statutes.

5892 (l) "School district" means a governmental entity that  
5893 establishes and supervises one or more public schools within its  
5894 geographical limits pursuant to state statutes.



5895 (m) "Start-up charter school" means a charter school  
5896 that did not exist as a noncharter public school before becoming a  
5897 charter school.

5898 (n) "Student" means any child who is eligible for  
5899 attendance in a public school in the state.

5900 (o) "Underserved students" means students participating  
5901 in the federal free lunch program \* \* \* ~~who qualify for at-risk~~  
5902 ~~student funding under the Mississippi Adequate Education Program~~  
5903 and students who are identified as having special educational  
5904 needs.

5905 **SECTION 75.** Section 37-28-53, Mississippi Code of 1972, is  
5906 amended as follows:

5907 37-28-53. (1) Each charter school shall certify annually to  
5908 the State Department of Education its student enrollment, average  
5909 daily \* \* \* ~~attendance~~ membership and student participation in the  
5910 national school lunch program, special education, vocational  
5911 education, gifted education, alternative school program and  
5912 federal programs in the same manner as school districts.

5913 (2) Each charter school shall certify annually to the school  
5914 board of the school district in which the charter school is  
5915 located the number of enrolled charter school students residing in  
5916 the school district.

5917 **SECTION 76.** Section 37-28-55, Mississippi Code of 1972, is  
5918 amended as follows:



5919           37-28-55. (1) (a) The State Department of Education shall  
5920 make payments to charter schools for each student in average  
5921 daily \* \* \*~~attendance~~ membership at the charter school equal to  
5922 the state share of the \* \* \*~~adequate education program~~ uniform per  
5923 student funding formula payments for each student in average  
5924 daily \* \* \*~~attendance~~ membership at the school district in which  
5925 the charter school is located. In calculating the local  
5926 contribution for purposes of determining the state share of  
5927 the \* \* \*~~adequate education program~~ uniform per student funding  
5928 formula payments, the department shall deduct the pro rata local  
5929 contribution of the school district in which the student  
5930 resides \* \* \*, ~~to be determined as provided in Section~~  
5931 ~~37-151-7(2) (a).~~

5932           (b) Payments made pursuant to this subsection by the  
5933 State Department of Education must be made at the same time and in  
5934 the same manner as \* \* \*~~adequate education program~~ uniform per  
5935 student funding formula payments are made to school districts  
5936 under Sections 37-151-101 and 37-151-103. Amounts payable to a  
5937 charter school must be determined by the State Department of  
5938 Education. Amounts payable to a charter school over its charter  
5939 term must be based on the enrollment projections set forth over  
5940 the term of the charter contract. Such projections must be  
5941 reconciled with the average daily \* \* \*~~attendance~~ membership (ADM)  
5942 using months two (2) and three (3) \* \* \*~~ADA~~ ADM for the current  
5943 year for which \* \* \*~~adequate education program~~ uniform per student



5944 funding formula funds are being appropriated and any necessary  
5945 adjustments must be made to payments during the school's following  
5946 year of operation.

5947 (2) For students attending a charter school located in the  
5948 school district in which the student resides, the school district  
5949 in which a charter school is located shall pay directly to the  
5950 charter school an amount for each student enrolled in the charter  
5951 school equal to the ad valorem tax receipts and in-lieu payments  
5952 received per pupil for the support of the local school district in  
5953 which the student resides. The pro rata ad valorem receipts and  
5954 in-lieu receipts to be transferred to the charter school shall  
5955 include all levies for the support of the local school district  
5956 under Sections 37-57-1 (local contribution to the \* \* \*adequate  
5957 ~~education program~~ uniform per student funding formula) and  
5958 37-57-105 (school district operational levy) and may not include  
5959 any taxes levied for the retirement of the local school district's  
5960 bonded indebtedness or short-term notes or any taxes levied for  
5961 the support of vocational-technical education programs. The  
5962 amount of funds payable to the charter school by the school  
5963 district must be based on the previous year's enrollment data and  
5964 ad valorem receipts and in-lieu receipts of the local school  
5965 district in which the student resides. The pro rata amount must  
5966 be calculated by dividing the local school district's months one  
5967 (1) through nine (9) average daily membership into the total  
5968 amount of ad valorem receipts and in-lieu receipts, as reported to



5969 the State Department of Education by the local school district.  
5970 The local school district shall pay an amount equal to this pro  
5971 rata amount multiplied by the number of students enrolled in the  
5972 charter school, based on the charter school's end of first month  
5973 enrollment for the current school year. The amount must be paid  
5974 by the school district to the charter school before January 16 of  
5975 the current fiscal year. If the local school district does not  
5976 pay the required amount to the charter school before January 16,  
5977 the State Department of Education shall reduce the local school  
5978 district's January transfer of \* \* \*~~Mississippi Adequate Education~~  
5979 ~~Program~~ Mississippi Uniform Per Student Funding Formula funds by  
5980 the amount owed to the charter school and shall redirect that  
5981 amount to the charter school. Any such payments made under this  
5982 subsection (2) by the State Department of Education to a charter  
5983 school must be made at the same time and in the same manner  
5984 as \* \* \*~~adequate education program~~ uniform per student funding  
5985 formula payments are made to school districts under Sections  
5986 37-151-101 and 37-151-103.

5987 (3) For students attending a charter school located in a  
5988 school district in which the student does not reside, the State  
5989 Department of Education shall pay to the charter school in which  
5990 the student is enrolled an amount as follows: the pro rata ad  
5991 valorem receipts and in-lieu payments per pupil for the support of  
5992 the local school district in which the student resides under  
5993 Sections 37-57-1 (local contribution to the \* \* \*~~adequate~~





5994 ~~education program~~ uniform per student funding formula) and  
5995 37-57-105 (school district operational levy), however, not  
5996 including any taxes levied for the retirement of the local school  
5997 district's bonded indebtedness or short-term notes or any taxes  
5998 levied for the support of vocational-technical education programs.  
5999 The amount of funds payable to the charter school by the school  
6000 district must be based on the previous year's enrollment data and  
6001 ad valorem receipts and in-lieu receipts of the local school  
6002 district in which the student resides. The pro rata amount must  
6003 be calculated by dividing the local school district's months one  
6004 (1) through nine (9) average daily membership into the total  
6005 amount of ad valorem receipts and in-lieu receipts, as reported to  
6006 the State Department of Education by the transferor local school  
6007 district. The payable amount shall be equal to this pro rata  
6008 amount multiplied by the number of students enrolled in the  
6009 charter school, based on the charter school's end of first month  
6010 enrollment for the current school year. The State Department of  
6011 Education shall reduce the school district's January transfer  
6012 of \* \* \*~~Mississippi Adequate Education Program~~ Mississippi Uniform  
6013 Per Student Funding Formula funds by the amount owed to the  
6014 charter school and shall redirect that amount to the charter  
6015 school. Any such payments made under this subsection (3) by the  
6016 State Department of Education to a charter school must be made at  
6017 the same time and in the same manner as \* \* \*~~adequate education~~



6018 ~~program~~ uniform per student funding formula payments are made to  
6019 school districts under Sections 37-151-101 and 37-151-103.

6020 (4) (a) The State Department of Education shall direct the  
6021 proportionate share of monies generated under federal and state  
6022 categorical aid programs, including special education, vocational,  
6023 gifted and alternative school programs, to charter schools serving  
6024 students eligible for such aid. The department shall ensure that  
6025 charter schools with rapidly expanding enrollments are treated  
6026 equitably in the calculation and disbursement of all federal and  
6027 state categorical aid program dollars. Each charter school that  
6028 serves students who may be eligible to receive services provided  
6029 through such programs shall comply with all reporting requirements  
6030 to receive the aid.

6031 (b) A charter school shall pay to a local school  
6032 district any federal or state aid attributable to a student with a  
6033 disability attending the charter school in proportion to the level  
6034 of services for that student which the local school district  
6035 provides directly or indirectly.

6036 (c) Subject to the approval of the authorizer, a  
6037 charter school and a local school district may negotiate and enter  
6038 into a contract for the provision of and payment for special  
6039 education services, including, but not necessarily limited to, a  
6040 reasonable reserve not to exceed five percent (5%) of the local  
6041 school district's total budget for providing special education  
6042 services. The reserve may be used by the local school district



6043 only to offset excess costs of providing services to students with  
6044 disabilities enrolled in the charter school.

6045 \* \* \* ~~(5) (a) The State Department of Education shall disburse~~  
6046 ~~state transportation funding to a charter school on the same basis~~  
6047 ~~and in the same manner as it is paid to school districts under the~~  
6048 ~~adequate education program.~~

6049 (5) \* \* \* ~~(b)~~ A charter school may enter into a contract with  
6050 a school district or private provider to provide transportation to  
6051 the school's students.

6052 **SECTION 77.** Section 37-29-1, Mississippi Code of 1972, is  
6053 amended as follows:

6054 37-29-1. (1) The creation, establishment, maintenance and  
6055 operation of community colleges is authorized. Community colleges  
6056 may admit students if they have earned one (1) unit less than the  
6057 number of units required for high school graduation established by  
6058 State Board of Education policy or have earned a High School  
6059 Equivalency Diploma in courses correlated to those of senior  
6060 colleges or professional schools. Subject to the provisions of  
6061 Section 75-76-34, they shall offer, without limitation, education  
6062 and training preparatory for occupations such as agriculture,  
6063 industry of all kinds, business, homemaking and for other  
6064 occupations on the semiprofessional and vocational-technical  
6065 level. They may offer courses and services to students regardless  
6066 of their previous educational attainment or further academic  
6067 plans.



6068           (2) The boards of trustees of the community college  
6069 districts are authorized to establish an early admission program  
6070 under which applicants having a minimum ACT composite score of  
6071 twenty-six (26) or the equivalent SAT score may be admitted as  
6072 full-time college students if the principal or guidance counselor  
6073 of the student recommends in writing that it is in the best  
6074 educational interest of the student. Such recommendation shall  
6075 also state that the student's age will not keep him from being a  
6076 successful full-time college student. Students admitted in the  
6077 early admission program shall not be counted for \* \* \*adequate  
6078 ~~education program funding~~ uniform per student funding formula  
6079 purposes in the average daily \* \* \*attendance membership of the  
6080 school district in which they reside, and transportation required  
6081 by a student to participate in the early admission program shall  
6082 be the responsibility of the parents or legal guardians of the  
6083 student. Grades and college credits earned by students admitted  
6084 to the early admission program shall be recorded on the college  
6085 transcript at the community college where the student attends  
6086 classes, and may be released to another institution or used for  
6087 college graduation requirements only after the student has  
6088 successfully completed one (1) full semester of course work.

6089           (3) The community colleges shall provide, through courses or  
6090 other acceptable educational measures, the general education  
6091 necessary to individuals and groups which will tend to make them



6092 capable of living satisfactory lives consistent with the ideals of  
6093 a democratic society.

6094         **SECTION 78.** Section 37-29-272, Mississippi Code of 1972, is  
6095 amended as follows:

6096         37-29-272. The board of trustees of any community college  
6097 district in the state maintaining and operating an agricultural  
6098 high school on July 1, 1994, is hereby authorized to transfer the  
6099 control, maintenance and operation of said agricultural high  
6100 school, including the transfer of title to all real and personal  
6101 property used for agricultural high school purposes, to the county  
6102 board of education of the county in which the school is located.  
6103 Upon the acceptance by the county board of education and before an  
6104 order authorizing such transfer shall be entered, the board of  
6105 trustees of the community college district and the county board of  
6106 education in which such school is located shall by joint  
6107 resolution agree in writing on the terms of such transfer, the  
6108 extent of the rights of use and occupancy of the school and  
6109 grounds, and the control, management, preservation and  
6110 responsibility of transportation of students to such premises, to  
6111 be spread upon the minutes of each governing authority. Upon such  
6112 transfer, the county board of education may abolish the  
6113 agricultural high school as a distinct school, and merge its  
6114 activities, programs and students into the regular high school  
6115 curricula of the school district. When a community college has  
6116 transferred operation of an agricultural high school as provided



6117 herein, the pupils attending such school shall be reported,  
6118 accounted for allocation of \* \* \*~~minimum education program~~ uniform  
6119 per student funding formula funds and entitled to school  
6120 transportation as though such pupils were attending the schools of  
6121 the school district in which they reside, as provided in Sections  
6122 37-27-53 and 37-27-55, Mississippi Code of 1972. When any  
6123 agricultural high school is transferred by the board of trustees  
6124 of a community college to the county board of education as  
6125 provided in this section, all laws relating to agricultural high  
6126 school tax levies for the support or retirement of bonded  
6127 indebtedness for agricultural high schools shall continue in full  
6128 force and effect for the transferring community college district  
6129 until current obligations on all bonded indebtednesses related to  
6130 agriculture high schools have been satisfied and retired.

6131 **SECTION 79.** Section 37-29-303, Mississippi Code of 1972, is  
6132 amended as follows:

6133 37-29-303. As used in Sections 37-29-301 through 37-29-305,  
6134 the following terms shall be defined as provided in this section:

6135 (a) "Full-time equivalent (FTE) enrollment" means the  
6136 process by which the Southern Regional Education Board (SREB)  
6137 calculates FTE by taking total undergraduate semester credit hours  
6138 divided by thirty (30); total undergraduate quarter hours divided  
6139 by forty-five (45); total graduate semester credit hours divided  
6140 by twenty-four (24); and total graduate quarter hours divided by  
6141 thirty-six (36).



6142 (b) "State funds" means all funds appropriated by the  
6143 Legislature including funds from the State General Fund, Education  
6144 Enhancement Fund, Budget Contingency Fund and Health Care  
6145 Expendable Fund.

6146 (c) "E & G operations" means education and general  
6147 expenses of the colleges and universities.

6148 (d) \* \* \*~~"Average daily attendance (ADA)" means the~~  
6149 ~~figure that results when the total aggregate attendance during the~~  
6150 ~~period or months counted is divided by the number of days during~~  
6151 ~~the period or months counted upon which both teachers and pupils~~  
6152 ~~are in regular attendance for scheduled classroom instruction,~~  
6153 ~~less the average daily attendance for self-contained special~~  
6154 ~~education classes and, before full implementation of the~~  
6155 ~~Mississippi Adequate Education Program, the State Department of~~  
6156 ~~Education shall deduct the average attendance of the alternative~~  
6157 ~~school program provided for in Section 37-19-22~~ "Average daily  
6158 membership (ADM)" has the same meaning as ascribed to that term  
6159 under Section 37-151-203.

6160 **SECTION 80.** Section 37-31-13, Mississippi Code of 1972, is  
6161 amended as follows:

6162 37-31-13. (1) Any appropriation that may be made under the  
6163 provisions of Sections 37-31-1 through 37-31-15 shall be used by  
6164 the board for the promotion of vocational education as provided  
6165 for in the "Smith-Hughes Act" and for the purpose set forth in  
6166 Sections 37-31-1 through 37-31-15. The state appropriation shall



6167 not be used for payments to high schools which are now receiving  
6168 other state funds, except in lieu of not more than one-half (1/2)  
6169 the amount that may be due such high schools from federal funds.  
6170 Only such portion of the state appropriation shall be used as may  
6171 be absolutely necessary to carry out the provisions of Sections  
6172 37-31-1 through 37-31-15, and to meet the federal requirements.  
6173 Except as provided in subsection (2) of this section, the state  
6174 appropriation shall not be used for payments to high schools for  
6175 conducting vocational programs for more than ten (10) months in  
6176 any school year, and only funds other than \* \* \*~~adequate education~~  
6177 program uniform per student funding formula funds may be expended  
6178 for such purpose.

6179 (2) Subject to annual approval by the State Board of  
6180 Education, extended contracts for vocational agriculture education  
6181 services and other related vocational education services which  
6182 contribute to economic development may be conducted by local  
6183 school districts, and state appropriations may be used for  
6184 payments to school districts providing such services. The board  
6185 of trustees of each school district shall determine whether any  
6186 proposed services contribute to the economic development of the  
6187 area. Local districts may apply to the Division of Vocational and  
6188 Technical Education of the State Department of Education for any  
6189 state funds available for these extended contracts. The State  
6190 Board of Education shall establish the application process and the  
6191 selection criteria for this program. The number of state funded





6192 extended contracts approved by the State Board of Education will  
6193 be determined by the availability of funds specified for this  
6194 purpose. The State Board of Education's decision shall be final.  
6195 Payments under this subsection shall only be available to those  
6196 high schools whose teachers of vocational programs are responsible  
6197 for the following programs of instruction during those months  
6198 between the academic years: (a) supervision and instruction of  
6199 students in agricultural or other vocational experience programs;  
6200 (b) group and individual instruction of farmers and  
6201 agribusinessmen; (c) supervision of student members of youth  
6202 groups who are involved in leadership training or other activity  
6203 required by state or federal law; or (d) any program of vocational  
6204 agriculture or other vocational-related services established by  
6205 the Division of Vocational and Technical Education of the State  
6206 Department of Education that contribute to the economic  
6207 development of the geographic area.

6208       **SECTION 81.** Section 37-31-75, Mississippi Code of 1972, is  
6209 amended as follows:

6210       37-31-75. The various counties, municipalities, school  
6211 districts and junior college districts which may become parties to  
6212 any agreement authorized by Sections 37-31-71 through 37-31-79 are  
6213 authorized to appropriate and expend any and all funds which may  
6214 be required to carry out the terms of the agreement from any funds  
6215 available to any party to the agreement not otherwise appropriated  
6216 without limitation as to the source of the funds,



6217 including \* \* \*~~minimum foundation program~~ uniform per student  
6218 funding formula funds, sixteenth section funds, funds received  
6219 from the federal government or other sources by way of grant,  
6220 donation or otherwise, and funds which may be available to any  
6221 such party through the Department of Education or any other agency  
6222 of the state, regardless of the party to the agreement designated  
6223 by the agreement to be primarily responsible for the construction  
6224 or operation of the regional education center and regardless of  
6225 the limitation on the expenditure of any funds imposed by any  
6226 other statute. However, no funds whose use was originally limited  
6227 to the construction of capital improvements shall be utilized for  
6228 the purpose of defraying the administrative or operating costs of  
6229 any regional education center. Any one or more of the parties to  
6230 an agreement may be designated as the fiscal agent or contracting  
6231 party in carrying out any of the purposes of the agreement, and  
6232 any and all funds authorized to be spent by any of the parties may  
6233 be paid over to the fiscal agent or contracting party for  
6234 disbursement by the fiscal agent or contracting party.  
6235 Disbursements shall be made and contracted for under the laws and  
6236 regulations applicable to the fiscal or disbursing agent, except  
6237 to the extent they may be extended or modified by the provisions  
6238 of Sections 37-31-71 through 37-31-79. All of the parties to the  
6239 agreement may issue bonds, negotiable notes or other evidences of  
6240 indebtedness for the purpose of providing funds for the  
6241 acquisition of land and for the construction of buildings and



6242 permanent improvements under the terms of the agreement under any  
6243 existing laws authorizing the issuance or sale of bonds,  
6244 negotiable notes or other evidences of indebtedness to provide  
6245 funds for any capital improvement.

6246         **SECTION 82.** Section 37-35-3, Mississippi Code of 1972, is  
6247 amended as follows:

6248             37-35-3. (1) The board of trustees of any school district,  
6249 including any community or junior college, may establish and  
6250 maintain classes for adults, including general educational  
6251 development classes, under the regulations authorized in this  
6252 chapter and pursuant to the standards prescribed in subsection  
6253 (3). The property and facilities of the public school districts  
6254 may be used for this purpose where such use does not conflict with  
6255 uses already established.

6256             (2) The trustees of any school district desiring to  
6257 establish such program may request the taxing authority of the  
6258 district to levy additional ad valorem taxes for the support of  
6259 this program. The board of supervisors, in the case of a county  
6260 school district, a special municipal separate school district, or  
6261 a community or junior college district, and the governing  
6262 authority of any municipality, in the case of a municipal separate  
6263 school district, is authorized, in its discretion, to levy a tax  
6264 not exceeding one (1) mill upon all the taxable property of the  
6265 district for the support of this program. The tax shall be in  
6266 addition to all other taxes authorized by law to be levied. In



6267 addition to the funds realized from any such levy, the board of  
6268 trustees of any school district is authorized to use any surplus  
6269 funds that it may have or that may be made available to it from  
6270 local sources to supplement this program.

6271 (3) (a) Any student participating in an approved High  
6272 School Equivalency Diploma Option program administered by a local  
6273 school district or a local school district with an approved  
6274 contractual agreement with a community or junior college or other  
6275 local entity shall not be considered a dropout. Students in such  
6276 a program administered by a local school district shall be  
6277 considered as enrolled within the school district of origin for  
6278 the purpose of enrollment for \* \* \*~~minimum program funding~~ the  
6279 uniform per student funding formula only. Such students shall not  
6280 be considered as enrolled in the regular school program for  
6281 academic or programmatic purposes.

6282 (b) Students participating in an approved High School  
6283 Equivalency Diploma Option program shall have an individual career  
6284 plan developed at the time of placement to insure that the  
6285 student's academic and job skill needs will be met. The  
6286 Individual Career Plan will address, but is not limited to, the  
6287 following:

6288 (i) Academic and instructional needs of the  
6289 student;

6290 (ii) Job readiness needs of the student; and



6291 (iii) Work experience program options available  
6292 for the student.

6293 (c) Students participating in an approved High School  
6294 Equivalency Diploma Option program may participate in existing job  
6295 and skills development programs or in similar programs developed  
6296 in conjunction with the High School Equivalency Diploma Option  
6297 program and the vocational director.

6298 (d) High School Equivalency Diploma Option programs may  
6299 be operated by local school districts or may be operated by two  
6300 (2) or more adjacent school districts, pursuant to a contract  
6301 approved by the State Board of Education. When two (2) or more  
6302 school districts contract to operate a High School Equivalency  
6303 Diploma Option program, the school board of a district designated  
6304 to be the lead district shall serve as the governing board of the  
6305 High School Equivalency Diploma Option program. Transportation  
6306 for students placed in the High School Equivalency Diploma Option  
6307 program shall be the responsibility of the school district of  
6308 origin. The expense of establishing, maintaining and operating  
6309 such High School Equivalency Diploma Option programs may be paid  
6310 from funds made available to the school district through  
6311 contributions, \* \* \*~~minimum program~~ uniform per student funding  
6312 formula funds or from local district maintenance funds.

6313 (e) The State Department of Education will develop  
6314 procedures and criteria for placement of a student in the High  
6315 School Equivalency Diploma Option programs. Students placed in



6316 High School Equivalency Diploma Option programs shall have  
6317 parental approval for such placement and must meet the following  
6318 criteria:

6319 (i) The student must be at least sixteen (16)  
6320 years of age;

6321 (ii) The student must be at least one (1) full  
6322 grade level behind his or her ninth grade cohort or must have  
6323 acquired less than four (4) Carnegie units;

6324 (iii) The student must have taken every  
6325 opportunity to continue to participate in coursework leading to a  
6326 diploma; and

6327 (iv) The student must be certified to be eligible  
6328 to participate in the GED course by the school district  
6329 superintendent, based on the developed criteria.

6330 (f) Students participating in an approved High School  
6331 Equivalency Diploma Option program, who are enrolled in subject  
6332 area courses through January 31 in a school with a traditional  
6333 class schedule or who are enrolled in subject area courses through  
6334 October 31 or through March 31 in a school on a block schedule,  
6335 shall be required to take the end-of-course subject area tests for  
6336 those courses in which they are enrolled.

6337 **SECTION 83.** Section 37-37-3, Mississippi Code of 1972, is  
6338 amended as follows:

6339 37-37-3. In addition to all auditors and other employees now  
6340 or hereafter provided by law, the State Auditor may appoint and



6341 employ examiners in the Department of Audit. The examiners shall  
6342 make such audits as may be necessary to determine the correctness  
6343 and accuracy of all reports made to the State Department of  
6344 Education by any school district or school official concerning the  
6345 number of educable students in any school district, the number of  
6346 students enrolled in any school district, the number of students  
6347 in average daily \* \* \*~~attendance~~ membership in any school  
6348 district, and the number of students being transported or entitled  
6349 to transportation to any of the public schools of this state.

6350 **SECTION 84.** Section 37-41-7, Mississippi Code of 1972, is  
6351 amended as follows:

6352 37-41-7. The local school board is hereby authorized,  
6353 empowered and directed to lay out all transportation routes and  
6354 provide transportation for all school children who are entitled to  
6355 transportation within their respective counties and school  
6356 districts.

6357 Any school district may, in the discretion of the school  
6358 board, expend funds from any funds available to the school  
6359 district other than \* \* \*~~minimum education program~~ uniform per  
6360 student funding formula funds, including the amounts derived from  
6361 district tax levies, sixteenth section funds, and all other  
6362 available funds, for the purpose of supplementing funds available  
6363 to the school board for paying transportation costs \* \* \*~~7~~ not  
6364 covered by \* \* \*~~minimum education program~~ uniform per student  
6365 funding formula funds.



6366           **SECTION 85.** Section 37-45-49, Mississippi Code of 1972, is  
6367 amended as follows:

6368           37-45-49. Any cost or fees provided by this chapter to be  
6369 paid by any county board of education or board of trustees of a  
6370 municipal separate school district may be paid by the county board  
6371 of education from the administrative fund provided by Section  
6372 37-19-31, or from any school funds of the district other  
6373 than \* \* \*~~minimum foundation program~~ uniform per student funding  
6374 formula funds, and by the municipal separate school district from  
6375 the maintenance funds of the district, other than \* \* \*~~minimum~~  
6376 ~~foundation program~~ uniform per student funding formula funds. Any  
6377 fees or costs provided by this chapter to be paid by  
6378 the \* \* \*~~commission~~ department may be paid from the funds  
6379 appropriated for its operation.

6380           **SECTION 86.** Section 37-47-9, Mississippi Code of 1972, is  
6381 amended as follows:

6382           37-47-9. It is found and determined that the state should  
6383 make an annual grant of Twenty-four Dollars (\$24.00) for each  
6384 child in average daily \* \* \*~~attendance~~ membership in the public  
6385 schools of the various school districts of this state during each  
6386 school year, and that such monies should be applied for the  
6387 purpose of establishing and maintaining adequate physical  
6388 facilities for the public school district and/or the payment of  
6389 existing debt therefor.





6390           The grant to which each public school is entitled under the  
6391 provisions of this section shall be credited to the school  
6392 district of which such school is part. If any change is made in  
6393 the operation or boundaries of any such school district, equitable  
6394 reallocations shall be made by the \* \* \*~~commission~~ department of  
6395 all balances to the credit of such school district, and all debits  
6396 charged against the districts affected by the change in the  
6397 boundaries or system of operation. The obligation of the state to  
6398 make remittance of the sums appropriated or otherwise provided to  
6399 make the annual grants provided by this section shall be  
6400 subordinate to the pledge made to secure the state school bonds  
6401 authorized under this chapter and the sinking fund created for  
6402 their retirement. The grants shall be computed annually as soon  
6403 as practicable after the end of the school year, and shall be  
6404 based on the average daily \* \* \*~~attendance~~ membership for such  
6405 school year in all of the public schools operated by each school  
6406 district as determined by the State Department of Education.

6407           **SECTION 87.** Section 37-47-17, Mississippi Code of 1972, is  
6408 amended as follows:

6409           37-47-17. Applications for the expenditure of funds to the  
6410 credit of any school district in the state public school building  
6411 fund shall originate with the school board of the school district  
6412 entitled to such funds. Before any funds to the credit of a  
6413 school district shall be expended for capital improvements or the  
6414 retirement of outstanding bonded indebtedness, the school board of



6415 such school district shall prepare and submit an application in  
6416 such form as may be prescribed by the \* \* \*commission department.  
6417 There shall be included with such application a statement in which  
6418 there is set forth the enrollment and average  
6419 daily \* \* \*attendance membership in the schools of the district  
6420 divided as to schools and grades, the number of teachers employed,  
6421 the facilities in use, the facilities to be provided with the  
6422 funds to be expended, the outstanding school indebtedness, and  
6423 such other information as the \* \* \*commission department may  
6424 require. Such application and statement shall be submitted  
6425 directly to the \* \* \*commission department and approved or  
6426 disapproved by it. The decision of the \* \* \*commission department  
6427 shall be final, unless an appeal to the chancery court shall be  
6428 taken in the manner provided by law. In the event any application  
6429 shall be disapproved by the \* \* \*commission department, the school  
6430 board submitting same shall be notified of such disapproval, which  
6431 notice of disapproval shall be accompanied by a statement of the  
6432 reason or reasons for such disapproval.

6433 The \* \* \*commission department shall approve only those  
6434 applications which are found to be proper under the provisions of  
6435 this chapter and the applicable rules and regulations of  
6436 the \* \* \*commission department. When an application is approved  
6437 for the expenditure of funds for capital improvements, the  
6438 contract for the construction of such capital improvements shall  
6439 be entered into and awarded by the school board of the school



6440 district in the manner provided in this chapter; however, the  
6441 contract for construction of a secondary vocational and technical  
6442 training center for exclusive use and operation by a school  
6443 district may be entered into and awarded by the board of trustees  
6444 of a \* \* \*~~junior~~ community college district where a grant of  
6445 federal funds by the Appalachian Commission has been made to the  
6446 board of trustees of such \* \* \*~~junior~~ community college district  
6447 to assist in financing construction of such secondary vocational  
6448 and technical training facility for such school district.

6449         **SECTION 88.** Section 37-47-25, Mississippi Code of 1972, is  
6450 amended as follows:

6451         37-47-25. Whenever the State Department of Education shall  
6452 determine that any school district is in need of capital  
6453 improvements to an extent in excess of that which may be financed  
6454 by the credit then due such school district by the department, the  
6455 department shall be empowered to advance or lend said school  
6456 district such sums as in the opinion of the department are  
6457 necessary to be expended for capital improvements by said school  
6458 district. Such loans or advances shall be evidenced by  
6459 appropriate agreements, and shall be repayable in principal by the  
6460 school district from the annual grants to which the school  
6461 district shall become entitled and from such other funds as may be  
6462 available. Such loans or advances shall not constitute a debt of  
6463 the school district within the meaning of any provision or  
6464 limitation of the Constitution or statutes of the State of



6465 Mississippi. The department shall not advance or lend to any  
6466 school district any sum in excess of seventy-five percent (75%) of  
6467 the estimated sum which will accrue to the said school district on  
6468 account of grants to be made to the said school district within  
6469 the twenty (20) years next following the date of the loan or  
6470 advance. In determining the maximum allowable advance or loan,  
6471 the department shall assume that the average daily \* \* \*  
6472 ~~attendance~~membership in the schools of the school district for  
6473 the past preceding scholastic year as confirmed by the audit of  
6474 average daily \* \* \*~~attendance~~ membership made by the State  
6475 Department of Audit will continue for the period during which the  
6476 loan is to be repaid.

6477 **SECTION 89.** Section 37-47-33, Mississippi Code of 1972, is  
6478 amended as follows:

6479 37-47-33. For the purpose of: (a) providing funds to enable  
6480 the State Board of Education to make loans or advances to school  
6481 districts as provided by Section 37-47-25 \* \* \*7; and for the  
6482 purpose of (b) providing funds for the payment and redemption of  
6483 certificates of credit issued to school districts under Section  
6484 37-47-23, when such funds are not otherwise available \* \* \*7; or  
6485 for the purpose of (c) providing funds in an amount not exceeding  
6486 Twenty Million Dollars (\$20,000,000.00) for the payment of  
6487 allocations of Mississippi Adequate Education Program funds to  
6488 school districts for capital expenditures approved by the State  
6489 Board of Education which have not been pledged for debt by the



6490 school district, when such funds are not otherwise  
6491 available \* \* \*r; or for any of such purposes, the State Bond  
6492 Commission is authorized and empowered to issue state school bonds  
6493 under the conditions prescribed in this chapter. The aggregate  
6494 principal amount of such bonds outstanding at any one (1) time,  
6495 after deducting the amount of the sinking fund provided for the  
6496 retirement of bonds issued for such purposes, shall never exceed  
6497 the sum of One Hundred Million Dollars (\$100,000,000.00). Within  
6498 such limits, however, state school bonds may be issued from time  
6499 to time under the conditions prescribed in this chapter. None of  
6500 such bonds so issued shall have a maturity date later than July 1,  
6501 2021.

6502           **SECTION 90.** Section 37-57-1, Mississippi Code of 1972, is  
6503 amended as follows:

6504           37-57-1. (1) (a) The boards of supervisors of the counties  
6505 shall levy and collect all taxes for and on behalf of all school  
6506 districts which were within the county school system or designated  
6507 as special municipal separate school districts prior to July 1,  
6508 1986. Such taxes shall be collected by the county tax collector  
6509 at the same time and in the same manner as county taxes are  
6510 collected by him, and the same penalties for delinquency shall be  
6511 applicable.

6512           The governing authorities of the municipalities shall levy  
6513 and collect all taxes for and on behalf of all school districts  
6514 which were designated as municipal separate school districts prior



6515 to July 1, 1986. Such taxes shall be collected by the municipal  
6516 tax collector at the same time and in the same manner as municipal  
6517 taxes are collected by him, and the same penalties for delinquency  
6518 shall be applicable.

6519 Except as otherwise provided in Section 19-9-171, the county  
6520 or municipal tax collector, as the case may be, shall pay such tax  
6521 collections, except for taxes collected for the payment of the  
6522 principal of and interest on school bonds or notes and except for  
6523 taxes collected to defray collection costs, into the school  
6524 depository and report to the school board of the appropriate  
6525 school district at the same time and in the same manner as the tax  
6526 collector makes his payments and reports of other taxes collected  
6527 by him.

6528 Provided, however, the State Board of Education shall  
6529 determine the appropriate levying authority for any school  
6530 district created or reorganized after July 1, 1987.

6531 (b) For the purposes of this chapter and any other laws  
6532 pertaining to taxes levied or bonds or notes issued for and on  
6533 behalf of school districts, the term "levying authority" means the  
6534 board of supervisors of the county or the governing authorities of  
6535 the municipality, whichever levies taxes for and on behalf of the  
6536 particular school district as provided in paragraphs (a) and (b)  
6537 of this subsection.

6538 (2) The levying authority for the school district shall, at  
6539 the same time and in the same manner as other taxes are levied by



6540 the levying authority, levy a tax of not less than twenty-eight  
6541 (28) mills for the then current fiscal year, less the estimated  
6542 amount of the yield of the School Ad Valorem Tax Reduction Fund  
6543 grant to the school district as determined by the State Department  
6544 of Education or twenty-seven percent (27%) of the \* \* \*~~basic~~  
6545 ~~adequate education program~~ uniform per student funding formula  
6546 cost for such school district, whichever is a lesser amount, upon  
6547 all of the taxable property of the school district \* \* \*~~as~~  
6548 ~~required under Section 37-151-7(2)(a)~~. However, in no case shall  
6549 the minimum local ad valorem tax effort for any school district be  
6550 equal to an amount that would require a millage rate exceeding  
6551 fifty-five (55) mills in that school district. Provided, however,  
6552 that if a levying authority is levying in excess of fifty-five  
6553 (55) mills on July 1, 1997, the levying authority may levy an  
6554 additional amount not exceeding three (3) mills in the aggregate  
6555 for the period beginning July 1, 1997, and ending June 30, 2003,  
6556 subject to the limitation on increased receipts from ad valorem  
6557 taxes prescribed in Sections 37-57-105 and 37-57-107. Nothing in  
6558 this subsection shall be construed to require any school district  
6559 that is levying more than fifty-five (55) mills pursuant to  
6560 Sections 37-57-1 and 37-57-105 to decrease its millage rate to  
6561 fifty-five (55) mills or less. In making such levy, the levying  
6562 authority shall levy an additional amount sufficient to cover  
6563 anticipated delinquencies and costs of collection so that the net  
6564 amount of money to be produced by such levy shall be equal to the



6565 amount which the school district is required to contribute as its  
6566 said minimum local ad valorem tax effort. The tax so levied shall  
6567 be collected by the tax collector at the same time and in the same  
6568 manner as other ad valorem taxes are collected by him. The amount  
6569 of taxes so collected as a result of such levy shall be paid into  
6570 the district maintenance fund of the school district by the tax  
6571 collector at the same time and in the same manner as reports and  
6572 payments of other ad valorem taxes are made by said tax collector,  
6573 except that the amount collected to defray costs of collection may  
6574 be paid into the county general fund. The levying authority shall  
6575 have the power and authority to direct and cause warrants to be  
6576 issued against such fund for the purpose of refunding any amount  
6577 of taxes erroneously or illegally paid into such fund where such  
6578 refund has been approved in the manner provided by law.

6579       **SECTION 91.** Section 37-57-104, Mississippi Code of 1972, is  
6580 amended as follows:

6581       37-57-104. (1) Each school board shall submit to the  
6582 levying authority for the school district a certified copy of an  
6583 order adopted by the school board requesting an ad valorem tax  
6584 effort in dollars for the support of the school district. The  
6585 copy of the order shall be submitted by the school board when the  
6586 copies of the school district's budget are filed with the levying  
6587 authority pursuant to Section 37-61-9. Upon receipt of the school  
6588 board's order requesting the ad valorem tax effort in dollars, the  
6589 levying authority shall determine the millage rate necessary to





6590 generate funds equal to the dollar amount requested by the school  
6591 board. For the purpose of calculating this millage rate, any  
6592 additional amount that is levied pursuant to Section 37-57-105(1)  
6593 to cover anticipated delinquencies and costs of collection or any  
6594 amount that may be levied for the payment of the principal and  
6595 interest on school bonds or notes shall be excluded from the  
6596 limitation of fifty-five (55) mills provided for in subsection (2)  
6597 of this section.

6598       (2) (a) Except as otherwise provided under paragraph (b) or  
6599 (c) of this subsection, if the millage rate necessary to generate  
6600 funds equal to the dollar amount requested by the school board is  
6601 greater than fifty-five (55) mills, and if this millage rate is  
6602 higher than the millage then being levied pursuant to the school  
6603 board's order requesting the ad valorem tax effort for the  
6604 currently existing fiscal year, then the levying authority shall  
6605 call a referendum on the question of exceeding, during the next  
6606 fiscal year, the then existing millage rate being levied for  
6607 school district purposes. The referendum shall be scheduled for  
6608 not more than six (6) weeks after the date on which the levying  
6609 authority receives the school board's order requesting the ad  
6610 valorem tax effort.

6611       When a referendum has been called, notice of the referendum  
6612 shall be published at least five (5) days per week, unless the  
6613 only newspaper published in the school district is published less  
6614 than five (5) days per week, for at least three (3) consecutive



6615 weeks, in at least one (1) newspaper published in the school  
6616 district. The notice shall be no less than one-fourth (1/4) page  
6617 in size, and the type used shall be no smaller than eighteen (18)  
6618 point and surrounded by a one-fourth-inch solid black border. The  
6619 notice may not be placed in that portion of the newspaper where  
6620 legal notices and classified advertisements appear. The first  
6621 publication of the notice shall be made not less than twenty-one  
6622 (21) days before the date fixed for the referendum, and the last  
6623 publication shall be made not more than seven (7) days before that  
6624 date. If no newspaper is published in the school district, then  
6625 the notice shall be published in a newspaper having a general  
6626 circulation in the school district. The referendum shall be held,  
6627 as far as is practicable, in the same manner as other referendums  
6628 and elections are held in the county or municipality. At the  
6629 referendum, all registered, qualified electors of the school  
6630 district may vote. The ballots used at the referendum shall have  
6631 printed thereon a brief statement of the amount and purpose of the  
6632 increased tax levy and the words "FOR INCREASING THE MILLAGE  
6633 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY  
6634 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S  
6635 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR  
6636 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)  
6637 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)  
6638 MILLS." The voter shall vote by placing a cross (X) or checkmark  
6639 (√) opposite his choice on the proposition.



6640           If a majority of the registered, qualified electors of the  
6641 school district who vote in the referendum vote in favor of the  
6642 question, then the ad valorem tax effort in dollars requested by  
6643 the school board shall be approved. However, if a majority of the  
6644 registered, qualified electors who vote in the referendum vote  
6645 against the question, the millage rate levied by the levying  
6646 authority shall not exceed the millage then being levied pursuant  
6647 to the school board's order requesting the ad valorem tax effort  
6648 for the then currently existing fiscal year.

6649           Nothing in this subsection shall be construed to require any  
6650 school district that is levying more than fifty-five (55) mills  
6651 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage  
6652 rate to fifty-five (55) mills or less. Further, nothing in this  
6653 subsection shall be construed to require a referendum in a school  
6654 district where the requested ad valorem tax effort in dollars  
6655 requires a millage rate of greater than fifty-five (55) mills but  
6656 the requested dollar amount does not require any increase in the  
6657 then existing millage rate. Further, nothing in this subsection  
6658 shall be construed to require a referendum in a school district  
6659 where, because of a decrease in the assessed valuation of the  
6660 district, a millage rate of greater than fifty-five (55) mills is  
6661 necessary to generate funds equal to the dollar amount generated  
6662 by the ad valorem tax effort for the currently existing fiscal  
6663 year.



6664           (b) Provided, however, that if a levying authority is  
6665 levying in excess of fifty-five (55) mills on July 1, 1997, the  
6666 levying authority may levy an additional amount not exceeding  
6667 three (3) mills in the aggregate for the period beginning July 1,  
6668 1997, and ending June 30, 2003, subject to the limitation on  
6669 increased receipts from ad valorem taxes prescribed in Sections  
6670 37-57-105 and 37-57-107.

6671           (c) If the levying authority for any school district  
6672 lawfully has decreased the millage levied for school district  
6673 purposes, but subsequently determines that there is a need to  
6674 increase the millage rate due to a disaster in which the Governor  
6675 has declared a disaster emergency or the President of the United  
6676 States has declared an emergency or major disaster, then the  
6677 levying authority may increase the millage levied for school  
6678 district purposes up to an amount that does not exceed the millage  
6679 rate in any one (1) of the immediately preceding ten (10) fiscal  
6680 years without any referendum that otherwise would be required  
6681 under this subsection.

6682           (3) If the millage rate necessary to generate funds equal to  
6683 the dollar amount requested by the school board is equal to  
6684 fifty-five (55) mills or less, but the dollar amount requested by  
6685 the school board exceeds the next preceding fiscal year's ad  
6686 valorem tax effort in dollars by more than four percent (4%), but  
6687 not more than seven percent (7%) (as provided for under subsection  
6688 (4) of this section), then the school board shall publish notice



6689 thereof at least five (5) days per week, unless the only newspaper  
6690 published in the school district is published less than five (5)  
6691 days per week, for at least three (3) consecutive weeks in a  
6692 newspaper published in the school district. The notice shall be  
6693 no less than one-fourth (1/4) page in size, and the type used  
6694 shall be no smaller than eighteen (18) point and surrounded by a  
6695 one-fourth-inch solid black border. The notice may not be placed  
6696 in that portion of the newspaper where legal notices and  
6697 classified advertisements appear. The first publication shall be  
6698 made not less than fifteen (15) days before the final adoption of  
6699 the budget by the school board. If no newspaper is published in  
6700 the school district, then the notice shall be published in a  
6701 newspaper having a general circulation in the school district. If  
6702 at any time before the adoption of the budget a petition signed by  
6703 not less than twenty percent (20%) or fifteen hundred (1500),  
6704 whichever is less, of the registered, qualified electors of the  
6705 school district is filed with the school board requesting that a  
6706 referendum be called on the question of exceeding the next  
6707 preceding fiscal year's ad valorem tax effort in dollars by more  
6708 than four percent (4%), then the school board shall adopt, not  
6709 later than the next regular meeting, a resolution calling a  
6710 referendum to be held within the school district upon the  
6711 question. The referendum shall be called and held, and notice  
6712 thereof shall be given, in the same manner provided for in  
6713 subsection (2) of this section. The ballot shall contain the



6714 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and  
6715 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a  
6716 majority of the registered, qualified electors of the school  
6717 district who vote in the referendum vote in favor of the question,  
6718 then the increase requested by the school board shall be approved.  
6719 For the purposes of this subsection, the revenue sources excluded  
6720 from the increase limitation under Section 37-57-107 also shall be  
6721 excluded from the limitation described in this subsection in the  
6722 same manner as they are excluded under Section 37-57-107.  
6723 Provided, however, that any increases requested by the school  
6724 board as a result of the required local contribution to  
6725 the \* \* \*~~Mississippi Adequate Education Program~~ Mississippi  
6726 Uniform Per Student Funding Formula, as certified to the local  
6727 school district by the State Board of Education under  
6728 Section \* \* \*~~37-151-7(2)~~, ~~Mississippi Code of 1972~~ 37-151-227,  
6729 shall not be subject to the four percent (4%) and/or seven percent  
6730 (7%) tax increase limitations provided in this section.

6731 (4) If the millage rate necessary to generate funds equal to  
6732 the dollar amount requested by the school board is equal to  
6733 fifty-five (55) mills or less, but the dollar amount requested by  
6734 the school board exceeds the seven percent (7%) increase  
6735 limitation provided for in Section 37-57-107, the school board may  
6736 exceed the seven percent (7%) increase limitation only after the  
6737 school board has determined the need for additional revenues and  
6738 three-fifths (3/5) of the registered, qualified electors voting in



6739 a referendum called by the levying authority have voted in favor  
6740 of the increase. The notice and manner of holding the referendum  
6741 shall be as prescribed in subsection (2) of this section for a  
6742 referendum on the question of increasing the millage rate in  
6743 school districts levying more than fifty-five (55) mills for  
6744 school district purposes.

6745 (5) The aggregate receipts from ad valorem taxes levied for  
6746 school district purposes pursuant to Sections 37-57-1 and  
6747 37-57-105, excluding collection fees, additional revenue from the  
6748 ad valorem tax on any newly constructed properties or any existing  
6749 properties added to the tax rolls or any properties previously  
6750 exempt which were not assessed in the next preceding year, and  
6751 amounts received by school districts from the School Ad Valorem  
6752 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject  
6753 to the increase limitation under this section and Section  
6754 37-57-107.

6755 (6) The school board shall pay to the levying authority all  
6756 costs that are incurred by the levying authority in the calling  
6757 and holding of any election under this section.

6758 (7) The provisions of this section shall not be construed to  
6759 affect in any manner the authority of school boards to levy  
6760 millage for the following purposes:

6761 (a) The issuance of bonds, notes and certificates of  
6762 indebtedness, as authorized in Sections 37-59-1 through 37-59-45  
6763 and Sections 37-59-101 through 37-59-115;



6764 (b) The lease of property for school purposes, as  
6765 authorized under the Emergency School Leasing Authority Act of  
6766 1986 (Sections 37-7-351 through 37-7-359);

6767 (c) The lease or lease-purchase of school buildings, as  
6768 authorized under Section 37-7-301;

6769 (d) The issuance of promissory notes in the event of a  
6770 shortfall of ad valorem taxes and/or revenue from local sources,  
6771 as authorized under Section 27-39-333; and

6772 (e) The construction of school buildings outside the  
6773 school district, as authorized under Section 37-7-401.

6774 Any millage levied for the purposes specified in this  
6775 subsection shall be excluded from the millage limitations  
6776 established under this section.

6777 **SECTION 92.** Section 37-57-105, Mississippi Code of 1972, is  
6778 amended as follows:

6779 37-57-105. (1) In addition to the taxes levied under  
6780 Section 37-57-1, the levying authority for the school district, as  
6781 defined in Section 37-57-1, upon receipt of a certified copy of an  
6782 order adopted by the school board of the school district  
6783 requesting an ad valorem tax effort in dollars for the support of  
6784 the school district, shall, at the same time and in the same  
6785 manner as other ad valorem taxes are levied, levy an annual ad  
6786 valorem tax in the amount fixed in such order upon all of the  
6787 taxable property of such school district, which shall not be less  
6788 than the millage rate certified by the State Board of Education as





6789 the uniform minimum school district ad valorem tax levy for the  
6790 support of the \* \* \*~~adequate education program~~ uniform per student  
6791 funding formula in such school district under Section 37-57-1.  
6792 Provided, however, that any school district levying less than the  
6793 uniform minimum school district ad valorem tax levy on July 1,  
6794 1997, shall only be required to increase its local district  
6795 maintenance levy in four (4) mill annual increments in order to  
6796 attain such millage requirements. In making such levy, the  
6797 levying authority shall levy an additional amount sufficient to  
6798 cover anticipated delinquencies and costs of collection so that  
6799 the net amount of money to be produced by such levy shall be equal  
6800 to the amount which is requested by said school board. The  
6801 proceeds of such tax levy, excluding levies for the payment of the  
6802 principal of and interest on school bonds or notes and excluding  
6803 levies for costs of collection, shall be placed in the school  
6804 depository to the credit of the school district and shall be  
6805 expended in the manner provided by law for the purpose of  
6806 supplementing teachers' salaries, extending school terms,  
6807 purchasing furniture, supplies and materials, and for all other  
6808 lawful operating and incidental expenses of such school district,  
6809 funds for which are not provided by \* \* \*~~adequate education~~  
6810 ~~program fund~~ uniform per student funding formula allotments.

6811 The monies authorized to be received by school districts from  
6812 the School Ad Valorem Tax Reduction Fund pursuant to Section  
6813 37-61-35 shall be included as ad valorem tax receipts. The



6814 levying authority for the school district, as defined in Section  
6815 37-57-1, shall reduce the ad valorem tax levy for such school  
6816 district in an amount equal to the amount distributed to such  
6817 school district from the School Ad Valorem Tax Reduction Fund each  
6818 calendar year pursuant to said Section 37-61-35. Such reduction  
6819 shall not be less than the millage rate necessary to generate a  
6820 reduction in ad valorem tax receipts equal to the funds  
6821 distributed to such school district from the School Ad Valorem Tax  
6822 Reduction Fund pursuant to Section 37-61-35. \* \* \*~~Such reduction~~  
6823 ~~shall not be deemed to be a reduction in the aggregate amount of~~  
6824 ~~support from ad valorem taxation for purposes of Section 37-19-11.~~  
6825 The millage levy certified by the State Board of Education as the  
6826 uniform minimum ad valorem tax levy or the millage levy that would  
6827 generate funds in an amount equal to a school district's district  
6828 entitlement, as defined in Section 37-22-1(2)(e), shall be subject  
6829 to the provisions of this paragraph.

6830 In any county where there is located a nuclear generating  
6831 power plant on which a tax is assessed under Section 27-35-309(3),  
6832 such required levy and revenue produced thereby may be reduced by  
6833 the levying authority in an amount in proportion to a reduction in  
6834 the base revenue of any such county from the previous year. Such  
6835 reduction shall be allowed only if the reduction in base revenue  
6836 equals or exceeds five percent (5%). "Base revenue" shall mean  
6837 the revenue received by the county from the ad valorem tax levy  
6838 plus the revenue received by the county from the tax assessed



6839 under Section 27-35-309(3) and authorized to be used for any  
6840 purposes for which a county is authorized by law to levy an ad  
6841 valorem tax. For purposes of determining if the reduction equals  
6842 or exceeds five percent (5%), a levy of millage equal to the prior  
6843 year's millage shall be hypothetically applied to the current  
6844 year's ad valorem tax base to determine the amount of revenue to  
6845 be generated from the ad valorem tax levy. For the purposes of  
6846 this section and Section 37-57-107, the portion of the base  
6847 revenue used for the support of any school district shall be  
6848 deemed to be the aggregate receipts from ad valorem taxes for the  
6849 support of any school district. This paragraph shall apply to  
6850 taxes levied for the 1987 fiscal year and for each fiscal year  
6851 thereafter. If the Mississippi Supreme Court or another court  
6852 finally adjudicates that the tax levied under Section 27-35-309(3)  
6853 is unconstitutional, then this paragraph shall stand repealed.

6854 (2) When the tax is levied upon the territory of any school  
6855 district located in two (2) or more counties, the order of the  
6856 school board requesting the levying of such tax shall be certified  
6857 to the levying authority of each of the counties involved, and  
6858 each of the levying authorities shall levy the tax in the manner  
6859 specified herein. The taxes so levied shall be collected by the  
6860 tax collector of the levying authority involved and remitted by  
6861 the tax collector to the school depository of the home county to  
6862 the credit of the school district involved as provided above,



6863 except that taxes for collection fees may be retained by the  
6864 levying authority for deposit into its general fund.

6865 (3) The aggregate receipts from ad valorem taxes levied for  
6866 school district purposes, excluding collection fees, pursuant to  
6867 this section and Section 37-57-1 shall be subject to the increased  
6868 limitation under Section 37-57-107; however, if the ad valorem tax  
6869 effort in dollars requested by the school district for the fiscal  
6870 year exceeds the next preceding fiscal year's ad valorem tax  
6871 effort in dollars by more than four percent (4%) but not more than  
6872 seven percent (7%), then the school board shall publish notice  
6873 thereof once each week for at least three (3) consecutive weeks in  
6874 a newspaper having general circulation in the school district  
6875 involved, with the first publication thereof to be made not less  
6876 than fifteen (15) days prior to the final adoption of the budget  
6877 by the school board. If at any time prior to said adoption a  
6878 petition signed by not less than twenty percent (20%) or fifteen  
6879 hundred (1500), whichever is less, of the qualified electors of  
6880 the school district involved shall be filed with the school board  
6881 requesting that an election be called on the question of exceeding  
6882 the next preceding fiscal year's ad valorem tax effort in dollars  
6883 by more than four percent (4%) but not more than seven percent  
6884 (7%), then the school board shall, not later than the next regular  
6885 meeting, adopt a resolution calling an election to be held within  
6886 such school district upon such question. The election shall be  
6887 called and held, and notice thereof shall be given, in the same



6888 manner for elections upon the questions of the issuance of the  
6889 bonds of school districts, and the results thereof shall be  
6890 certified to the school board. The ballot shall contain the  
6891 language "For the School Tax Increase Over Four Percent (4%)" and  
6892 "Against the School Tax Increase Over Four Percent (4%)." If a  
6893 majority of the qualified electors of the school district who  
6894 voted in such election shall vote in favor of the question, then  
6895 the stated increase requested by the school board shall be  
6896 approved. For the purposes of this paragraph, the revenue sources  
6897 excluded from the increased limitation under Section 37-57-107  
6898 shall also be excluded from the limitation described herein in the  
6899 same manner as they are excluded under Section 37-57-107.

6900       **SECTION 93.** Section 37-57-107, Mississippi Code of 1972, is  
6901 amended as follows:

6902       37-57-107. (1) Beginning with the tax levy for the 1997  
6903 fiscal year and for each fiscal year thereafter, the aggregate  
6904 receipts from taxes levied for school district purposes pursuant  
6905 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate  
6906 receipts from those sources during any one (1) of the immediately  
6907 preceding three (3) fiscal years, as determined by the school  
6908 board, plus an increase not to exceed seven percent (7%). For the  
6909 purpose of this limitation, the term "aggregate receipts" when  
6910 used in connection with the amount of funds generated in a  
6911 preceding fiscal year shall not include excess receipts required  
6912 by law to be deposited into a special account. However, the term



6913 "aggregate receipts" includes any receipts required by law to be  
6914 paid to a charter school. The additional revenue from the ad  
6915 valorem tax on any newly constructed properties or any existing  
6916 properties added to the tax rolls or any properties previously  
6917 exempt which were not assessed in the next preceding year may be  
6918 excluded from the seven percent (7%) increase limitation set forth  
6919 herein. Taxes levied for payment of principal of and interest on  
6920 general obligation school bonds issued heretofore or hereafter  
6921 shall be excluded from the seven percent (7%) increase limitation  
6922 set forth herein. Any additional millage levied to fund any new  
6923 program mandated by the Legislature shall be excluded from the  
6924 limitation for the first year of the levy and included within such  
6925 limitation in any year thereafter. For the purposes of this  
6926 section, the term "new program" shall include, but shall not be  
6927 limited to, (a) the Early Childhood Education Program required to  
6928 commence with the 1986-1987 school year as provided by Section  
6929 37-21-7 and any additional millage levied and the revenue  
6930 generated therefrom, which is excluded from the limitation for the  
6931 first year of the levy, to support the mandated Early Childhood  
6932 Education Program shall be specified on the minutes of the school  
6933 board and of the governing body making such tax levy; (b) any  
6934 additional millage levied and the revenue generated therefrom,  
6935 which shall be excluded from the limitation for the first year of  
6936 the levy, for the purpose of generating additional local  
6937 contribution funds required for the \* \* \*~~adequate~~ education



6938 ~~program for the 2003 fiscal year and for each fiscal year~~  
6939 ~~thereafter under Section 37-151-7(2)~~ uniform per student funding  
6940 formula; and (c) any additional millage levied and the revenue  
6941 generated therefrom which shall be excluded from the limitation  
6942 for the first year of the levy, for the purpose of support and  
6943 maintenance of any agricultural high school which has been  
6944 transferred to the control, operation and maintenance of the  
6945 school board by the board of trustees of the community college  
6946 district under provisions of Section 37-29-272.

6947       (2) The seven percent (7%) increase limitation prescribed in  
6948 this section may be increased an additional amount only when the  
6949 school board has determined the need for additional revenues and  
6950 has held an election on the question of raising the limitation  
6951 prescribed in this section. The limitation may be increased only  
6952 if three-fifths (3/5) of those voting in the election shall vote  
6953 for the proposed increase. The resolution, notice and manner of  
6954 holding the election shall be as prescribed by law for the holding  
6955 of elections for the issuance of bonds by the respective school  
6956 boards. Revenues collected for the fiscal year in excess of the  
6957 seven percent (7%) increase limitation pursuant to an election  
6958 shall be included in the tax base for the purpose of determining  
6959 aggregate receipts for which the seven percent (7%) increase  
6960 limitation applies for subsequent fiscal years.

6961       (3) Except as otherwise provided for excess revenues  
6962 generated pursuant to an election, if revenues collected as the



6963 result of the taxes levied for the fiscal year pursuant to this  
6964 section and Section 37-57-1 exceed the increase limitation, then  
6965 it shall be the mandatory duty of the school board of the school  
6966 district to deposit such excess receipts over and above the  
6967 increase limitation into a special account and credit it to the  
6968 fund for which the levy was made. It will be the further duty of  
6969 such board to hold said funds and invest the same as authorized by  
6970 law. Such excess funds shall be calculated in the budgets for the  
6971 school districts for the purpose for which such levies were made,  
6972 for the succeeding fiscal year. Taxes imposed for the succeeding  
6973 year shall be reduced by the amount of excess funds available.  
6974 Under no circumstances shall such excess funds be expended during  
6975 the fiscal year in which such excess funds are collected.

6976 (4) For the purposes of determining ad valorem tax receipts  
6977 for a preceding fiscal year under this section, the term "fiscal  
6978 year" means the fiscal year beginning October 1 and ending  
6979 September 30.

6980 (5) Beginning with the 2013-2014 school year, each school  
6981 district in which a charter school is located shall pay to the  
6982 charter school an amount for each student enrolled in the charter  
6983 school equal to the ad valorem taxes levied per pupil for the  
6984 support of the school district in which the charter school is  
6985 located. The pro rata ad valorem taxes to be transferred to the  
6986 charter school must include all levies for the support of the  
6987 school district under Sections 37-57-1 (local contribution to





6988 the \* \* \*~~adequate education program~~ uniform per student funding  
6989 formula) and 37-57-105 (school district operational levy) but may  
6990 not include any taxes levied for the retirement of school district  
6991 bonded indebtedness or short-term notes or any taxes levied for  
6992 the support of vocational-technical education programs. Payments  
6993 made pursuant to this subsection by a school district to a charter  
6994 school must be made before the expiration of three (3) business  
6995 days after the funds are distributed to the school district.

6996 **SECTION 94.** Section 37-61-3, Mississippi Code of 1972, is  
6997 amended as follows:

6998 37-61-3. The \* \* \*~~adequate education program~~ uniform per  
6999 student funding formula allotments \* \* \*~~of~~ to the public school  
7000 districts and the funds derived from the supplemental school  
7001 district tax levies authorized by law shall be used exclusively  
7002 for the support, maintenance and operation of the schools in the  
7003 manner provided by law for the fiscal years for which such funds  
7004 were appropriated, collected or otherwise made available, and no  
7005 part of said funds or allotments shall be used in paying any  
7006 expenses incurred during any preceding fiscal year. However, this  
7007 shall not be construed to prohibit the payment of expenses  
7008 incurred during the fiscal year after the close of such fiscal  
7009 year from amounts remaining on hand at the end of such fiscal  
7010 year, provided that such expenses were properly payable from such  
7011 amounts. Moreover, this shall not be construed to prohibit the  
7012 payment of the salaries of superintendents, principals and



7013 teachers and other school employees whose salaries are payable in  
7014 twelve (12) monthly installments after the close of the fiscal  
7015 year from amounts on hand for such purpose at the end of the  
7016 fiscal year.

7017       **SECTION 95.** Section 37-61-5, Mississippi Code of 1972, is  
7018 amended as follows:

7019       37-61-5. If in any year there should remain a balance in  
7020 the \* \* \*~~minimum education program~~ uniform per student funding  
7021 formula funds of any school district on June 30 which amount is  
7022 not to be used or is not needed in the payment of expenses for the  
7023 preceding fiscal year properly payable out of such \* \* \*~~minimum~~  
7024 ~~education program~~ uniform per student funding formula funds, then  
7025 such balance on hand to the credit of such \* \* \*~~minimum education~~  
7026 uniform per student funding formula funds of the school district  
7027 shall be carried forward as a part of such \* \* \*~~minimum education~~  
7028 ~~program~~ uniform per student funding formula funds for the next  
7029 succeeding fiscal year. The proper pro rata part of the amount so  
7030 carried forward, to be determined by the percentage which the  
7031 state \* \* \*~~minimum education program~~ uniform per student funding  
7032 formula funds \* \* \*~~paid into such fund~~ during the year bore to the  
7033 entire amount \* \* \*~~paid into such fund~~ of the school district's  
7034 uniform per student funding formula funds, shall be charged  
7035 against and deducted from the amount which the school district is  
7036 allotted from state \* \* \*~~minimum education program~~ uniform per  
7037 student funding formula funds for the succeeding fiscal year, in a



7038 manner prescribed by the State Auditor. The remainder of the  
7039 amount so carried forward may be deducted from the amount which  
7040 the school district is required to produce as its local minimum ad  
7041 valorem tax effort for the support of the \* \* \*~~minimum education~~  
7042 ~~program fund~~ uniform per student funding formula for the  
7043 succeeding fiscal year \* \* \*~~under the provisions of Chapter 19 of~~  
7044 ~~this title. However, no balance of transportation funds on hand~~  
7045 ~~at the end of any fiscal year shall be charged against or deducted~~  
7046 ~~from the allotment of state funds to any school district for~~  
7047 ~~minimum education program purposes for the next succeeding year.~~

7048 **SECTION 96.** Section 37-61-7, Mississippi Code of 1972, is  
7049 amended as follows:

7050 37-61-7. If at the end of any fiscal year there should  
7051 remain a balance in the school district fund of any school  
7052 district which is not needed and is not to be used for paying the  
7053 expenses properly payable out of such district fund for the  
7054 preceding fiscal year, such balance shall be carried forward as a  
7055 part of the school district fund for the next fiscal year and used  
7056 and expended in the manner otherwise provided by law. Nothing in  
7057 this section shall be construed as applying to  
7058 balances \* \* \*~~remaining in the minimum education program of~~  
7059 uniform per student funding formula funds of a school district,  
7060 and balances remaining in such funds shall be governed by Section  
7061 37-61-5.



7062           **SECTION 97.** Section 37-61-19, Mississippi Code of 1972, is  
7063 amended as follows:

7064           37-61-19. It shall be the duty of the superintendents of  
7065 schools and the school boards of all school districts to limit the  
7066 expenditure of school funds during the fiscal year to the  
7067 resources available. It shall be unlawful for any school district  
7068 to budget expenditures from a fund in excess of the resources  
7069 available within that fund. Furthermore, it shall be unlawful for  
7070 any contract to be entered into or any obligation incurred or  
7071 expenditure made in excess of the resources available for such  
7072 fiscal year. Any member of the school board, superintendent of  
7073 schools, or other school official, who shall knowingly enter into  
7074 any contract, incur any obligation, or make any expenditure in  
7075 excess of the amount available for the fiscal year shall be  
7076 personally liable for the amount of such excess. However, no  
7077 school board member, superintendent or other school official shall  
7078 be personally liable (a) in the event of any reduction  
7079 in \* \* \*~~adequate education program~~ uniform per student funding  
7080 formula payments by action of the Governor acting through the  
7081 Department of Finance and Administration, or (b) for claims,  
7082 damages, awards or judgments, on account of any wrongful or  
7083 tortious act or omission or breach of implied term or condition of  
7084 any warranty or contract; provided, however, that the foregoing  
7085 immunity provisions shall not be a defense in cases of fraud,



7086 criminal action or an intentional breach of fiduciary obligations  
7087 imposed by statute.

7088         **SECTION 98.** Section 37-61-29, Mississippi Code of 1972, is  
7089 amended as follows:

7090         37-61-29. The State Department of Audit is hereby authorized  
7091 and empowered to post-audit and investigate the financial affairs  
7092 and all transactions involving the school funds of the \* \* \*~~county~~  
7093 school district including the \* \* \*~~minimum education program~~  
7094 uniform per student funding formula funds and supplementary  
7095 district school funds, and to make separate and special audits  
7096 thereof, as now provided by Sections 7-7-201 through  
7097 7-7-215 \* \* \*~~,Mississippi Code of 1972.~~

7098         **SECTION 99.** Section 37-61-33, Mississippi Code of 1972, is  
7099 amended as follows:

7100         37-61-33. (1) There is created within the State Treasury a  
7101 special fund to be designated the "Education Enhancement Fund"  
7102 into which shall be deposited all the revenues collected pursuant  
7103 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

7104         (2) Of the amount deposited into the Education Enhancement  
7105 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be  
7106 appropriated each fiscal year to the State Department of Education  
7107 to be distributed to all school districts. Such money shall be  
7108 distributed to all school districts in the proportion that the  
7109 average daily \* \* \*attendance membership of each school district



7110 bears to the average daily \* \* \*~~attendance~~ membership of all  
7111 school districts within the state for the following purposes:

7112 (a) Purchasing, erecting, repairing, equipping,  
7113 remodeling and enlarging school buildings and related facilities,  
7114 including gymnasiums, auditoriums, lunchrooms, vocational training  
7115 buildings, libraries, teachers' homes, school barns,  
7116 transportation vehicles (which shall include new and used  
7117 transportation vehicles) and garages for transportation vehicles,  
7118 and purchasing land therefor.

7119 (b) Establishing and equipping school athletic fields  
7120 and necessary facilities connected therewith, and purchasing land  
7121 therefor.

7122 (c) Providing necessary water, light, heating,  
7123 air-conditioning and sewerage facilities for school buildings, and  
7124 purchasing land therefor.

7125 (d) As a pledge to pay all or a portion of the debt  
7126 service on debt issued by the school district under Sections  
7127 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
7128 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
7129 and 37-41-81, or debt issued by boards of supervisors for  
7130 agricultural high schools pursuant to Section 37-27-65, if such  
7131 pledge is accomplished pursuant to a written contract or  
7132 resolution approved and spread upon the minutes of an official  
7133 meeting of the district's school board or board of supervisors.  
7134 The annual grant to such district in any subsequent year during



7135 the term of the resolution or contract shall not be reduced below  
7136 an amount equal to the district's grant amount for the year in  
7137 which the contract or resolution was adopted. The intent of this  
7138 provision is to allow school districts to irrevocably pledge a  
7139 certain, constant stream of revenue as security for long-term  
7140 obligations issued under the code sections enumerated in this  
7141 paragraph or as otherwise allowed by law. It is the intent of the  
7142 Legislature that the provisions of this paragraph shall be  
7143 cumulative and supplemental to any existing funding programs or  
7144 other authority conferred upon school districts or school boards.  
7145 Debt of a district secured by a pledge of sales tax revenue  
7146 pursuant to this paragraph shall not be subject to any debt  
7147 limitation contained in the foregoing enumerated code sections.

7148 (3) The remainder of the money deposited into the Education  
7149 Enhancement Fund shall be appropriated as follows:

7150 (a) To the State Department of Education as follows:

7151 (i) Sixteen and sixty-one one-hundredths percent  
7152 (16.61%) to the cost of the \* \* \*~~adequate education program~~  
7153 uniform per student funding formula determined under \* \* \*~~Section~~  
7154 37-151-7 Chapter 151, Title 37, Mississippi Code of 1972; of the  
7155 funds generated by the percentage set forth in this section for  
7156 the support of the \* \* \*~~adequate education program~~ uniform per  
7157 student funding formula, one and one hundred seventy-eight  
7158 one-thousandths percent (1.178%) of the funds shall be  
7159 appropriated to be used by the State Department of Education for



7160 the purchase of textbooks to be loaned under Sections 37-43-1  
7161 through 37-43-59 to approved nonpublic schools, as described in  
7162 Section 37-43-1. The funds to be distributed to each nonpublic  
7163 school shall be in the proportion that the average  
7164 daily \* \* \*~~attendance~~ membership of each nonpublic school bears to  
7165 the total average daily \* \* \*~~attendance~~ membership of all  
7166 nonpublic schools;

7167 (ii) Seven and ninety-seven one-hundredths percent  
7168 (7.97%) to assist the funding of transportation operations and  
7169 maintenance \* \* \*~~pursuant to Section 37-19-23~~; and

7170 (iii) Nine and sixty-one one-hundredths percent  
7171 (9.61%) for classroom supplies, instructional materials and  
7172 equipment, including computers and computer software, to be  
7173 distributed to all eligible teachers within the state through the  
7174 use of procurement cards. Classroom supply funds shall not be  
7175 expended for administrative purposes. On or before September 1 of  
7176 each year, local school districts shall determine and submit to  
7177 the State Department of Education the number of teachers eligible  
7178 to receive an allocation for the current year. For purposes of  
7179 this subparagraph, "teacher" means any employee of the school  
7180 board of a school district, or the Mississippi School for the  
7181 Arts, the Mississippi School for Math and Science, the Mississippi  
7182 School for the Blind or the Mississippi School for the Deaf, who  
7183 is required by law to obtain a teacher's license from the State  
7184 Department of Education and who is assigned to an instructional





7185 area of work as defined by the department, but shall not include a  
7186 federally funded teacher. It is the intent of the Legislature  
7187 that all classroom teachers shall utilize these funds in a manner  
7188 that addresses individual classroom needs and supports the overall  
7189 goals of the school regarding supplies, instructional materials,  
7190 equipment, computers or computer software under the provisions of  
7191 this subparagraph, including the type, quantity and quality of  
7192 such supplies, materials and equipment. Classroom supply funds  
7193 allocated under this subparagraph shall supplement, not replace,  
7194 other local and state funds available for the same purposes. The  
7195 State Board of Education shall develop and promulgate rules and  
7196 regulations for the administration of this subparagraph consistent  
7197 with the above criteria, with particular emphasis on allowing the  
7198 individual teachers to expend funds as they deem appropriate.  
7199 Effective with the 2013-2014 school year, the local school board  
7200 shall require each school to issue procurement cards provided by  
7201 the Department of Finance and Administration under the provisions  
7202 of Section 31-7-9(1)(c) for the use of teachers and necessary  
7203 support personnel in making instructional supply fund expenditures  
7204 under this section, consistent with the regulations of the  
7205 Mississippi Department of Finance and Administration pursuant to  
7206 Section 31-7-9. Such procurement cards shall be issued at the  
7207 beginning of the school year and shall be issued in equal amounts  
7208 per teacher determined by the total number of qualifying personnel  
7209 and the current state appropriation for classroom supplies with



7210 the Education Enhancement Fund. Such cards will expire on a  
7211 pre-determined date at the end of each school year. All  
7212 unexpended amounts will be carried forward, combined with the  
7213 following year's allocation of Education Enhancement Fund  
7214 instructional supplies funds and reallocated for the following  
7215 year;

7216 (b) Twenty-two and nine one-hundredths percent (22.09%)  
7217 to the Board of Trustees of State Institutions of Higher Learning  
7218 for the purpose of supporting institutions of higher learning; and

7219 (c) Fourteen and forty-one one-hundredths percent  
7220 (14.41%) to the Mississippi Community College Board for the  
7221 purpose of providing support to community and junior colleges.

7222 (4) The amount remaining in the Education Enhancement Fund  
7223 after funds are distributed as provided in subsections (2) and (3)  
7224 of this section shall be disbursed as follows:

7225 (a) Twenty-five Million Dollars (\$25,000,000.00) shall  
7226 be deposited into the Working Cash-Stabilization Reserve Fund  
7227 created pursuant to Section 27-103-203(1), until the balance in  
7228 such fund reaches the maximum balance of seven and one-half  
7229 percent (7-1/2%) of the General Fund appropriations in the  
7230 appropriate fiscal year. After the maximum balance in the Working  
7231 Cash-Stabilization Reserve Fund is reached, such money shall  
7232 remain in the Education Enhancement Fund to be appropriated in the  
7233 manner provided for in paragraph (b) of this subsection.



7234 (b) The remainder shall be appropriated for other  
7235 educational needs.

7236 (5) None of the funds appropriated pursuant to subsection  
7237 (3) (a) of this section shall be used to reduce the state's General  
7238 Fund appropriation \* \* \*~~for the categories listed in an amount~~  
7239 ~~below the following amounts:~~ pursuant to \* \* \* (a) ~~For~~ subsection  
7240 (3) (a) (ii) of this section \* \* \*~~7~~ in the amount of Thirty-six  
7241 Million Seven Hundred Thousand Dollars (\$36,700,000.00) \* \* \*~~7~~.  
7242 \* \* \*~~(b)~~ ~~For the aggregate of \* \* \* minimum program allotments~~  
7243 ~~in the 1997 fiscal year, formerly provided for in Chapter 19,~~  
7244 ~~Title 37, Mississippi Code of 1972, as amended, excluding those~~  
7245 ~~funds for transportation as provided for in paragraph (a) of this~~  
7246 ~~subsection.~~

7247 (6) Any funds appropriated from the Education Enhancement  
7248 Fund that are unexpended at the end of a fiscal year shall lapse  
7249 into the Education Enhancement Fund, except as otherwise provided  
7250 in subsection (3) (a) (iii) of this section.

7251 **SECTION 100.** Section 37-61-35, Mississippi Code of 1972, is  
7252 amended as follows:

7253 37-61-35. There is hereby created a special fund in the  
7254 State Treasury to be designated School Ad Valorem Tax Reduction  
7255 Fund into which proceeds collected pursuant to Sections  
7256 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with  
7257 the 1994 state fiscal year, the entire amount of monies in such  
7258 special fund shall be appropriated annually to the State



7259 Department of Education which shall distribute the appropriated  
7260 amount to the various school districts in the proportion that the  
7261 average daily \* \* \*attendance membership of each school district  
7262 bears to the average daily \* \* \*attendance membership of all  
7263 school districts within the state. On or before June 1, 1993, and  
7264 on or before June 1 of each succeeding year, the State Department  
7265 of Education shall notify each school district of the amount to  
7266 which such district is entitled pursuant to this section.

7267       **SECTION 101.** Section 37-61-37, Mississippi Code of 1972, is  
7268 amended as follows:

7269       37-61-37. There is established in the State Treasury a fund  
7270 known as the "Mississippi Public Education Support Fund"  
7271 (hereinafter referred to as "fund"). The fund shall consist of  
7272 monies required to be deposited therein under Section 27-19-56.34,  
7273 and such other monies as the Legislature may authorize or direct  
7274 to be deposited into the fund. Monies in the fund, upon  
7275 appropriation by the Legislature, may be expended by the  
7276 Mississippi Department of Education for classroom supplies,  
7277 instructional materials and equipment, including computers and  
7278 computer software, to be distributed to all school districts in  
7279 the proportion that the average daily \* \* \*attendance membership  
7280 of each school district bears to the average daily \* \* \*attendance  
7281 membership of all school districts within the state. Unexpended  
7282 amounts remaining in the fund at the end of the fiscal year shall  
7283 not lapse into the State General Fund, and any interest earned or



7284 investment earnings on amounts in the fund shall be deposited to  
7285 the credit of the fund.

7286 **SECTION 102.** Section 37-131-7, Mississippi Code of 1972, is  
7287 amended as follows:

7288 37-131-7. When any pupils shall attend any demonstration or  
7289 practice school under the provisions of Section 37-131-3, such  
7290 children shall be reported and accounted for the allocation  
7291 of \* \* \*~~minimum education program~~ uniform per student funding  
7292 formula funds and state public school building funds just as  
7293 though such children were attending the regular schools of the  
7294 district in which they reside. For this purpose, reports shall be  
7295 made to the school district involved by the demonstration or  
7296 practice school of the number of pupils in average  
7297 daily \* \* \*~~attendance~~ membership, and the average  
7298 daily \* \* \*~~attendance~~ membership of such children shall thereupon  
7299 be included in reports made to the State Board of  
7300 Education \* \* \*~~and the state educational finance commission~~ by  
7301 the \* \* \*~~county or school district~~ \* \* \*~~under the provisions of~~  
7302 ~~Chapters 19 and 47 of this title.~~

7303 Allocation of \* \* \*~~minimum education program~~ uniform per  
7304 student funding formula funds shall be made by the State Board of  
7305 Education for such children just as though such children were  
7306 attending the regular schools of the district. All \* \* \*~~minimum~~  
7307 ~~education program~~ uniform per student funding formula funds \* \* \*~~,~~  
7308 ~~except funds allocated for transportation costs,~~ which accrue to



7309 any district as a result of such children who are in attendance at  
7310 a demonstration or practice school shall be paid by the board of  
7311 trustees of the municipal separate school district or by the  
7312 county board of education to the demonstration or practice school,  
7313 and shall be used to defray the cost and expense of maintaining,  
7314 operating and conducting such demonstration or practice school.

7315 All state public school building funds which accrue as a  
7316 result of such children in attendance at a demonstration or  
7317 practice school shall be credited directly to such demonstration  
7318 or practice school, and all of the provisions of Chapter 47 of  
7319 this title shall be fully applicable thereto.

7320 **SECTION 103.** Section 37-131-9, Mississippi Code of 1972, is  
7321 amended as follows:

7322 37-131-9. In addition to the amounts paid to the  
7323 demonstration or practice school from \* \* \*~~minimum education~~  
7324 ~~program~~ uniform per student funding formula funds, as provided in  
7325 Section 37-131-7, the board of trustees of the school district  
7326 involved may contract with the said demonstration or practice  
7327 school for the payment of additional amounts thereto to defray  
7328 expenses over and above those defrayed by \* \* \*~~minimum education~~  
7329 ~~program~~ uniform per student funding formula funds, which  
7330 additional amounts shall be paid from any funds available to the  
7331 school district other than \* \* \*~~minimum education program~~ uniform  
7332 per student funding formula funds, whether produced by a  
7333 supplemental district tax levy or otherwise.



7334           If the total funds paid to the demonstration or practice  
7335 school by the school district are inadequate to defray the cost  
7336 and expense of maintaining and operating such demonstration or  
7337 practice school then the president or executive head of the  
7338 institution may, subject to the approval of the Board of Trustees  
7339 of State Institutions of Higher Learning, require the payment of  
7340 additional fees or tuition in an amount to be fixed by the  
7341 president or executive head of the institution, subject to the  
7342 approval of the Board of Trustees of State Institutions of Higher  
7343 Learning, which amount shall be paid by and collected from the  
7344 student or his parents.

7345           Boards of trustees of school districts involved may designate  
7346 an area within the jurisdiction of the board as an attendance  
7347 center as provided by law, and may require students in such area  
7348 to attend demonstration or practice schools, subject to a  
7349 satisfactory contract between the school board and the president  
7350 or executive head of the institution operating the demonstration  
7351 or practice school. In such event, all fees and tuition must be  
7352 borne by the school district and in no case shall the child or the  
7353 parents of the child assigned to such demonstration or practice  
7354 school be required to pay any fees or tuition.

7355           The president or executive head of the institution, subject  
7356 to the approval of the Board of Trustees of State Institutions of  
7357 Higher Learning, may also fix the amount of fees and tuition to be  
7358 paid by students desiring to attend such demonstration or practice



7359 school in cases where there is no contract with the board of  
7360 trustees of the school district in which the students reside  
7361 therefor.

7362 All funds received by an institution, under the provisions of  
7363 this section, shall be deposited in a special fund and shall be  
7364 used and expended solely for the purpose of defraying and paying  
7365 the cost and expense of operating, maintaining and conducting such  
7366 teachers demonstration and practice school. Such funds may be  
7367 supplemented by and used in connection with any other funds  
7368 available to the institutions for such purpose whether made  
7369 available by legislative appropriation or otherwise.

7370 **SECTION 104.** Section 37-131-11, Mississippi Code of 1972, is  
7371 amended as follows:

7372 37-131-11. All demonstration or practice schools established  
7373 under the provisions of Section 37-131-1 shall, as far as may be  
7374 practicable, be subject to and governed by the same laws as other  
7375 public schools of the State of Mississippi, and shall make all  
7376 reports required by law to be made by public schools to the State  
7377 Board of Education \* \* \* ~~or the State Educational Finance~~  
7378 ~~Commission~~ at the same time and in the same manner as such reports  
7379 are made by other public schools. However, for the purpose of the  
7380 allocation of \* \* \* ~~minimum education program~~ uniform per student  
7381 funding formula funds, the reports of children in average  
7382 daily \* \* \* ~~attendance~~ membership shall be made to the school  
7383 district involved by said demonstration or practice school, and a





7384 copy thereof shall be filed with the State Board of Education.  
7385 The school district shall use said reports so filed with it in  
7386 making its reports to the State Board of Education for the purpose  
7387 of the allocation of \* \* \*~~minimum education program~~ uniform per  
7388 student funding formula funds but the average  
7389 daily \* \* \*~~attendance~~ membership of the pupils attending such  
7390 demonstration or practice school shall be segregated and separated  
7391 in such reports from the average daily \* \* \*~~attendance~~ membership  
7392 in the regular schools of the district.

7393 **SECTION 105.** Section 37-151-7.1, Mississippi Code of 1972,  
7394 is amended as follows:

7395 37-151-7.1. (1) Before February 1 of each year, the tax  
7396 assessor of each county shall file a report or reports with the  
7397 State Department of Education which provide information essential  
7398 to the department in determining the amount that each school  
7399 district shall be required to provide toward the cost of  
7400 the \* \* \*~~Adequate Education Program Fund~~ Mississippi Uniform Per  
7401 Student Funding Formula. A separate report must be filed for each  
7402 school district or part of a school district situated in the  
7403 county and must include the following information:

7404 (a) The total assessed valuation of nonexempt property  
7405 for school purposes in the school district;

7406 (b) The assessed value of exempt property owned by  
7407 homeowners aged sixty-five (65) or older or disabled, as defined  
7408 in Section 27-33-67(2), in the school district;



7409 (c) The school district's tax loss from exemptions  
7410 provided to applicants under the age of sixty-five (65) and not  
7411 disabled, as defined in Section 27-33-67(1); and

7412 (d) The school district's homestead reimbursement  
7413 revenues.

7414 (2) The State Department of Education shall prepare and make  
7415 available to the tax assessor of each county a form for the  
7416 reports required under this section.

7417 **SECTION 106.** Section 37-151-9, Mississippi Code of 1972, is  
7418 amended as follows:

7419 37-151-9. (1) The State Board of Education and State  
7420 Superintendent of Education shall establish within the State  
7421 Department of Education a special unit at the division level  
7422 called the Office of Educational Accountability. The Director of  
7423 the Office of Educational Accountability shall hold a position  
7424 comparable to a deputy superintendent and shall be appointed by  
7425 the State Board of Education with the advice and consent of the  
7426 Senate. He shall serve at the will and pleasure of the State  
7427 Board of Education and may employ necessary professional,  
7428 administrative and clerical staff. The Director of the Office of  
7429 Educational Accountability shall provide all reports to the  
7430 Legislature, Governor, Mississippi Commission on School  
7431 Accreditation and State Board of Education and respond to any  
7432 inquiries for information.



7433 (2) The Office of Educational Accountability is responsible  
7434 for monitoring and reviewing programs developed under the  
7435 Education Reform Act, the Mississippi Adequate Education Program  
7436 Act of 1994, the Education Enhancement Fund, the Mississippi  
7437 Uniform Per Student Funding Formula Act of 2018, and subsequent  
7438 education initiatives, and shall provide information,  
7439 recommendations and an annual assessment to the Legislature,  
7440 Governor, Mississippi Commission on School Accreditation and the  
7441 State Board of Education. \* \* \*~~Commencing in 1995~~, The annual  
7442 assessment of education reform programs shall be performed by the  
7443 Office of Educational Accountability by December 1 of each year.

7444 \* \* \*~~The Office of Educational Accountability shall specifically~~  
7445 ~~monitor the implementation of Level III accreditation in all~~  
7446 ~~school districts, and shall make an assessment with~~  
7447 ~~recommendations to the 1996 Regular Session of the Legislature.~~

7448 (3) In addition, the Office of Educational Accountability  
7449 shall have the following specific duties and responsibilities:

7450 (a) Developing and maintaining a system of  
7451 communication with school district personnel;

7452 (b) Provide opportunities for public comment on the  
7453 current functions of the State Department of Education's programs,  
7454 needed public education services and innovative suggestions; and

7455 (c) Assess both positive and negative impact on school  
7456 districts of new education programs, including but not limited to  
7457 The Mississippi Report Card and alternative school programs.



7458           **SECTION 107.** Section 37-151-10, Mississippi Code of 1972, is  
7459 amended as follows:

7460           37-151-10. (1) There is established a Center for Education  
7461 Analysis which shall be an advisory group attached to the Public  
7462 Education Forum of Mississippi. The Center for Education Analysis  
7463 shall create a structure to systematically collect, compile and  
7464 coordinate data that can be disseminated to business, legislative  
7465 and education entities for decision-making purposes relating to  
7466 public education. The Center for Education Analysis may enter  
7467 into a contractual agreement with the Public Education Forum of  
7468 Mississippi in order to place the center within the administrative  
7469 framework of the Public Education Forum under the following  
7470 conditions:

7471           (a) All new programs authorized in this section are  
7472 subject to the availability of funds specifically appropriated  
7473 therefor by the Legislature from the Education Enhancement Fund to  
7474 the Public Education Forum for the support and maintenance of the  
7475 programs of the Center for Education Analysis.

7476           (b) The Public Education Forum will provide a business  
7477 framework to coordinate its recommendations and reports with the  
7478 programs of the Center for Education Analysis.

7479           (c) The Public Education Forum shall employ a director  
7480 for the Center for Education Analysis with appropriate  
7481 qualifications. Any public funds expended pursuant to this  
7482 section shall be audited by the Mississippi Department of Audit.



7483           There is created in the State Treasury a special fund to be  
7484 known as the "Center for Education Analysis Fund." Monies may be  
7485 expended out of such funds pursuant to appropriation by the  
7486 Legislature, to implement the public education analysis program  
7487 established under the provisions of this section. Disbursements  
7488 from such fund shall be made only upon requisition of the Director  
7489 for the Center for Education Analysis.

7490           (2) The Center for Education Analysis established in  
7491 subsection (1) shall develop and submit to the Legislature and the  
7492 Governor an annual report on the implementation of  
7493 the \* \* \*~~Mississippi Adequate Education Program~~ uniform per  
7494 student funding formula and the Interim School District Capital  
7495 Expenditure Fund program. \* \* \*~~The first report shall be~~  
7496 ~~submitted on January 1, 1999, relating to implementation of the~~  
7497 ~~adequate education program and interim capital expenditure program~~  
7498 ~~activities during the preceding fiscal year, and shall be~~  
7499 ~~submitted annually on January 1 of each subsequent year until~~  
7500 ~~January 1, 2003, at which time~~ The report shall become a distinct  
7501 part of the Mississippi Report Card describing \* \* \*~~the one~~  
7502 ~~hundred percent (100%)~~ implementation of the \* \* \*~~Mississippi~~  
7503 ~~Adequate Education Program~~ uniform per student funding formula.  
7504 The annual report shall include the following:

7505           (a) A description of the amount of \* \* \*~~Mississippi~~  
7506 ~~Adequate Education Program~~ Mississippi Uniform Per Student Funding  
7507 Formula funds available to each school district \* \* \*~~during the~~



7508 ~~phase-in period compared to the amount of funds available upon~~  
7509 ~~full implementation of the funding formula;~~

7510 (b) A description of each school district's capital  
7511 expenditure plan, including:

7512 (i) A listing of the school district facilities to  
7513 be constructed, purchased, repaired, renovated, remodeled or  
7514 enlarged, with designation of the nature of each such project as  
7515 new construction, retrofitting/renovation, or site work and/or  
7516 preparation;

7517 (ii) For each completed capital improvement  
7518 project and upon the completion of any approved capital  
7519 expenditure plan, a listing by individual project of:

7520 (A) The total dimensions of each  
7521 construction, renovation or site preparation project;

7522 (B) The total project cost in dollars;

7523 (C) The project cost per square foot of newly  
7524 constructed space or, in the case of renovation, per square foot  
7525 of the principal structure affected by such renovation;

7526 (D) The total cost of all furniture and  
7527 equipment per project;

7528 (E) The total amount of nonconstruction fees  
7529 per project;

7530 (F) The total of other costs associated with  
7531 the project not otherwise included in items (A) through (E) above;

7532 and



7533 (G) The number of classrooms created and/or  
7534 affected by the project;

7535 (iii) A listing of all school district State Aid  
7536 Capital Improvement Bonds secured by Mississippi Adequate  
7537 Education Program funds issued by school districts and the capital  
7538 improvements funded through such bond issue;

7539 (iv) A description of any other local bond issue  
7540 proceeds combined with such funds for capital improvement  
7541 purposes; and

7542 (v) Any other appropriate information relating to  
7543 capital improvements by school districts as determined by the  
7544 State Board of Education;

7545 (c) An annual assessment of the impact of additional or  
7546 less funding under the \* \* \*~~Mississippi Adequate Education Program~~  
7547 Mississippi Uniform Per Student Funding Formula on \* \* \*~~such~~  
7548 school districts with less than a \* \* \*~~Level III accreditation~~ "C"  
7549 designation under the state accreditation system; and

7550 (d) An annual assessment of the impact of teacher  
7551 recruitment incentives on the employment of licensed teachers in  
7552 critical teacher shortage geographic areas \* \* \*, ~~including, but~~  
7553 ~~not limited to, all incentive programs authorized under House Bill~~  
7554 ~~No. 609, 1998 Regular Session [Laws, 1998, Chapter 544].~~

7555 **SECTION 108.** Section 37-151-87, Mississippi Code of 1972, is  
7556 amended as follows:



7557           37-151-87. No school district shall pay any teacher less  
7558 than the state minimum salary. \* \* \*~~Provided,~~ However, \* \* \*~~that~~  
7559 school districts are authorized to reduce the state minimum salary  
7560 by a pro rata daily amount in order to comply with the school  
7561 district employee furlough provisions of Section 37-7-308. From  
7562 and after July 1, 2012, no school district shall receive any funds  
7563 under the provisions of this chapter for any school year during  
7564 which the aggregate amount of local supplement \* \* \*~~as defined in~~  
7565 ~~Section 37-151-5 shall have been~~ is reduced below such amount for  
7566 the previous year. However, (a) where there has been a reduction  
7567 in \* \* \*~~adequate education program~~ uniform per student funding  
7568 formula allocations for such district in such year, (b) where  
7569 there has been a reduction in the amount of federal funds to such  
7570 district below the previous year, or (c) where there has been a  
7571 reduction in ad valorem taxes to such school district for the  
7572 1986-1987 school year below the amount for the previous year due  
7573 to the exemption of nuclear generating plants from ad valorem  
7574 taxation pursuant to Section 27-35-309, \* \* \*~~Mississippi Code of~~  
7575 ~~1972,~~ the aggregate amount of local supplement in such district  
7576 may be reduced in the discretion of the local school board without  
7577 loss of funds under this chapter. No school district may receive  
7578 any funds under the provisions of this chapter for any school year  
7579 if the aggregate amount of support from ad valorem taxation shall  
7580 be reduced during such school year below such amount for the  
7581 previous year; however, where there is a loss in \* \* \*~~adequate~~





7582 ~~education program~~ uniform per student funding formula allocations,  
7583 or where there is or heretofore has been a decrease in the total  
7584 assessed value of taxable property within a school district, the  
7585 aggregate amount of such support may be reduced proportionately.  
7586 Nothing herein contained shall prohibit any school district from  
7587 adopting or continuing a program or plan whereby teachers are paid  
7588 varying salaries according to the teaching ability, classroom  
7589 performance and other similar standards.

7590 For purposes of this section, the term "local supplement"  
7591 means the additional amount paid to an individual teacher over and  
7592 above the salary schedule prescribed in Section 37-19-7 for the  
7593 performance of regular teaching duties by that teacher.

7594 **SECTION 109.** Section 37-151-89, Mississippi Code of 1972, is  
7595 amended as follows:

7596 37-151-89. The minimum base pay for all classroom teachers  
7597 may be increased by the district from any funds available to  
7598 it \* \* \*~~; and those districts which have not prior to July 1,~~  
7599 ~~1978, so increased said base pay, shall increase the minimum base~~  
7600 ~~pay for classroom teachers as fixed by this chapter and as~~  
7601 ~~authorized by any of the provisions of or standards set forth in~~  
7602 ~~this chapter.~~

7603 **SECTION 110.** Section 37-151-91, Mississippi Code of 1972, is  
7604 amended as follows:

7605 37-151-91. The school boards of all school districts may  
7606 establish salary schedules based on training, experience and other



7607 such factors as may be incorporated therein, including student  
7608 progress and performance as developed by the State Board of  
7609 Education, paying teachers greater amounts than the scale  
7610 provided \* \* \* ~~herein~~ in Section 37-19-7, but no teacher may be  
7611 paid less than the amount based upon the minimum scale of pay  
7612 provided in \* \* \* ~~the adequate education program as prescribed in~~  
7613 Section 37-19-7, \* \* \* ~~Mississippi Code of 1972~~, and all  
7614 supplements paid from local funds shall be based upon the salary  
7615 schedules so established. The school boards may call upon the  
7616 State Department of Education for aid and assistance in  
7617 formulating and establishing such salary schedules, and it shall  
7618 be the duty of the State Department of Education, when so called  
7619 upon, to render such aid and assistance. The amount actually paid  
7620 to each teacher shall be based upon and determined by the type  
7621 of \* \* \* ~~certificate~~ license held by such teacher.

7622 **SECTION 111.** Section 37-151-93, Mississippi Code of 1972, is  
7623 amended as follows:

7624 37-151-93. (1) Legally transferred students going from one  
7625 school district to another shall be counted for \* \* \* ~~adequate~~  
7626 ~~education program~~ uniform per student funding formula allotments  
7627 by the school district wherein the pupils attend school \* \* \* ~~, but~~  
7628 ~~shall be counted for transportation allotment purposes in the~~  
7629 ~~school district which furnishes or provides the transportation.~~  
7630 The school boards of the school districts which approve the  
7631 transfer of a student under the provisions of Section 37-15-31



7632 shall enter into an agreement and contract for the payment or  
7633 nonpayment of any portion of their local maintenance funds which  
7634 they deem fair and equitable in support of any transferred  
7635 student. Except as provided in subsection (2) of this section,  
7636 local maintenance funds shall be transferred only to the extent  
7637 specified in the agreement and contract entered into by the  
7638 affected school districts. The terms of any local maintenance  
7639 fund payment transfer contract shall be spread upon the minutes of  
7640 both of the affected school district school boards. The school  
7641 district accepting any transfer students shall be authorized to  
7642 accept tuition from such students under the provisions of Section  
7643 37-15-31(1) and such agreement may remain in effect for any length  
7644 of time designated in the contract. The terms of such student  
7645 transfer contracts and the amounts of any tuition charged any  
7646 transfer student shall be spread upon the minutes of both of the  
7647 affected school boards. No school district accepting any transfer  
7648 students under the provisions of Section 37-15-31(2), which  
7649 provides for the transfer of certain school district employee  
7650 dependents, shall be authorized to charge such transfer students  
7651 any tuition fees.

7652 (2) Local maintenance funds shall be paid by the home school  
7653 district to the transferee school district for students granted  
7654 transfers under the provisions of Sections 37-15-29(3) and  
7655 37-15-31(3), \* \* \*~~Mississippi Code of 1972,~~ not to exceed  
7656 the \* \* \*~~"base student cost"~~ student base amount, as defined in



7657 Section \* \* \*~~37-151-5, Mississippi Code of 1972~~ 37-151-203,  
7658 multiplied by the number of such legally transferred students.

7659 **SECTION 112.** Section 37-151-95, Mississippi Code of 1972, is  
7660 amended as follows:

7661 37-151-95. \* \* \*~~Adequate education program~~ Uniform per  
7662 student funding formula funds shall \* \* \*~~include~~ cover one hundred  
7663 percent (100%) of the cost of the State and School Employees' Life  
7664 and Health Insurance Plan created under Article 7, Chapter 15,  
7665 Title 25, Mississippi Code of 1972, for all district employees who  
7666 work no less than twenty (20) hours during each week and regular  
7667 nonstudent school bus drivers employed by the district.

7668 Where the use of federal funding is allowable to defray, in  
7669 full or in part, the cost of participation in the insurance plan  
7670 by district employees who work no less than twenty (20) hours  
7671 during each week and regular nonstudent school bus drivers, whose  
7672 salaries are paid, in full or in part, by federal funds,  
7673 the \* \* \*~~allowance~~ use of uniform per student funding formula  
7674 funds as required under this section shall be reduced to the  
7675 extent of the federal funding. Where the use of federal funds is  
7676 allowable but not available, it is the intent of the Legislature  
7677 that school districts contribute the cost of participation for  
7678 such employees from local funds, except that parent fees for child  
7679 nutrition programs shall not be increased to cover such cost.

7680 The State Department of Education, in accordance with rules  
7681 and regulations established by the State Board of Education, may



7682 withhold a school district's \* \* \*~~adequate education program~~  
7683 uniform per student funding formula funds for failure of the  
7684 district to timely report student, fiscal and personnel data  
7685 necessary to meet state and/or federal requirements. The rules  
7686 and regulations promulgated by the State Board of Education shall  
7687 require the withholding of \* \* \*~~adequate education program~~ uniform  
7688 per student funding formula funds for those districts that fail to  
7689 remit premiums, interest penalties and/or late charges under the  
7690 State and School Employees' Life and Health Insurance Plan.  
7691 Noncompliance with such rules and regulations shall result in a  
7692 violation of compulsory accreditation standards as established by  
7693 the State Board of Education and Commission on School  
7694 Accreditation.

7695       **SECTION 113.** Section 37-151-97, Mississippi Code of 1972, is  
7696 amended as follows:

7697       37-151-97. The State Department of Education shall develop  
7698 an annual reporting process to inform the Legislature, local  
7699 district personnel and the general public as to the ongoing and  
7700 future plans for the state's educational programs. The annual  
7701 reporting process will include those vital statistics that are  
7702 commonly reported by schools and districts and that can provide  
7703 clear demographic, strategic and educational information to  
7704 constituencies such as, but not limited to, the following  
7705 information:



7706 (a) Student enrollment \* \* \*and attendance \* \* \*reported in the aggregate and specifically for each student  
7707 population that is subject to weighting under the uniform per  
7708 student funding formula, and drop-out and graduation data;

7710 (b) Overall student and district achievement;

7711 (c) Budget, administrative costs and other pertinent  
7712 fiscal information, including:

7713 (i) The receipts and disbursements of all school  
7714 funds handled by the board;

7715 (ii) Reports of expenditures for public schools,  
7716 which, upon request must be made available on an individual  
7717 district basis by the State Department of Education;

7718 1. Total Student Expenditures:

7719 a. Instruction (1000s);

7720 b. Other Student Instructional

7721 Expenditures (2100s, 2200s);

7722 2. General Administration (2300s and 2500s);

7723 3. School Administration (2400s);

7724 4. Other Expenditures (2600s, 2700s, 2800s,  
7725 3100s, 3200s); and

7726 5. Nonoperational Expenditures (4000s, 5000s,  
7727 6000s);

7728 (iii) The number of school districts, school  
7729 teachers employed, school administrators employed, pupils taught  
7730 and the attendance record of pupils therein;



7731 (iv) County and district levies for each school  
7732 district and agricultural high school;

7733 (v) The condition of vocational education, a list  
7734 of schools to which federal and state aid has been given, and a  
7735 detailed statement of the expenditures of federal funds and the  
7736 state funds that may be provided, and the ranking of subjects  
7737 taught as compared with the state's needs.

7738 (d) Other as directed by the State Board of Education.

7739 Further, the reporting process will include an annual report  
7740 developed specifically to relate the mission and goals of the  
7741 State Board of Education, state superintendent and departments.  
7742 This document will become the method through which the strategic  
7743 planning and management process of the department is articulated  
7744 to the public. It will explain and inform the public of the major  
7745 initiatives of the department and clearly identify rationale for  
7746 program development and/or elimination. The report will establish  
7747 benchmarks, future plans and discuss the effectiveness of  
7748 educational programs.

7749 In addition to the information specified herein, the State  
7750 Board of Education shall have full and plenary authority and power  
7751 to require the furnishing of such further, additional and  
7752 supplementary information as it may deem necessary for the purpose  
7753 of determining the cost of the \* \* \*~~adequate education program~~  
7754 uniform per student funding formula in such school district for  
7755 the succeeding fiscal year, the amount of the \* \* \*~~adequate~~



7756 ~~education program~~ uniform per student funding formula funds to be  
7757 allotted to each school district for the succeeding fiscal year,  
7758 and for any other purpose authorized by law or deemed necessary by  
7759 said State Board of Education.

7760 It shall be the duty of the State Department of Education to  
7761 prescribe the forms for the reports provided for in this section.

7762 **SECTION 114.** Section 37-151-99, Mississippi Code of 1972, is  
7763 amended as follows:

7764 37-151-99. Based upon the information obtained pursuant to  
7765 Section 37-151-97 and upon such other and further information as  
7766 provided by law, the State Department of Education shall, on or  
7767 before June 1 of each year, or as soon thereafter as is practical,  
7768 furnish each school board the preliminary estimate of the amount  
7769 each will receive from \* \* \*~~the common school fund and~~  
7770 the \* \* \*~~adequate education program fund~~ uniform per student  
7771 funding formula for the succeeding scholastic year, and at the  
7772 same time shall furnish each such school board with a tentative  
7773 estimate of the cost of the \* \* \*~~adequate education program~~  
7774 uniform per student funding formula in the school district for  
7775 such succeeding fiscal year.

7776 **SECTION 115.** Section 37-151-101, Mississippi Code of 1972,  
7777 is amended as follows:

7778 37-151-101. It shall be the duty of the State Department of  
7779 Education to file with the State Treasurer and the State Fiscal  
7780 Officer such data and information as may be required to enable the





7781 said State Treasurer and State Fiscal Officer to distribute  
7782 the ~~\* \* \*common school funds and adequate education program~~  
7783 uniform per student funding formula funds by electronic funds  
7784 transfer to the several school districts and charter schools at  
7785 the time required and provided under the provisions of this  
7786 chapter. Such data and information so filed shall show in detail  
7787 the amount of funds to which each school district and charter  
7788 school is entitled ~~\* \* \*from such common school fund and adequate~~  
7789 ~~education program fund~~ under the uniform per student funding  
7790 formula. Such data and information so filed may be revised from  
7791 time to time as necessitated by law. At the time provided by law,  
7792 the State Treasurer and the State Fiscal Officer shall distribute  
7793 to the several school districts and charter schools the amounts to  
7794 which they are entitled ~~\* \* \*from the common school fund and the~~  
7795 ~~adequate education program fund~~ under the uniform per student  
7796 funding formula as provided by this chapter. Such distribution  
7797 shall be made by electronic funds transfer to the depositories of  
7798 the several school districts and charter schools designated in  
7799 writing to the State Treasurer based upon the data and information  
7800 supplied by the State Department of Education for such  
7801 distribution. In such instances, the State Treasurer shall submit  
7802 a request for an electronic funds transfer to the State Fiscal  
7803 Officer, which shall set forth the purpose, amount and payees, and  
7804 shall be in such form as may be approved by the State Fiscal  
7805 Officer so as to provide the necessary information as would be



7806 required for a requisition and issuance of a warrant. A copy of  
7807 the record of said electronic funds transfers shall be transmitted  
7808 by the school district and charter school depositories to the  
7809 Treasurer, who shall file duplicates with the State Fiscal  
7810 Officer. The Treasurer and State Fiscal Officer shall jointly  
7811 promulgate regulations for the utilization of electronic funds  
7812 transfers to school districts and charter schools.

7813 **SECTION 116.** Section 37-151-103, Mississippi Code of 1972,  
7814 is amended as follows:

7815 37-151-103. (1) Funds due each school district and charter  
7816 school under \* \* \*~~the terms of this chapter from the~~ \* \* \*Adequate  
7817 Education Program Fund Mississippi Uniform Per Student Funding  
7818 Formula shall be paid in the following manner: Two (2) business  
7819 days prior to the last working day of each month there shall be  
7820 paid to each school district and charter school, by electronic  
7821 funds transfer, one-twelfth (1/12) of the funds to which the  
7822 district or charter school is entitled from funds appropriated for  
7823 the \* \* \*~~Adequate Education Program Fund~~ Mississippi Uniform Per  
7824 Student Funding Formula. However, in December those payments  
7825 shall be made on December 15th or the next business day after that  
7826 date. All school districts shall process a single monthly payroll  
7827 for licensed employees and may process a single monthly or a  
7828 semimonthly payroll for nonlicensed employees, in the discretion  
7829 of the local school board, with electronic settlement of payroll  
7830 checks secured through direct deposit of net pay for all school



7831 district employees. In addition, the State Department of  
7832 Education may pay school districts and charter schools \* \* \*~~from~~  
7833 ~~the common school fund and under~~ the \* \* \*~~Adequate Education~~  
7834 ~~Program Fund~~ Mississippi Uniform Per Student Funding Formula on a  
7835 date earlier than provided for by this section if it is determined  
7836 that it is in the best interest of school districts and charter  
7837 schools to do so.

7838 \* \* \*~~Provided, However, \* \* \*that~~ if the cash balance in the  
7839 State General Fund is not adequate on the due date to pay the  
7840 amounts due to all school districts and charter schools in the  
7841 state as determined by the State Superintendent of Public  
7842 Education, the State Fiscal Officer shall not transfer said funds  
7843 payable to any school district or districts or charter schools  
7844 until money is available to pay the amount due to all districts  
7845 and charter schools.

7846 \* \* \*~~(2) Notwithstanding any provision of this chapter or any~~  
7847 ~~other law requiring the number of children in average daily~~  
7848 ~~attendance or the average daily attendance of transported children~~  
7849 ~~to be determined on the basis of the preceding year, the State~~  
7850 ~~Board of Education is hereby authorized and empowered to make~~  
7851 ~~proper adjustments in allotments in cases where major changes in~~  
7852 ~~the number of children in average daily attendance or the average~~  
7853 ~~daily attendance of transported children occurs from one year to~~  
7854 ~~another as a result of changes or alterations in the boundaries of~~  
7855 ~~school districts, the sending of children from one county or~~



7856 ~~district to another upon a contract basis, the termination or~~  
7857 ~~discontinuance of a contract for the sending of children from one~~  
7858 ~~county or district to another, a change in or relocation of~~  
7859 ~~attendance centers, or for any other reason which would result in~~  
7860 ~~a major decrease or increase in the number of children in average~~  
7861 ~~daily attendance or the average daily attendance of transported~~  
7862 ~~children during the current school year as compared with the~~  
7863 ~~preceding year.~~

7864       ( \* \* \*32) In the event of an inordinately large number of  
7865 absentees in any school district or charter school as a result of  
7866 epidemic, natural disaster, or any concerted activity discouraging  
7867 school attendance, then in such event school attendance for the  
7868 purposes of determining average daily \* \* \*~~attendance under~~  
7869 membership for the \* \* \*adequate education program uniform per  
7870 student funding formula shall be based upon the average  
7871 daily \* \* \*~~attendance~~ membership for the preceding school year for  
7872 such school district or charter school.

7873       **SECTION 117.** Section 37-151-105, Mississippi Code of 1972,  
7874 is amended as follows:

7875       37-151-105. The State Board of Education shall have the  
7876 authority to make such regulations not inconsistent with law which  
7877 it deems necessary for the administration of this chapter. The  
7878 State Board of Education, if it deems such practice necessary, may  
7879 use reports of the first six (6) months of school for the purpose



7880 of determining average daily \* \* \*~~attendance and the number of~~  
7881 ~~pupils transported for that year~~ membership.

7882           **SECTION 118.** Section 37-151-107, Mississippi Code of 1972,  
7883 is amended as follows:

7884           37-151-107. Any superintendent of education, member of the  
7885 local school board of any school district, superintendent,  
7886 principal, teacher, carrier, bus driver or member or employee of  
7887 the State Department of Education or State Board of Education, or  
7888 any other person, who shall willfully violate any of the  
7889 provisions of this chapter, or who shall willfully make any false  
7890 report, list or record, or who shall willfully make use of any  
7891 false report, list or record, concerning the number of school  
7892 children in average daily \* \* \*~~attendance or the number of~~  
7893 ~~children being transported or entitled to be transported in any~~  
7894 ~~county or school district,~~ membership shall be guilty of a  
7895 misdemeanor and upon conviction shall be punished by imprisonment  
7896 in the county jail for a period not to exceed sixty (60) days or  
7897 by a fine of not less than One Hundred Dollars (\$100.00), nor more  
7898 than Three Hundred Dollars (\$300.00), or by both such fine and  
7899 imprisonment, in the discretion of the court. In addition, any  
7900 such person shall be civilly liable for all amounts of public  
7901 funds which are illegally, unlawfully or wrongfully expended or  
7902 paid out by virtue of or pursuant to such false report, list or  
7903 record, and upon conviction or adjudication of civil liability  
7904 hereunder, such person shall forfeit his license to teach for a



7905 period of three (3) years, if such person is the holder of such a  
7906 license. Any suit to recover such funds illegally, unlawfully or  
7907 wrongfully expended or paid out may be brought in the name of the  
7908 State of Mississippi by the Attorney General or the proper  
7909 district attorney or county attorney, and, in the event such suit  
7910 be brought against a person who is under bond, the sureties upon  
7911 such bond shall likewise be liable for such amount illegally,  
7912 unlawfully or wrongfully expended or paid out.

7913 **SECTION 119.** Section 37-173-9, Mississippi Code of 1972, is  
7914 amended as follows:

7915 37-173-9. (1) (a) The parent or legal guardian is not  
7916 required to accept the offer of enrolling in another public school  
7917 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship  
7918 to a nonpublic school. However, if the parent or legal guardian  
7919 chooses the public school option, the student may continue  
7920 attending a public school chosen by the parent or legal guardian  
7921 until the student completes Grade 12.

7922 (b) If the parent or legal guardian chooses a public  
7923 school within the district, the school district shall provide  
7924 transportation to the public school selected by the parent or  
7925 legal guardian. However, if the parent or legal guardian chooses  
7926 a public school in another district, the parent or legal guardian  
7927 is responsible to provide transportation to the school of choice.

7928 (2) Each local school district shall make an initial  
7929 determination of whether a student diagnosed with dyslexia



7930 qualifies under the Individuals with Disabilities Education Act  
7931 (IDEA) to receive services and funding under the provisions of the  
7932 IDEA before proceeding to the development of a 504 Plan for each  
7933 dyslexic student eligible for educational services or equipment,  
7934 or both, under Sections 37-23-1 through 37-23-157. If a student's  
7935 diagnosis of dyslexia results in a determination that the  
7936 disability is not a disability which would qualify the student as  
7937 eligible under the IDEA, then in developing the written 504 Plan  
7938 for each dyslexia student, there shall be a presumption that  
7939 proficiency in spelling, reading and writing are essential for the  
7940 student to achieve appropriate educational progress. Each local  
7941 school district shall develop interventions and strategies to  
7942 address the needs of those students diagnosed with dyslexia which  
7943 provide the necessary accommodations to enable the student to  
7944 achieve appropriate educational progress. The interventions and  
7945 strategies developed shall include, but not be limited to, the use  
7946 of the 3-Tier Instructional Model and the utilization of  
7947 provisions of the IDEA and Section 504 to address those needs.

7948 Furthermore, these provisions do not prohibit a parent or  
7949 legal guardian of a student diagnosed with dyslexia, at any time,  
7950 from choosing the option of a Mississippi Dyslexia Therapy  
7951 Scholarship which would allow the student to attend another public  
7952 school or nonpublic special purpose school.

7953 (3) If the parent or legal guardian chooses the nonpublic  
7954 school option and the student is accepted by the nonpublic school



7955 pending the availability of a space for the student, the parent or  
7956 legal guardian of the student must notify the department thirty  
7957 (30) days before the first scholarship payment and before entering  
7958 the nonpublic school in order to be eligible for the scholarship  
7959 when a space becomes available for the student in the nonpublic  
7960 school.

7961 (4) The parent or legal guardian of a student may choose, as  
7962 an alternative, to enroll the student in and transport the student  
7963 to a public school in an adjacent school district which has  
7964 available space and has a program with dyslexia services that  
7965 provide daily dyslexia therapy sessions delivered by a department  
7966 licensed dyslexia therapist, and that school district shall accept  
7967 the student and report the student for purposes of the district's  
7968 funding under the Mississippi \* \* \*~~Adequate Education Program~~  
7969 Uniform Per Student Funding Formula.

7970 **SECTION 120.** Section 37-173-13, Mississippi Code of 1972, is  
7971 amended as follows:

7972 37-173-13. (1) The maximum scholarship granted per eligible  
7973 student with dyslexia shall be an amount equivalent to  
7974 the \* \* \*~~Mississippi Adequate Education Program base student cost~~  
7975 student base amount under the Mississippi Uniform Per Student  
7976 Funding Formula.

7977 (2) (a) The nonpublic school under this program shall  
7978 report to the Mississippi Department of Education the number of  
7979 students with dyslexia who are enrolled in nonpublic schools on





7980 the Mississippi Dyslexia Therapy Scholarships as of September 30  
7981 of each year in order to determine funding for the subsequent  
7982 year. Funds may not be transferred from any funding provided to  
7983 the Mississippi School for the Deaf and the Blind for program  
7984 participants who are eligible under Section 37-173-5.

7985 (b) The Mississippi Department of Education will  
7986 disburse payments to nonpublic schools under this program in  
7987 twelve (12) substantially equal installments. The initial payment  
7988 shall be made after department verification of admission  
7989 acceptance, and subsequent payments shall be made upon  
7990 verification of continued enrollment and attendance at the  
7991 nonpublic school.

7992 **SECTION 121.** Section 37-175-13, Mississippi Code of 1972, is  
7993 amended as follows:

7994 37-175-13. (1) The maximum scholarship granted per eligible  
7995 student with speech-language impairment shall be an amount  
7996 equivalent to the \* \* \*~~Mississippi Adequate Education Program base~~  
7997 ~~student cost~~ student base amount under the Mississippi Uniform Per  
7998 Student Funding Formula.

7999 (2) (a) Any nonpublic school under this program shall  
8000 report to the State Department of Education the number of students  
8001 with speech-language impairment who are enrolled in nonpublic  
8002 schools on the Mississippi Speech-Language Therapy Scholarships as  
8003 of September 30 of each year in order to determine funding for the  
8004 subsequent year. Funds may not be transferred from any funding



8005 provided to the Mississippi School for the Deaf and the Blind for  
8006 program participants who are eligible under Section 37-175-5.

8007 (b) The State Department of Education shall make  
8008 payments to nonpublic schools for each student at the nonpublic  
8009 school equal to the state share of the \* \* \*~~adequate education~~  
8010 ~~program~~ uniform per student funding formula payments for each  
8011 student in average daily \* \* \*~~attendance~~ membership at the school  
8012 district from which the student transferred. In calculating the  
8013 local contribution for purposes of determining the state share of  
8014 the \* \* \*~~adequate education program~~ uniform per student funding  
8015 formula payments, the department shall deduct the pro rata local  
8016 contribution of the school district in which the student resides,  
8017 to be determined as provided in Section \* \* \*~~37-151-7(2) (a)~~  
8018 37-151-227(1).

8019 (c) Payments made pursuant to this subsection by the  
8020 State Department of Education must be made at the same time and in  
8021 the same manner as \* \* \*~~adequate education program~~ uniform per  
8022 student funding formula payments are made to school districts  
8023 under Sections 37-151-101 and 37-151-103. Amounts payable to a  
8024 nonpublic school must be determined by the State Department of  
8025 Education.

8026 (3) If the parent opts to remove a child from a public  
8027 school to a nonpublic special purpose school and to receive a  
8028 scholarship under this chapter, then transportation shall be  
8029 provided at the parent's or guardian's expense.



8030           **SECTION 122.** Section 37-179-3, Mississippi Code of 1972, is  
8031 amended as follows:

8032           37-179-3. (1) A district which is an applicant to be  
8033 designated as a district of innovation under Section 37-179-1  
8034 shall:

8035                   (a) Establish goals and performance targets for the  
8036 district of innovation proposal, which may include:

8037                           (i) Reducing achievement gaps among groups of  
8038 public school students by expanding learning experiences for  
8039 students who are identified as academically low-achieving;

8040                           (ii) Increasing pupil learning through the  
8041 implementation of high, rigorous standards for pupil performance;

8042                           (iii) Increasing the participation of students in  
8043 various curriculum components and instructional components within  
8044 selected schools to enhance at each grade level;

8045                           (iv) Increasing the number of students who are  
8046 college and career-ready;

8047                           (v) Motivating students at different grade levels  
8048 by offering more curriculum choices and student learning  
8049 opportunities to parents and students within the district;

8050                   (b) Identify changes needed in the district and schools  
8051 to lead to better prepared students for success in life and work;

8052                   (c) Have a district wide plan of innovation that  
8053 describes and justifies which schools and innovative practices  
8054 will be incorporated;



8055 (d) Provide documentation of community, educator,  
8056 parental, and the local board's support of the proposed  
8057 innovations;

8058 (e) Provide detailed information regarding the  
8059 rationale of requests for waivers from Title 37, Mississippi Code  
8060 of 1972, which relate to the elementary and secondary education of  
8061 public school students, and administrative regulations, and  
8062 exemptions for selected schools regarding waivers of local school  
8063 board policies;

8064 (f) Document the fiscal and human resources the board  
8065 will provide throughout the term of the implementation of the  
8066 innovations within its plan; and

8067 (g) Provide other materials as required by the  
8068 department in compliance with the board's administrative  
8069 regulations and application procedures.

8070 (2) The district and all schools participating in a  
8071 district's innovation plan shall:

8072 (a) Ensure the same health, safety, civil rights, and  
8073 disability rights requirements as are applied to all public  
8074 schools;

8075 (b) Ensure students meet compulsory attendance  
8076 requirements under Sections 37-13-91 and 37-13-92;

8077 (c) Ensure that high school course offerings meet or  
8078 exceed the minimum required under Sections 37-16-7 and 37-3-49,



8079 for high school graduation or meet early graduation requirements  
8080 that may be enacted by the Mississippi Legislature;

8081 (d) Ensure the student performance standards meet or  
8082 exceed those adopted by the State Board of Education as required  
8083 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance  
8084 with the statewide assessment system specified in Chapter 16,  
8085 Title 37, Mississippi Code of 1972;

8086 (e) Adhere to the same financial audits, audit  
8087 procedures, and audit requirements as are applied under Section  
8088 7-7-211(e);

8089 (f) Require state and criminal background checks for  
8090 staff and volunteers as required of all public school employees  
8091 and volunteers within the public schools and specified in Section  
8092 37-9-17;

8093 (g) Comply with open records and open meeting  
8094 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

8095 (h) Comply with purchasing requirements and limitations  
8096 under Chapter 39, Title 37, Mississippi Code of 1972;

8097 (i) Provide overall instructional time that is  
8098 equivalent to or greater than that required under Sections 37-1-11  
8099 and 37-13-67, but which may include on-site instruction, distance  
8100 learning, online courses, and work-based learning on  
8101 nontraditional school days or hours; and

8102 (j) Provide data to the department as deemed necessary  
8103 to generate school and district reports.



8104           (3) (a) Only schools that choose to be designated as  
8105 schools of innovation shall be included in a district's  
8106 application;

8107                   (b) As used in this paragraph, "eligible employees"  
8108 means employees that are regularly employed at the school and  
8109 those employees whose primary job duties will be affected by the  
8110 plan; and

8111                   (c) Notwithstanding the provisions of paragraph (a) of  
8112 this subsection, a local school board may require a school that  
8113 has been identified as a persistently low-achieving school under  
8114 provisions of Section 37-17-6 to participate in the district's  
8115 plan of innovation.

8116           (4) Notwithstanding any statutes to the contrary, the board  
8117 may approve the requests of districts of innovation to:

8118                   (a) Use capital outlay funds for operational costs;

8119                   (b) Hire persons for classified positions in  
8120 nontraditional school and district assignments who have bachelors  
8121 and advanced degrees from postsecondary education institutions  
8122 accredited by a regional accrediting association (Southern  
8123 Association of Colleges and Schools) or by an organization  
8124 affiliated with the National Commission on Accrediting;

8125                   (c) Employ teachers on extended employment contracts or  
8126 extra duty contracts and compensate them on a salary schedule  
8127 other than the single salary schedule;



8128 (d) Extend the school days as is appropriate within the  
8129 district with compensation for the employees as determined  
8130 locally;

8131 (e) Establish alternative education programs and  
8132 services that are delivered in nontraditional hours and which may  
8133 be jointly provided in cooperation with another school district or  
8134 consortia of districts;

8135 (f) Establish online classes within the district for  
8136 delivering alternative classes in a blended environment to meet  
8137 high school graduation requirements;

8138 (g) Use a flexible school calendar;

8139 (h) Convert existing schools into schools of  
8140 innovation; and

8141 (i) Modify the formula under \* \* \*~~Section 37-151-7~~  
8142 Chapter 151, Title 37, Mississippi Code of 1972, for  
8143 distributing \* \* \*~~support education~~ uniform per student funding  
8144 formula funds for students in average daily \* \* \*~~attendance~~  
8145 membership in nontraditional programming time, including  
8146 alternative programs and virtual programs. Funds granted to a  
8147 district shall not exceed those that would have otherwise been  
8148 distributed based on average daily \* \* \*~~attendance~~ membership  
8149 during regular instructional days.

8150 **SECTION 123.** Section 37-181-7, Mississippi Code of 1972, is  
8151 amended as follows:



8152           37-181-7. (1) The ESA program created in this chapter shall  
8153 be limited to five hundred (500) students in the school year  
8154 2015-2016, with new enrollment limited to five hundred (500)  
8155 additional students each year thereafter. Subject to  
8156 appropriation from the General Fund, each student's ESA shall be  
8157 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school  
8158 year 2015-2016. For each subsequent year, this amount shall  
8159 increase or decrease by the same proportion as the \* \* \*~~base~~  
8160 ~~student cost~~ student base amount under Section \* \* \*~~37-151-7(1)(b)~~  
8161 37-151-207 is increased or decreased.

8162           (2) Subject to appropriation, eligible students shall be  
8163 approved for participation in the program as follows:

8164           (a) Until participation in the program reaches fifty  
8165 percent (50%) of the annual enrollment limits in subsection (1) of  
8166 this section, students shall be approved on a first-come,  
8167 first-served basis, with applications being reviewed on a rolling  
8168 basis;

8169           (b) After participation reaches fifty percent (50%) of  
8170 the annual enrollment limits in subsection (1) of this section,  
8171 the department shall set annual application deadlines for the  
8172 remaining number of available ESAs and begin to maintain a waiting  
8173 list of eligible students. If the number of eligible students who  
8174 apply for the program exceeds the remaining number of ESAs  
8175 available, the department shall fill the available spaces using a





8176 random selection process that gives preference to students with an  
8177 active Individualized Education Program (IEP); and

8178 (c) Participating students who remain eligible for the  
8179 program are automatically approved for participation for the  
8180 following year and are not subject to the random selection  
8181 process.

8182 (3) No funds for an ESA may be expended from  
8183 the \* \* \*~~Mississippi Adequate Education Program~~ Mississippi  
8184 Uniform Per Student Funding Formula, nor shall any school district  
8185 be required to provide funding for an ESA.

8186 **SECTION 124.** Section 41-79-5, Mississippi Code of 1972, is  
8187 amended as follows:

8188 41-79-5. (1) There is hereby established within the State  
8189 Department of Health a school nurse intervention program,  
8190 available to all public school districts in the state.

8191 (2) By the school year 1998-1999, each public school  
8192 district shall have employed a school nurse, to be known as a  
8193 Health Service Coordinator, pursuant to the school nurse  
8194 intervention program prescribed under this section. The school  
8195 nurse intervention program shall offer any of the following  
8196 specific preventive services, and other additional services  
8197 appropriate to each grade level and the age and maturity of the  
8198 pupils:



8199           (a) Reproductive health education and referral to  
8200 prevent teen pregnancy and sexually transmitted diseases, which  
8201 education shall include abstinence;

8202           (b) Child abuse and neglect identification;

8203           (c) Hearing and vision screening to detect problems  
8204 which can lead to serious sensory losses and behavioral and  
8205 academic problems;

8206           (d) Alcohol, tobacco and drug abuse education to reduce  
8207 abuse of these substances;

8208           (e) Scoliosis screening to detect this condition so  
8209 that costly and painful surgery and lifelong disability can be  
8210 prevented;

8211           (f) Coordination of services for handicapped children  
8212 to ensure that these children receive appropriate medical  
8213 assistance and are able to remain in public school;

8214           (g) Nutrition education and counseling to prevent  
8215 obesity and/or other eating disorders which may lead to  
8216 life-threatening conditions, for example, hypertension;

8217           (h) Early detection and treatment of head lice to  
8218 prevent the spread of the parasite and to reduce absenteeism;

8219           (i) Emergency treatment of injury and illness to  
8220 include controlling bleeding, managing fractures, bruises or  
8221 contusions and cardiopulmonary resuscitation (CPR);

8222           (j) Applying appropriate theory as the basis for  
8223 decision making in nursing practice;



8224 (k) Establishing and maintaining a comprehensive school  
8225 health program;

8226 (l) Developing individualized health plans;

8227 (m) Assessing, planning, implementing and evaluating  
8228 programs and other school health activities, in collaboration with  
8229 other professionals;

8230 (n) Providing health education to assist students,  
8231 families and groups to achieve optimal levels of wellness;

8232 (o) Participating in peer review and other means of  
8233 evaluation to assure quality of nursing care provided for students  
8234 and assuming responsibility for continuing education and  
8235 professional development for self while contributing to the  
8236 professional growth of others;

8237 (p) Participating with other key members of the  
8238 community responsible for assessing, planning, implementing and  
8239 evaluating school health services and community services that  
8240 include the broad continuum or promotion of primary, secondary and  
8241 tertiary prevention; and

8242 (q) Contributing to nursing and school health through  
8243 innovations in theory and practice and participation in research.

8244 (3) Public school nurses shall be specifically prohibited  
8245 from providing abortion counseling to any student or referring any  
8246 student to abortion counseling or abortion clinics. Any violation  
8247 of this subsection shall disqualify the school district employing



8248 such public school nurse from receiving any state administered  
8249 funds under this section.

8250 (4) Repealed.

8251 (5) Beginning with the 1997-1998 school year, to the extent  
8252 that federal or state funds are available therefor and pursuant to  
8253 appropriation therefor by the Legislature, in addition to the  
8254 school nurse intervention program funds administered under  
8255 subsection (4), the State Department of Health shall establish and  
8256 implement a Prevention of Teen Pregnancy Pilot Program to be  
8257 located in the public school districts with the highest numbers of  
8258 teen pregnancies. The Teen Pregnancy Pilot Program shall provide  
8259 the following education services directly through public school  
8260 nurses in the pilot school districts: health education sessions  
8261 in local schools, where contracted for or invited to provide,  
8262 which target issues including reproductive health, teen pregnancy  
8263 prevention and sexually transmitted diseases, including syphilis,  
8264 HIV and AIDS. When these services are provided by a school nurse,  
8265 training and counseling on abstinence shall be included.

8266 (6) In addition to the school nurse intervention program  
8267 funds administered under subsection (4) and the Teen Pregnancy  
8268 Pilot Program funds administered under subsection (5), to the  
8269 extent that federal or state funds are available therefor and  
8270 pursuant to appropriation therefor by the Legislature, the State  
8271 Department of Health shall establish and implement an Abstinence  
8272 Education Pilot Program to provide abstinence education,



8273 mentoring, counseling and adult supervision to promote abstinence  
8274 from sexual activity, with a focus on those groups which are most  
8275 likely to bear children out of wedlock. Such abstinence education  
8276 services shall be provided by the State Department of Health  
8277 through its clinics, public health nurses, school nurses and  
8278 through contracts with rural and community health centers in order  
8279 to reach a larger number of targeted clients. For purposes of  
8280 this subsection, the term "abstinence education" means an  
8281 educational or motivational program which:

8282           (a) Has as its exclusive purpose, teaching the social,  
8283 psychological and health gains to be realized by abstaining from  
8284 sexual activity;

8285           (b) Teaches abstinence from sexual activity outside  
8286 marriage as the expected standard for all school-age children;

8287           (c) Teaches that abstinence from sexual activity is the  
8288 only certain way to avoid out-of-wedlock pregnancy, sexually  
8289 transmitted diseases and other associated health problems;

8290           (d) Teaches that a mutually faithful monogamous  
8291 relationship in context of marriage is the expected standard of  
8292 human sexual activity;

8293           (e) Teaches that sexual activity outside of the context  
8294 of marriage is likely to have harmful psychological and physical  
8295 effects;



8296 (f) Teaches that bearing children out of wedlock is  
8297 likely to have harmful consequences for the child, the child's  
8298 parents and society;

8299 (g) Teaches young people how to reject sexual advances  
8300 and how alcohol and drug use increase vulnerability to sexual  
8301 advances; and

8302 (h) Teaches the importance of attaining  
8303 self-sufficiency before engaging in sexual activity.

8304 (7) \* \* \*~~Beginning with the 1998-1999 school year and~~  
8305 Pursuant to appropriation therefor by the Legislature, in addition  
8306 to other funds allotted under the \* \* \*~~minimum education program~~  
8307 uniform per student funding formula, each school district shall be  
8308 allotted an additional \* \* \*~~teacher unit per every one hundred~~  
8309 ~~(100) teacher units~~, amount for the purpose of employing qualified  
8310 public school nurses in such school district, which in no event  
8311 shall be less than one (1) \* \* \*~~teacher unit~~ nurse per school  
8312 district, for such purpose. In the event the Legislature provides  
8313 less funds than the total state funds needed for the public school  
8314 nurse allotment, those school districts with fewer \* \* \*~~teacher~~  
8315 ~~units~~ nurses per the number of students in average daily  
8316 membership shall be the first funded for such purpose, to the  
8317 extent of funds available.

8318 (8) Prior to the 1998-1999 school year, nursing staff  
8319 assigned to the program shall be employed through the local county  
8320 health department and shall be subject to the supervision of the



8321 State Department of Health with input from local school officials.  
8322 Local county health departments may contract with any  
8323 comprehensive private primary health care facilities within their  
8324 county to employ and utilize additional nursing staff. Beginning  
8325 with the 1998-1999 school year, nursing staff assigned to the  
8326 program shall be employed by the local school district and shall  
8327 be designated as "health service coordinators," and shall be  
8328 required to possess a bachelor's degree in nursing as a minimum  
8329 qualification.

8330 (9) Upon each student's enrollment, the parent or guardian  
8331 shall be provided with information regarding the scope of the  
8332 school nurse intervention program. The parent or guardian may  
8333 provide the school administration with a written statement  
8334 refusing all or any part of the nursing service. No child shall  
8335 be required to undergo hearing and vision or scoliosis screening  
8336 or any other physical examination or tests whose parent objects  
8337 thereto on the grounds such screening, physical examination or  
8338 tests are contrary to his sincerely held religious beliefs.

8339 (10) A consent form for reproductive health education shall  
8340 be sent to the parent or guardian of each student upon his  
8341 enrollment. If a response from the parent or guardian is not  
8342 received within seven (7) days after the consent form is sent, the  
8343 school shall send a letter to the student's home notifying the  
8344 parent or guardian of the consent form. If the parent or guardian  
8345 fails to respond to the letter within ten (10) days after it is



8346 sent, then the school principal shall be authorized to allow the  
8347 student to receive reproductive health education. Reproductive  
8348 health education shall include the teaching of total abstinence  
8349 from premarital sex and, wherever practicable, reproductive health  
8350 education should be taught in classes divided according to gender.  
8351 All materials used in the reproductive health education program  
8352 shall be placed in a convenient and easily accessible location for  
8353 parental inspection. School nurses shall not dispense birth  
8354 control pills or contraceptive devices in the school. Dispensing  
8355 of such shall be the responsibility of the State Department of  
8356 Health on a referral basis only.

8357 (11) No provision of this section shall be construed as  
8358 prohibiting local school districts from accepting financial  
8359 assistance of any type from the State of Mississippi or any other  
8360 governmental entity, or any contribution, donation, gift, decree  
8361 or bequest from any source which may be utilized for the  
8362 maintenance or implementation of a school nurse intervention  
8363 program in a public school system of this state.

8364 **SECTION 125.** Section 43-17-5, Mississippi Code of 1972, is  
8365 amended as follows:

8366 43-17-5. (1) The amount of Temporary Assistance for Needy  
8367 Families (TANF) benefits which may be granted for any dependent  
8368 child and a needy caretaker relative shall be determined by the  
8369 county department with due regard to the resources and necessary  
8370 expenditures of the family and the conditions existing in each





8371 case, and in accordance with the rules and regulations made by the  
8372 Department of Human Services which shall not be less than the  
8373 Standard of Need in effect for 1988, and shall be sufficient when  
8374 added to all other income (except that any income specified in the  
8375 federal Social Security Act, as amended, may be disregarded) and  
8376 support available to the child to provide such child with a  
8377 reasonable subsistence compatible with decency and health. The  
8378 first family member in the dependent child's budget may receive an  
8379 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;  
8380 the second family member in the dependent child's budget may  
8381 receive an amount not to exceed Thirty-six Dollars (\$36.00) per  
8382 month; and each additional family member in the dependent child's  
8383 budget an amount not to exceed Twenty-four Dollars (\$24.00) per  
8384 month. The maximum for any individual family member in the  
8385 dependent child's budget may be exceeded for foster or medical  
8386 care or in cases of children with an intellectual disability or a  
8387 physical disability. TANF benefits granted shall be specifically  
8388 limited only (a) to children existing or conceived at the time the  
8389 caretaker relative initially applies and qualifies for such  
8390 assistance, unless this limitation is specifically waived by the  
8391 department, or (b) to a child born following a  
8392 twelve-consecutive-month period of discontinued benefits by the  
8393 caretaker relative.

8394 (2) TANF benefits in Mississippi shall be provided to the  
8395 recipient family by an online electronic benefits transfer system.



8396           (3) The Department of Human Services shall deny TANF  
8397 benefits to the following categories of individuals, except for  
8398 individuals and families specifically exempt or excluded for good  
8399 cause as allowed by federal statute or regulation:

8400           (a) Families without a minor child residing with the  
8401 custodial parent or other adult caretaker relative of the child;

8402           (b) Families which include an adult who has received  
8403 TANF assistance for sixty (60) months after the commencement of  
8404 the Mississippi TANF program, whether or not such period of time  
8405 is consecutive;

8406           (c) Families not assigning to the state any rights a  
8407 family member may have, on behalf of the family member or of any  
8408 other person for whom the family member has applied for or is  
8409 receiving such assistance, to support from any other person, as  
8410 required by law;

8411           (d) Families who fail to cooperate in establishing  
8412 paternity or obtaining child support, as required by law;

8413           (e) Any individual who has not attained eighteen (18)  
8414 years of age, is not married to the head of household, has a minor  
8415 child at least twelve (12) weeks of age in his or her care, and  
8416 has not successfully completed a high school education or its  
8417 equivalent, if such individual does not participate in educational  
8418 activities directed toward the attainment of a high school diploma  
8419 or its equivalent, or an alternative educational or training  
8420 program approved by the department;



8421 (f) Any individual who has not attained eighteen (18)  
8422 years of age, is not married, has a minor child in his or her  
8423 care, and does not reside in a place or residence maintained by a  
8424 parent, legal guardian or other adult relative or the individual  
8425 as such parent's, guardian's or adult relative's own home;

8426 (g) Any minor child who has been, or is expected by a  
8427 parent or other caretaker relative of the child to be, absent from  
8428 the home for a period of more than thirty (30) days;

8429 (h) Any individual who is a parent or other caretaker  
8430 relative of a minor child who fails to notify the department of  
8431 the absence of the minor child from the home for the thirty-day  
8432 period specified in paragraph (g), by the end of the five-day  
8433 period that begins with the date that it becomes clear to the  
8434 individual that the minor child will be absent for the thirty-day  
8435 period;

8436 (i) Any individual who fails to comply with the  
8437 provisions of the Employability Development Plan signed by the  
8438 individual which prescribe those activities designed to help the  
8439 individual become and remain employed, or to participate  
8440 satisfactorily in the assigned work activity, as authorized under  
8441 subsection (6) (c) and (d), or who does not engage in applicant job  
8442 search activities within the thirty-day period for TANF  
8443 application approval after receiving the advice and consultation  
8444 of eligibility workers and/or caseworkers of the department



8445 providing a detailed description of available job search venues in  
8446 the individual's county of residence or the surrounding counties;

8447 (j) A parent or caretaker relative who has not engaged  
8448 in an allowable work activity once the department determines the  
8449 parent or caretaker relative is ready to engage in work, or once  
8450 the parent or caretaker relative has received TANF assistance  
8451 under the program for twenty-four (24) months, whether or not  
8452 consecutive, whichever is earlier;

8453 (k) Any individual who is fleeing to avoid prosecution,  
8454 or custody or confinement after conviction, under the laws of the  
8455 jurisdiction from which the individual flees, for a crime, or an  
8456 attempt to commit a crime, which is a felony under the laws of the  
8457 place from which the individual flees, or who is violating a  
8458 condition of probation or parole imposed under federal or state  
8459 law;

8460 (l) Aliens who are not qualified under federal law;

8461 (m) For a period of ten (10) years following  
8462 conviction, individuals convicted in federal or state court of  
8463 having made a fraudulent statement or representation with respect  
8464 to the individual's place of residence in order to receive TANF,  
8465 food stamps or Supplemental Security Income (SSI) assistance under  
8466 Title XVI or Title XIX simultaneously from two (2) or more states;

8467 (n) Individuals who are recipients of federal  
8468 Supplemental Security Income (SSI) assistance; and



8469 (o) Individuals who are eighteen (18) years of age or  
8470 older who are not in compliance with the drug testing and  
8471 substance use disorder treatment requirements of Section 43-17-6.

8472 (4) (a) Any person who is otherwise eligible for TANF  
8473 benefits, including custodial and noncustodial parents, shall be  
8474 required to attend school and meet the monthly attendance  
8475 requirement as provided in this subsection if all of the following  
8476 apply:

8477 (i) The person is under age twenty (20);

8478 (ii) The person has not graduated from a public or  
8479 private high school or obtained a High School Equivalency Diploma  
8480 equivalent;

8481 (iii) The person is physically able to attend  
8482 school and is not excused from attending school; and

8483 (iv) If the person is a parent or caretaker  
8484 relative with whom a dependent child is living, child care is  
8485 available for the child.

8486 The monthly attendance requirement under this subsection  
8487 shall be attendance at the school in which the person is enrolled  
8488 for each day during a month that the school conducts classes in  
8489 which the person is enrolled, with not more than two (2) absences  
8490 during the month for reasons other than the reasons listed in  
8491 paragraph (e)(iv) of this subsection. Persons who fail to meet  
8492 participation requirements in this subsection shall be subject to  
8493 sanctions as provided in paragraph (f) of this subsection.



8494 (b) As used in this subsection, "school" means any one  
8495 (1) of the following:

8496 (i) A school as defined in Section 37-13-91(2);

8497 (ii) A vocational, technical and adult education  
8498 program; or

8499 (iii) A course of study meeting the standards  
8500 established by the State Department of Education for the granting  
8501 of a declaration of equivalency of high school graduation.

8502 (c) If any compulsory-school-age child, as defined in  
8503 Section 37-13-91(2), to which TANF eligibility requirements apply  
8504 is not in compliance with the compulsory school attendance  
8505 requirements of Section 37-13-91(6), the superintendent of schools  
8506 of the school district in which the child is enrolled or eligible  
8507 to attend shall notify the county department of human services of  
8508 the child's noncompliance. The Department of Human Services shall  
8509 review school attendance information as provided under this  
8510 paragraph at all initial eligibility determinations and upon  
8511 subsequent report of unsatisfactory attendance.

8512 (d) The signature of a person on an application for  
8513 TANF benefits constitutes permission for the release of school  
8514 attendance records for that person or for any child residing with  
8515 that person. The department shall request information from the  
8516 child's school district about the child's attendance in the school  
8517 district's most recently completed semester of attendance. If  
8518 information about the child's previous school attendance is not



8519 available or cannot be verified, the department shall require the  
8520 child to meet the monthly attendance requirement for one (1)  
8521 semester or until the information is obtained. The department  
8522 shall use the attendance information provided by a school district  
8523 to verify attendance for a child. The department shall review  
8524 with the parent or caretaker relative a child's claim that he or  
8525 she has a good cause for not attending school.

8526 A school district shall provide information to the department  
8527 about the attendance of a child who is enrolled in a public school  
8528 in the district within five (5) working days of the receipt of a  
8529 written request for that information from the department. The  
8530 school district shall define how many hours of attendance count as  
8531 a full day and shall provide that information, upon request, to  
8532 the department. In reporting attendance, the school district may  
8533 add partial days' absence together to constitute a full day's  
8534 absence.

8535 If a school district fails to provide to the department the  
8536 information about the school attendance of any child within  
8537 fifteen (15) working days after a written request, the department  
8538 shall notify the Department of Audit within three (3) working days  
8539 of the school district's failure to comply with that requirement.  
8540 The Department of Audit shall begin audit proceedings within five  
8541 (5) working days of notification by the Department of Human  
8542 Services to determine the school district's compliance with the  
8543 requirements of this subsection (4). If the Department of Audit



8544 finds that the school district is not in compliance with the  
8545 requirements of this subsection, the school district shall be  
8546 penalized as follows: The Department of Audit shall notify the  
8547 State Department of Education of the school district's  
8548 noncompliance, and the Department of Education shall reduce the  
8549 calculation of the school district's average daily \* \* \*~~attendance~~  
8550 ~~(ADA)~~ membership that is used to determine the allocation  
8551 of \* \* \*~~Mississippi Adequate Education Program~~ Mississippi Uniform  
8552 Per Student Funding Formula funds by the number of children for  
8553 which the district has failed to provide to the Department of  
8554 Human Services the required information about the school  
8555 attendance of those children. The reduction in the calculation of  
8556 the school district's \* \* \*~~ADA~~ average daily membership under this  
8557 paragraph shall be effective for a period of one (1) year.

8558 (e) A child who is required to attend school to meet  
8559 the requirements under this subsection shall comply except when  
8560 there is good cause, which shall be demonstrated by any of the  
8561 following circumstances:

8562 (i) The minor parent is the caretaker of a child  
8563 less than twelve (12) weeks old; or

8564 (ii) The department determines that child care  
8565 services are necessary for the minor parent to attend school and  
8566 there is no child care available; or

8567 (iii) The child is prohibited by the school  
8568 district from attending school and an expulsion is pending. This





8569 exemption no longer applies once the teenager has been expelled;  
8570 however, a teenager who has been expelled and is making  
8571 satisfactory progress towards obtaining a High School Equivalency  
8572 Diploma equivalent shall be eligible for TANF benefits; or

8573 (iv) The child failed to attend school for one or  
8574 more of the following reasons:

8575 1. Illness, injury or incapacity of the child  
8576 or the minor parent's child;

8577 2. Court-required appearances or temporary  
8578 incarceration;

8579 3. Medical or dental appointments for the  
8580 child or minor parent's child;

8581 4. Death of a close relative;

8582 5. Observance of a religious holiday;

8583 6. Family emergency;

8584 7. Breakdown in transportation;

8585 8. Suspension; or

8586 9. Any other circumstance beyond the control  
8587 of the child, as defined in regulations of the department.

8588 (f) Upon determination that a child has failed without  
8589 good cause to attend school as required, the department shall  
8590 provide written notice to the parent or caretaker relative  
8591 (whoever is the primary recipient of the TANF benefits) that  
8592 specifies:



8593 (i) That the family will be sanctioned in the next  
8594 possible payment month because the child who is required to attend  
8595 school has failed to meet the attendance requirement of this  
8596 subsection;

8597 (ii) The beginning date of the sanction, and the  
8598 child to whom the sanction applies;

8599 (iii) The right of the child's parents or  
8600 caretaker relative (whoever is the primary recipient of the TANF  
8601 benefits) to request a fair hearing under this subsection.

8602 The child's parent or caretaker relative (whoever is the  
8603 primary recipient of the TANF benefits) may request a fair hearing  
8604 on the department's determination that the child has not been  
8605 attending school. If the child's parents or caretaker relative  
8606 does not request a fair hearing under this subsection, or if,  
8607 after a fair hearing has been held, the hearing officer finds that  
8608 the child without good cause has failed to meet the monthly  
8609 attendance requirement, the department shall discontinue or deny  
8610 TANF benefits to the child thirteen (13) years old, or older, in  
8611 the next possible payment month. The department shall discontinue  
8612 or deny twenty-five percent (25%) of the family grant when a child  
8613 six (6) through twelve (12) years of age without good cause has  
8614 failed to meet the monthly attendance requirement. Both the child  
8615 and family sanction may apply when children in both age groups  
8616 fail to meet the attendance requirement without good cause. A  
8617 sanction applied under this subsection shall be effective for one



8618 (1) month for each month that the child failed to meet the monthly  
8619 attendance requirement. In the case of a dropout, the sanction  
8620 shall remain in force until the parent or caretaker relative  
8621 provides written proof from the school district that the child has  
8622 reenrolled and met the monthly attendance requirement for one (1)  
8623 calendar month. Any month in which school is in session for at  
8624 least ten (10) days during the month may be used to meet the  
8625 attendance requirement under this subsection. This includes  
8626 attendance at summer school. The sanction shall be removed the  
8627 next possible payment month.

8628 (5) All parents or caretaker relatives shall have their  
8629 dependent children receive vaccinations and booster vaccinations  
8630 against those diseases specified by the State Health Officer under  
8631 Section 41-23-37 in accordance with the vaccination and booster  
8632 vaccination schedule prescribed by the State Health Officer for  
8633 children of that age, in order for the parents or caretaker  
8634 relatives to be eligible or remain eligible to receive TANF  
8635 benefits. Proof of having received such vaccinations and booster  
8636 vaccinations shall be given by presenting the certificates of  
8637 vaccination issued by any health care provider licensed to  
8638 administer vaccinations, and submitted on forms specified by the  
8639 State Board of Health. If the parents without good cause do not  
8640 have their dependent children receive the vaccinations and booster  
8641 vaccinations as required by this subsection and they fail to  
8642 comply after thirty (30) days' notice, the department shall



8643 sanction the family's TANF benefits by twenty-five percent (25%)  
8644 for the next payment month and each subsequent payment month until  
8645 the requirements of this subsection are met.

8646 (6) (a) If the parent or caretaker relative applying for  
8647 TANF assistance is work eligible, as determined by the Department  
8648 of Human Services, the person shall be required to engage in an  
8649 allowable work activity once the department determines the parent  
8650 or caretaker relative is determined work eligible, or once the  
8651 parent or caretaker relative has received TANF assistance under  
8652 the program for twenty-four (24) months, whether or not  
8653 consecutive, whichever is earlier. No TANF benefits shall be  
8654 given to any person to whom this section applies who fails without  
8655 good cause to comply with the Employability Development Plan  
8656 prepared by the department for the person, or who has refused to  
8657 accept a referral or offer of employment, training or education in  
8658 which he or she is able to engage, subject to the penalties  
8659 prescribed in paragraph (e) of this subsection. A person shall be  
8660 deemed to have refused to accept a referral or offer of  
8661 employment, training or education if he or she:

8662 (i) Willfully fails to report for an interview  
8663 with respect to employment when requested to do so by the  
8664 department; or

8665 (ii) Willfully fails to report to the department  
8666 the result of a referral to employment; or



8667 (iii) Willfully fails to report for allowable work  
8668 activities as prescribed in paragraphs (c) and (d) of this  
8669 subsection.

8670 (b) The Department of Human Services shall operate a  
8671 statewide work program for TANF recipients to provide work  
8672 activities and supportive services to enable families to become  
8673 self-sufficient and improve their competitive position in the  
8674 workforce in accordance with the requirements of the federal  
8675 Personal Responsibility and Work Opportunity Reconciliation Act of  
8676 1996 (Public Law 104-193), as amended, and the regulations  
8677 promulgated thereunder, and the Deficit Reduction Act of 2005  
8678 (Public Law 109-171), as amended. Within sixty (60) days after  
8679 the initial application for TANF benefits, the TANF recipient must  
8680 participate in a job search skills training workshop or a job  
8681 readiness program, which shall include resume writing, job search  
8682 skills, employability skills and, if available at no charge, the  
8683 General Aptitude Test Battery or its equivalent. All adults who  
8684 are not specifically exempt shall be referred by the department  
8685 for allowable work activities. An adult may be exempt from the  
8686 mandatory work activity requirement for the following reasons:

8687 (i) Incapacity;

8688 (ii) Temporary illness or injury, verified by  
8689 physician's certificate;

8690 (iii) Is in the third trimester of pregnancy, and  
8691 there are complications verified by the certificate of a



8692 physician, nurse practitioner, physician assistant, or any other  
8693 licensed health care professional practicing under a protocol with  
8694 a licensed physician;

8695 (iv) Caretaker of a child under twelve (12)  
8696 months, for not more than twelve (12) months of the sixty-month  
8697 maximum benefit period;

8698 (v) Caretaker of an ill or incapacitated person,  
8699 as verified by physician's certificate;

8700 (vi) Age, if over sixty (60) or under eighteen  
8701 (18) years of age;

8702 (vii) Receiving treatment for substance abuse, if  
8703 the person is in compliance with the substance abuse treatment  
8704 plan;

8705 (viii) In a two-parent family, the caretaker of a  
8706 severely disabled child, as verified by a physician's certificate;  
8707 or

8708 (ix) History of having been a victim of domestic  
8709 violence, which has been reported as required by state law and is  
8710 substantiated by police reports or court records, and being at  
8711 risk of further domestic violence, shall be exempt for a period as  
8712 deemed necessary by the department but not to exceed a total of  
8713 twelve (12) months, which need not be consecutive, in the  
8714 sixty-month maximum benefit period. For the purposes of this  
8715 subparagraph (ix), "domestic violence" means that an individual  
8716 has been subjected to:



- 8717 1. Physical acts that resulted in, or  
8718 threatened to result in, physical injury to the individual;  
8719 2. Sexual abuse;  
8720 3. Sexual activity involving a dependent  
8721 child;  
8722 4. Being forced as the caretaker relative of  
8723 a dependent child to engage in nonconsensual sexual acts or  
8724 activities;  
8725 5. Threats of, or attempts at, physical or  
8726 sexual abuse;  
8727 6. Mental abuse; or  
8728 7. Neglect or deprivation of medical care.

8729 (c) For all families, all adults who are not  
8730 specifically exempt shall be required to participate in work  
8731 activities for at least the minimum average number of hours per  
8732 week specified by federal law or regulation, not fewer than twenty  
8733 (20) hours per week (thirty-five (35) hours per week for  
8734 two-parent families) of which are attributable to the following  
8735 allowable work activities:

- 8736 (i) Unsubsidized employment;  
8737 (ii) Subsidized private employment;  
8738 (iii) Subsidized public employment;  
8739 (iv) Work experience (including work associated  
8740 with the refurbishing of publicly assisted housing), if sufficient  
8741 private employment is not available;



8742 (v) On-the-job training;

8743 (vi) Job search and job readiness assistance  
8744 consistent with federal TANF regulations;

8745 (vii) Community service programs;

8746 (viii) Vocational educational training (not to  
8747 exceed twelve (12) months with respect to any individual);

8748 (ix) The provision of child care services to an  
8749 individual who is participating in a community service program;

8750 (x) Satisfactory attendance at high school or in a  
8751 course of study leading to a high school equivalency certificate,  
8752 for heads of household under age twenty (20) who have not  
8753 completed high school or received such certificate;

8754 (xi) Education directly related to employment, for  
8755 heads of household under age twenty (20) who have not completed  
8756 high school or received such equivalency certificate.

8757 (d) The following are allowable work activities which  
8758 may be attributable to hours in excess of the minimum specified  
8759 in \* \* \* ~~subsection (6)(e)~~ paragraph (c) of this subsection:

8760 (i) Job skills training directly related to  
8761 employment;

8762 (ii) Education directly related to employment for  
8763 individuals who have not completed high school or received a high  
8764 school equivalency certificate;

8765 (iii) Satisfactory attendance at high school or in  
8766 a course of study leading to a high school equivalency, for





8767 individuals who have not completed high school or received such  
8768 equivalency certificate;

8769 (iv) Job search and job readiness assistance  
8770 consistent with federal TANF regulations.

8771 (e) If any adult or caretaker relative refuses to  
8772 participate in allowable work activity as required under this  
8773 subsection (6), the following full family TANF benefit penalty  
8774 will apply, subject to due process to include notification,  
8775 conciliation and a hearing if requested by the recipient:

8776 (i) For the first violation, the department shall  
8777 terminate the TANF assistance otherwise payable to the family for  
8778 a two-month period or until the person has complied with the  
8779 required work activity, whichever is longer;

8780 (ii) For the second violation, the department  
8781 shall terminate the TANF assistance otherwise payable to the  
8782 family for a six-month period or until the person has complied  
8783 with the required work activity, whichever is longer;

8784 (iii) For the third violation, the department  
8785 shall terminate the TANF assistance otherwise payable to the  
8786 family for a twelve-month period or until the person has complied  
8787 with the required work activity, whichever is longer;

8788 (iv) For the fourth violation, the person shall be  
8789 permanently disqualified.

8790 For a two-parent family, unless prohibited by state or  
8791 federal law, Medicaid assistance shall be terminated only for the



8792 person whose failure to participate in allowable work activity  
8793 caused the family's TANF assistance to be sanctioned under  
8794 this \* \* \*~~subsection (6)~~ paragraph (e), unless an individual is  
8795 pregnant, but shall not be terminated for any other person in the  
8796 family who is meeting that person's applicable work requirement or  
8797 who is not required to work. Minor children shall continue to be  
8798 eligible for Medicaid benefits regardless of the disqualification  
8799 of their parent or caretaker relative for TANF assistance under  
8800 this subsection (6), unless prohibited by state or federal law.

8801 (f) Any person enrolled in a two-year or four-year  
8802 college program who meets the eligibility requirements to receive  
8803 TANF benefits, and who is meeting the applicable work requirements  
8804 and all other applicable requirements of the TANF program, shall  
8805 continue to be eligible for TANF benefits while enrolled in the  
8806 college program for as long as the person meets the requirements  
8807 of the TANF program, unless prohibited by federal law.

8808 (g) No adult in a work activity required under this  
8809 subsection (6) shall be employed or assigned (i) when any other  
8810 individual is on layoff from the same or any substantially  
8811 equivalent job within six (6) months before the date of the TANF  
8812 recipient's employment or assignment; or (ii) if the employer has  
8813 terminated the employment of any regular employee or otherwise  
8814 caused an involuntary reduction of its workforce in order to fill  
8815 the vacancy so created with an adult receiving TANF assistance.  
8816 The Mississippi Department of Employment Security, established



8817 under Section 71-5-101, shall appoint one or more impartial  
8818 hearing officers to hear and decide claims by employees of  
8819 violations of this paragraph (g). The hearing officer shall hear  
8820 all the evidence with respect to any claim made hereunder and such  
8821 additional evidence as he may require and shall make a  
8822 determination and the reason therefor. The claimant shall be  
8823 promptly notified of the decision of the hearing officer and the  
8824 reason therefor. Within ten (10) days after the decision of the  
8825 hearing officer has become final, any party aggrieved thereby may  
8826 secure judicial review thereof by commencing an action, in the  
8827 circuit court of the county in which the claimant resides, against  
8828 the department for the review of such decision, in which action  
8829 any other party to the proceeding before the hearing officer shall  
8830 be made a defendant. Any such appeal shall be on the record which  
8831 shall be certified to the court by the department in the manner  
8832 provided in Section 71-5-531, and the jurisdiction of the court  
8833 shall be confined to questions of law which shall render its  
8834 decision as provided in that section.

8835 (7) The Department of Human Services may provide child care  
8836 for eligible participants who require such care so that they may  
8837 accept employment or remain employed. The department may also  
8838 provide child care for those participating in the TANF program  
8839 when it is determined that they are satisfactorily involved in  
8840 education, training or other allowable work activities. The  
8841 department may contract with Head Start agencies to provide child



8842 care services to TANF recipients. The department may also arrange  
8843 for child care by use of contract or vouchers, provide vouchers in  
8844 advance to a caretaker relative, reimburse a child care provider,  
8845 or use any other arrangement deemed appropriate by the department,  
8846 and may establish different reimbursement rates for child care  
8847 services depending on the category of the facility or home. Any  
8848 center-based or group home child care facility under this  
8849 subsection shall be licensed by the State Department of Health  
8850 pursuant to law. When child care is being provided in the child's  
8851 own home, in the home of a relative of the child, or in any other  
8852 unlicensed setting, the provision of such child care may be  
8853 monitored on a random basis by the Department of Human Services or  
8854 the State Department of Health. Transitional child care  
8855 assistance may be continued if it is necessary for parents to  
8856 maintain employment once support has ended, unless prohibited  
8857 under state or federal law. Transitional child care assistance  
8858 may be provided for up to twenty-four (24) months after the last  
8859 month during which the family was eligible for TANF assistance, if  
8860 federal funds are available for such child care assistance.

8861 (8) The Department of Human Services may provide  
8862 transportation or provide reasonable reimbursement for  
8863 transportation expenses that are necessary for individuals to be  
8864 able to participate in allowable work activity under the TANF  
8865 program.



8866 (9) Medicaid assistance shall be provided to a family of  
8867 TANF program participants for up to twenty-four (24) consecutive  
8868 calendar months following the month in which the participating  
8869 family would be ineligible for TANF benefits because of increased  
8870 income, expiration of earned income disregards, or increased hours  
8871 of employment of the caretaker relative; however, Medicaid  
8872 assistance for more than twelve (12) months may be provided only  
8873 if a federal waiver is obtained to provide such assistance for  
8874 more than twelve (12) months and federal and state funds are  
8875 available to provide such assistance.

8876 (10) The department shall require applicants for and  
8877 recipients of public assistance from the department to sign a  
8878 personal responsibility contract that will require the applicant  
8879 or recipient to acknowledge his or her responsibilities to the  
8880 state.

8881 (11) The department shall enter into an agreement with the  
8882 State Personnel Board and other state agencies that will allow  
8883 those TANF participants who qualify for vacant jobs within state  
8884 agencies to be placed in state jobs. State agencies participating  
8885 in the TANF work program shall receive any and all benefits  
8886 received by employers in the private sector for hiring TANF  
8887 recipients. This subsection (11) shall be effective only if the  
8888 state obtains any necessary federal waiver or approval and if  
8889 federal funds are available therefor.



8890 (12) Any unspent TANF funds remaining from the prior fiscal  
8891 year may be expended for any TANF allowable activities.

8892 (13) The Mississippi Department of Human Services shall  
8893 provide TANF applicants information and referral to programs that  
8894 provide information about birth control, prenatal health care,  
8895 abstinence education, marriage education, family preservation and  
8896 fatherhood.

8897 (14) No new TANF program requirement or restriction  
8898 affecting a person's eligibility for TANF assistance, or allowable  
8899 work activity, which is not mandated by federal law or regulation  
8900 may be implemented by the Department of Human Services after July  
8901 1, 2004, unless such is specifically authorized by an amendment to  
8902 this section by the Legislature.

8903 **SECTION 126.** Section 65-26-9, Mississippi Code of 1972, is  
8904 amended as follows:

8905 65-26-9. (1) There is hereby created in the State Treasury  
8906 a special fund to be known as the Tennessee-Tombigbee Waterway  
8907 Bridge Bond Retirement Fund. All revenues pledged for the payment  
8908 of the principal of and interest on the bonds authorized to be  
8909 issued by this chapter shall be deposited into the bond retirement  
8910 fund. Expenditures from the bond retirement fund shall be made  
8911 only in accordance with this section.

8912 (2) Subject to the provisions of subsection (3) of this  
8913 section, amounts on deposit in the bond retirement fund and not  
8914 immediately required for the making of any payments therefrom



8915 shall be invested in interest-bearing certificates of deposit in  
8916 accordance with the provisions of Section 27-105-33, except  
8917 interest so earned shall be credited to the bond retirement fund.

8918 (3) (a) There is hereby established within the bond  
8919 retirement fund two (2) separate accounts as follows: (i) the  
8920 "Tennessee-Tombigbee General Account"; and (ii) the  
8921 "Tennessee-Tombigbee Principal and Interest Account."

8922 (b) (i) All amounts held in the bond retirement fund  
8923 on April 23, 1986, and all amounts thereafter deposited in the  
8924 bond retirement fund, shall be credited to the Tennessee-Tombigbee  
8925 General Account.

8926 (ii) Until such time as the transfer of funds from  
8927 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee  
8928 Principal and Interest Account occurs as provided in paragraph  
8929 (b)(iii) of this subsection, amounts in the general account shall  
8930 be applied to the following purposes and in the following order of  
8931 priority: first, to the extent required, to the payment, the  
8932 principal of, redemption premium, if any, and interest on general  
8933 obligation bonds; second, to the extent required, to the General  
8934 Fund of the state to reimburse the state for expenditures in  
8935 excess of twenty-five percent (25%) of the total costs of the  
8936 principal and interest on bonds issued under authority of  
8937 subsection (1) of Section 65-26-15 and for all expenditures for  
8938 costs of the principal of and interest on bonds issued under  
8939 authority of subsection (2) of Section 65-26-15; and third, to the



8940 extent required, if any, to the bridge construction fund created  
8941 in Section 65-26-25 to make current payments to meet contractual  
8942 obligations for bridge construction.

8943 (iii) Upon certification of the State Treasurer,  
8944 filed with and approved by the State Bond Commission, that the  
8945 amount on deposit in the Tennessee-Tombigbee General Account,  
8946 together with earnings on investments to accrue to it, is equal to  
8947 or greater than the aggregate of the entire principal, redemption  
8948 premium, if any, and interest due and to become due, until the  
8949 final maturity date or earlier scheduled redemption date thereof,  
8950 on all general obligation bonds outstanding as of the date of such  
8951 certification, then the State Treasurer shall transfer from the  
8952 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee  
8953 Principal and Interest Account an amount equal to the entire  
8954 principal, redemption premium, if any, and interest due and to  
8955 become due, until the final maturity date or scheduled redemption  
8956 date thereof, on all general obligation bonds outstanding as of  
8957 the date of such transfer. The State of Mississippi hereby  
8958 covenants with the holders from time to time of general obligation  
8959 bonds that amounts deposited in the Tennessee-Tombigbee Principal  
8960 and Interest Account will be applied solely to the payment of the  
8961 principal of, redemption premium, if any, and interest on general  
8962 obligation bonds.

8963 (iv) After the date of the transfer from the  
8964 general account to the principal and interest account contemplated





8965 by paragraph (b)(iii) of this subsection, amounts from time to  
8966 time on deposit in the Tennessee-Tombigbee General Account shall  
8967 be applied monthly to the following purposes and in the following  
8968 order of priority: first, to the extent required, to the payment  
8969 of the principal of, redemption premium, if any, and interest on  
8970 general obligation bonds issued under this chapter; second, to the  
8971 extent required, to the General Fund of the state to reimburse the  
8972 state for expenditures in excess of twenty-five percent (25%) of  
8973 the total costs of the principal and interest on bonds issued  
8974 under authority of subsection (1) of Section 65-26-15 and for all  
8975 expenditures for costs of the principal of and interest on bonds  
8976 issued under authority of subsection (2) of Section 65-26-15; and  
8977 third, to the extent required, if any, to the bridge construction  
8978 fund created in Section 65-26-25 to make current payments to meet  
8979 contractual obligations for bridge construction.

8980 (4) It is the intent of the Legislature that all outstanding  
8981 general obligation bonds issued under this chapter shall be  
8982 retired by the State Bond Commission on the earliest scheduled  
8983 redemption date thereof, provided that there are sufficient funds  
8984 in the bond retirement fund together with earnings on investments  
8985 to accrue to it. When the principal of, redemption premium, if  
8986 any, and interest on all such outstanding general obligation bonds  
8987 are paid in full, then any amounts remaining in the bond  
8988 retirement fund, or separate accounts therein, together with



8989 earnings on investments to accrue to it, shall be apportioned and  
8990 paid as follows:

8991 (a) Three Million Five Hundred Thousand Dollars  
8992 (\$3,500,000.00) of such funds shall be paid into the appropriate  
8993 fund for use by the Yellow Creek State Inland Port Authority for  
8994 equipment or facilities necessary to the operation of the port.

8995 (b) Three Million Five Hundred Thousand Dollars  
8996 (\$3,500,000.00) shall be paid into the State General Fund.

8997 (c) Seven Million Five Hundred Thousand Dollars  
8998 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven  
8999 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two  
9000 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be  
9001 placed by the county in a special trust fund, the principal of  
9002 which shall remain inviolate and the interest on which shall be  
9003 expended solely for improvement of elementary and secondary  
9004 education in Tishomingo County and distributed among the school  
9005 districts therein based on the average daily \* \* \*~~attendance~~  
9006 membership in each, and (ii) Five Million Dollars (\$5,000,000.00)  
9007 shall be placed in the county general fund and may be expended for  
9008 general county purposes.

9009 (d) The balance of such funds shall be paid to the  
9010 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,  
9011 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such  
9012 funds shall be paid to such counties in the proportion that each  
9013 county's contribution to the bridge bond fund bears to the total



9014 contribution from all twelve (12) counties; however, no county  
9015 shall be paid more than Five Million Dollars (\$5,000,000.00) under  
9016 this paragraph (d). Such funds shall be deposited by the county  
9017 into a special account to be expended solely for economic  
9018 development purposes. No expenditure of funds from the special  
9019 account shall be made unless the amount to be expended from the  
9020 special account is matched by other county funds in an amount  
9021 equal to fifteen percent (15%) of the special account funds to be  
9022 expended and until the Mississippi \* \* \*~~Board of Economic~~  
9023 Development Authority, upon application by the board of  
9024 supervisors, has certified that the proposed expenditure is for  
9025 economic development purposes and has approved the expenditure for  
9026 such purposes; provided, however, the fifteen percent (15%) match  
9027 hereinabove imposed shall not be required when the proposed  
9028 expenditure for economic development purposes is on land owned or  
9029 leased by the federal, state, county or municipal government.

9030 **SECTION 127.** Section 37-13-153, Mississippi Code of 1972,  
9031 which required state funding for home economics teachers to be  
9032 included as a line item in the education appropriations bills for  
9033 fiscal years 1995, 1996 and 1997, is repealed.

9034 **SECTION 128.** Sections 37-151-1, 37-151-5, 37-151-6,  
9035 37-151-7, 37-151-8, 37-151-77, 37-151-79, 37-151-81, 37-151-83 and  
9036 37-151-85, Mississippi Code of 1972, which define certain terms  
9037 and establish the formula to be used in determining the annual



9038 allocation of funds to each school district under the Mississippi  
9039 Adequate Education Program (MAEP), are repealed.

9040           **SECTION 129.** Section 37-152-1, Mississippi Code of 1972,  
9041 which creates the Commission on Restructuring the Mississippi  
9042 Adequate Education Program (MAEP), is repealed.

9043           **SECTION 130.** This act shall take effect and be in force from  
9044 and after its passage.

