

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 957

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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) "Base amount" or "student base amount" means the
119 student base funding level that is established in the funding
120 formula as the estimated cost of educating an average student with
121 no special needs.

122 (b) "Charter school" means a public school that is
123 established and operating under the terms of a charter contract
124 between the school's governing board and the Mississippi Charter
125 School Authorizer Board.

126 (c) "Department" means the State Department of
127 Education.

128 (d) "English Language Learner" or "ELL" means a student
129 identified in accordance with federal law as entitled to English
130 as a second language or bilingual services on the basis of the
131 student's English language proficiency.

132 (e) "Gifted student" means a student identified as
133 eligible to participate in a gifted education program for the
134 instruction of intellectually gifted children, as defined and
135 provided for in Sections 37-23-171 through 37-23-181.

136 (f) "Low-income students" means a definite number of
137 students in a school district which is calculated solely by
138 multiplying the average of the last three (3) years' estimates of
139 the school-age poverty rate, as published annually as a percentage
140 for that school district by the United States Census Bureau in the
141 Small Area Income and Poverty Estimates (SAIPE), times the student
142 enrollment of the school district.



143 (g) "Mississippi Uniform Per Student Funding Formula,"
144 "uniform per student funding formula," "funding formula" or
145 "formula" means the formula used to determine annual operating
146 funding for public schools on a uniform per student basis, as
147 prescribed in this article.

148 (h) "School district" means any type of school district
149 in the State of Mississippi and includes agricultural high
150 schools.

151 (i) "Sparse school district" means a school district in
152 which there are fewer than four (4) students per square mile when
153 the total number of students in the district's enrollment is
154 divided by the number of square miles in the territory comprising
155 the school district.

156 (j) "Special education program" means a program that
157 provides services for exceptional children, as defined and
158 authorized by Chapter 23, Title 37, Mississippi Code of 1972.

159 (k) "Student enrollment" means the figure that results
160 when the total aggregate student enrollment during the period
161 counted is divided by the number of days during the period counted
162 upon which both teachers and students are in regular attendance
163 for scheduled classroom instruction. However, if a local school
164 board adopts a class schedule that operates throughout the year
165 for any or all schools in the district, average daily membership
166 must be computed by the State Department of Education so that the



167 resulting average daily membership will not be higher or lower
168 than if the local school board had not adopted such schedule.
169 .

170 (l) "Superintendent" means the administrative head of a
171 school district.

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

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

180 **SECTION 3.** The following shall be codified as Section
181 37-151-205, Mississippi Code of 1972:

182 37-151-205. (1) Beginning with the 2019 fiscal year, the
183 annual computation of the total amount of operational funding,
184 both state and local, for the cost of educating students enrolled
185 in the public schools in the State of Mississippi is determined in
186 accordance with the Mississippi Uniform Per Student Funding
187 Formula established under this article.

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



191 Multiply the school district's student enrollment, as
192 determined under Section 37-151-221, times the applicable grade
193 level per student allocations established under Section
194 37-151-209, and add to this product any additional amounts to
195 which the district is entitled for low-income students under
196 Section 37-151-211, English Language Learners under Section
197 37-151-213, students in special education programs under Section
198 37-151-215, students in gifted education programs under Section
199 37-151-217 and students in a sparse school district under Section
200 37-151-219.

201 (3) The following additional education programs shall be
202 funded outside of the funding formula pursuant to line item
203 appropriation by the Legislature:

- 204 (a) Early Learning Collaborative programs;
- 205 (b) Reading intervention programs under the
206 Literacy-Based Promotion Act;
- 207 (c) University-based transportation programs;
- 208 (d) Bus driver training programs;
- 209 (e) Extended school year programs;
- 210 (f) University-based programs;
- 211 (g) Section 504 programs;
- 212 (h) Nonpublic school textbooks;
- 213 (i) Dyslexia therapy scholarship programs;
- 214 (j) School Recognition Program established in Section
215 37-19-10.



216 Additional education programs may be funded outside of the
217 funding formula pursuant to line item appropriation in the
218 discretion of the Legislature.

219 **SECTION 4.** The following shall be codified as Section
220 37-151-207, Mississippi Code of 1972:

221 37-151-207. Beginning with the 2019 fiscal year, the student
222 base amount is Four Thousand Eight Hundred Dollars (\$4,800.00) per
223 student. The base amount may be revised in subsequent years in
224 accordance with provisions for periodic review and revision of the
225 funding formula pursuant to Section 37-151-223.

226 **SECTION 5.** The following shall be codified as Section
227 37-151-209, Mississippi Code of 1972:

228 37-151-209. (1) The student counts at certain grade levels
229 must be weighted to provide an amount per student differing from
230 the base amount in accordance with the following schedule:

231	Grade Level	Weighting	FY2019 and Subsequent
232			Fiscal Years Per Student
233			Allocation
234	Pre-Kindergarten 3	0.00	\$0.00
235	Pre-Kindergarten 4	0.00	\$0.00
236	Kindergarten	1.00	\$4,800.00
237	Grades 1-3	1.00	\$4,800.00
238	Grades 4-8	1.00	\$4,800.00
239	Grades 9-12	1.30	\$6,240.00



240 (2) The per student allocation established for students in
241 Grades 9 through 12 is for each student under the age of
242 twenty-one (21) years who is counted in a school district's or
243 charter school's student enrollment and is for the fiscal support
244 of all programs in those grades, including, but not limited to:
245 college and career readiness programs; specific college
246 preparedness initiatives such as advanced placement courses,
247 International Baccalaureate programs and other
248 college-credit-bearing course offerings; science, technology,
249 engineering and math course offerings; college guidance and
250 advising systems; specific career track programs; vocational or
251 technical education programs; and alternative school programs.

252 **SECTION 6.** The following shall be codified as Section
253 37-151-211, Mississippi Code of 1972:

254 37-151-211. (1) In addition to the grade level allocations
255 established under Section 37-151-209 and supplemental allocations
256 required under Sections 37-151-213 through 37-151-219, a
257 supplemental allocation must be provided to each school district
258 and charter school on the basis of the count of students in
259 enrollment who are identified as low-income students. The
260 supplemental allocation for each low-income student in enrollment
261 must be calculated by applying a weight equal to twenty-five
262 percent (25%) to the student base amount prescribed under Section
263 37-151-207.



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

267 **SECTION 7.** The following shall be codified as Section
268 37-151-213, Mississippi Code of 1972:

269 37-151-213. (1) In addition to the grade level allocations
270 established under Section 37-151-209 and supplemental allocations
271 required under Sections 37-151-211 and 37-151-215 through
272 37-151-219, a supplemental allocation must be provided to each
273 school district and charter school on the basis of the count of
274 students in enrollment who are identified as English Language
275 Learners. The supplemental allocation for each English Language
276 Learner in enrollment must be calculated by applying a weight
277 equal to twenty percent (20%) to the student base amount
278 prescribed under Section 37-151-207.

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

282 (3) The State Department of Education shall require each
283 school district to submit an annual report to the department
284 relating to the education of English Language Learners. The
285 report must include the following:

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



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

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

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

297 (4) Before January 1 of each year, the State Department of
298 Education shall submit a detailed report to the Education and
299 Appropriations Committees of the House of Representatives and
300 Senate on the status of English Language Learners in the public
301 schools. The report must include data demonstrating the progress
302 that is being made through programs and services aimed at
303 improving English language mastery in non-English-proficient
304 students and an assessment of the sufficiency of the supplemental
305 allocation for those programs and services, along with any
306 recommendations for adjustments to the weight prescribed under
307 this section for English Language Learners.

308 **SECTION 8.** The following shall be codified as Section
309 37-151-215, Mississippi Code of 1972:

310 37-151-215. (1) In addition to the grade level allocations
311 established under Section 37-151-209 and supplemental allocations
312 required under Sections 37-151-211, 37-151-213, 37-151-217 and
313 37-151-219, a supplemental allocation must be provided to each



314 school district and charter school on the basis of the count of
315 students in enrollment who are identified as entitled to and
316 receiving services in a special education program.

317 (2) The supplemental allocation required under this section
318 must be calculated by applying a weight to the student base amount
319 prescribed under Section 37-151-207 for each student in enrollment
320 who is entitled to and receiving special education services as
321 follows:

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

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

330 (c) Tier III: For each student diagnosed with visual
331 impairment, deaf-blindness, multiple disabilities, or traumatic
332 brain injury, a weight equal to one hundred seventy percent (170%)
333 of the student base amount.

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



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

343 (5) As soon as practical following the effective date of
344 this act, and each year thereafter, the State Department of
345 Education shall review the disability tiers established under this
346 section to ensure that the various diagnoses and weightings are
347 matched and classified appropriately. The department shall verify
348 that the distribution of weights meets the Maintenance of Effort
349 (MOE) requirements of the Individuals with Disabilities Act (IDEA)
350 and that the total funding by the state dedicated to special
351 education is sufficient to meet annual MOE requirements. The
352 department also shall determine if the diagnoses are categorized
353 appropriately based on the average costs of educating students in
354 the state who are in special education programs. Before September
355 1, the department shall submit an annual report to the Education
356 and Appropriations Committees of the House of Representatives and
357 Senate recommending any revisions that are necessary in order for
358 the state to comply with federal requirements under IDEA or which
359 may be desirable to improve the delivery and funding of special
360 education services throughout the state.

361 **SECTION 9.** The following shall be codified as Section
362 37-151-217, Mississippi Code of 1972:



363 37-151-217. (1) In addition to the grade level allocations
364 established under Section 37-151-209 and supplemental allocations
365 required under Sections 37-151-211 through 37-151-215 and
366 37-151-219, a supplemental allocation must be provided to each
367 school district and charter school on the basis of the count of
368 students in enrollment who are identified as gifted students. The
369 supplemental allocation per each gifted student in enrollment must
370 be calculated by applying a weight equal to twenty-five percent
371 (25%) to the student base amount prescribed under Section
372 37-151-207.

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

376 (3) Before January 1 of each year, the State Department of
377 Education shall submit a detailed report to the Education and
378 Appropriations Committees of the House of Representatives and
379 Senate on the status of gifted student education programs, as
380 defined and provided for in Sections 37-23-171 through 37-23-181.
381 The report must include data demonstrating the progress that is
382 being made through programs and services provided to
383 intellectually gifted students and an assessment of the
384 sufficiency of the supplemental allocation for those programs and
385 services, along with any recommendations for adjustments to the
386 weight prescribed under this section for gifted students.



387 **SECTION 10.** The following shall be codified as Section
388 37-151-219, Mississippi Code of 1972:

389 37-151-219. (1) In addition to the grade level allocations
390 established under Section 37-151-209 and supplemental allocations
391 required under Sections 37-151-211 through 37-151-217, a
392 supplemental allocation must be provided to each school district
393 identified as a sparse school district by the State Department of
394 Education. The supplemental allocation must be calculated by
395 applying a weight, for each student in enrollment in the sparse
396 school district, equal to ten percent (10%) of the student base
397 amount prescribed under Section 37-151-207.

398 (2) The weighting for students in a sparse school district
399 must be applied cumulatively in the counts of students who fall
400 into more than one (1) of the funding formula weighting
401 categories.

402 **SECTION 11.** The following shall be codified as Section
403 37-151-221, Mississippi Code of 1972:

404 37-151-221. (1) Funding pursuant to the Mississippi Uniform
405 Per Student Funding Formula must be based on the total estimated
406 costs for the number of students projected to be in enrollment in
407 kindergarten through Grade 12 in Mississippi public schools during
408 the fiscal year for which an appropriation is made. In order for
409 the State Department of Education to calculate the student
410 enrollment, each school district shall submit student enrollment
411 and attendance data to the department in the manner required by



412 the rules and regulations adopted by the State Board of Education
413 under subsection (5) of this section. For fiscal year 2019, the
414 projected change in student enrollment from the 2017-2018 school
415 year for each school district equals the average annual change in
416 enrollment in that school district for the three (3) fiscal years
417 immediately preceding fiscal year 2019. Beginning with fiscal
418 year 2020, in each school district in which the student enrollment
419 for the fiscal year for which funds are being appropriated is
420 projected to be lower than the immediately preceding fiscal year,
421 the allocation of funds under the formula must be based on the
422 average of the May and October student numbers in that district;
423 however, in each school district in which the student enrollment
424 for the fiscal year for which funds are being appropriated is
425 projected to be higher than the immediately preceding fiscal year,
426 the allocation of funds under the formula must be based on the
427 October student numbers in that district.

428 (2) The State Auditor shall make, or require to be made, an
429 audit of student enrollment and attendance figures on one (1) day
430 when both teachers and students are in regular attendance for
431 scheduled classroom instruction during each of the following
432 weeks:

- 433 (a) The first week of October;
- 434 (b) The third week of January; and
- 435 (c) The first week of May.



436 Each audit conducted by the State Auditor must include data
437 for specific student populations that are subject to weighting
438 under the Mississippi Uniform Per Student Funding Formula as well
439 as the aggregate amount of students in the school district in
440 which an audit is being conducted. The State Auditor is not
441 required to audit student enrollment and attendance figures in all
442 local school districts during these time periods but must make a
443 concerted effort to conduct audits in as many local districts as
444 practicable. Advance notice may not be given to a school when an
445 audit is scheduled to be conducted; however, an audit may be
446 postponed due to extraordinary circumstances such as a natural
447 disaster or fire.

448 (3) If the average of the October and January figures
449 determined by the audits conducted pursuant to subsection (2)
450 reflects that the number of students in actual attendance is below
451 the number reported by the school district to the State Department
452 of Education for the month of October and for the month of
453 January, the State Auditor must certify its finding to the
454 department. If the average number of students calculated by the
455 examiners is more than seven percent (7%) lower than the school
456 district's reported enrollment, the State Department of Education
457 must use a student number for the next succeeding fiscal year
458 which equals the average number found by the examiners less an
459 amount that is the same percentage as the difference in the
460 average of the examiner's actual findings and the school



461 district's reported enrollment. The department shall use the
462 resulting figure in determining the funds to be allocated to the
463 school district during the succeeding school year.

464 (4) A school district's student enrollment must include any
465 student enrolled in a dual enrollment-dual credit program as
466 defined and provided for in Section 37-15-38. The State
467 Department of Education shall make payments for dual
468 enrollment-dual credit programs to the home school district in
469 which the student is enrolled, in accordance with regulations
470 promulgated by the State Board of Education. All state funding
471 under the formula must cease upon completion of high school
472 graduation requirements.

473 (5) The State Board of Education shall promulgate such rules
474 and regulations as may be necessary for the counting and reporting
475 of student enrollment and attendance numbers by school districts
476 to the department in a manner that enables the provisions of this
477 article to be carried out. The rules and regulations must require
478 school districts to submit data that includes, at a minimum,
479 numbers for specific student populations that are subject to
480 weighting under the Mississippi Uniform Per Student Funding
481 Formula as well as the aggregate amount of students in attendance
482 when each calculation is made.

483 **SECTION 12.** The following shall be codified as Section
484 37-151-223, Mississippi Code of 1972:



485 37-151-223. (1) Except as otherwise provided in subsection
486 (2) of this section, the Legislature, in consultation with
487 representatives of the State Board of Education and the
488 Mississippi Charter School Authorizer Board, shall review this
489 formula no later than three (3) years after July 1, 2018, and once
490 every three (3) years subsequently. Revisions must be based upon
491 information and data, including a study of the actual costs of
492 education in the State of Mississippi, consideration of
493 performance incentives created by the formula in practice,
494 research in education and education finance, and public comment.

495 (2) Before January 1, 2021, and every two (2) years
496 thereafter, the State Board of Education shall submit to the
497 Legislature a report that reviews the formula and includes
498 recommendations for revisions to the formula based upon a study of
499 the actual costs of education in the State of Mississippi,
500 research in education and education finance, and public comment.
501 The study of actual costs of education pursuant to this subsection
502 must include, but need not be limited to, the following:

- 503 (a) The relation of funding levels to student outcomes;
504 (b) Maintenance of effort in specified areas of focus
505 to promote continuity of effective practices;
506 (c) Improved techniques for determining specific levels
507 of funding needed to provide adequate special education services;
508 (d) Improved measures of change in the cost of
509 education; and



510 (e) A review of the costs associated with serving
511 low-income students and of how low-income students are identified.

512 (3) The State Superintendent of Public Education is
513 responsible for the development of the report required under this
514 section and shall convene a working group to solicit input and
515 recommendations regarding revisions to the formula. The working
516 group must be comprised of, at a minimum, representatives from
517 public schools, charter schools and the general public.

518 **SECTION 13.** The following shall be codified as Section
519 37-151-225, Mississippi Code of 1972:

520 37-151-225. Allocations to school districts made by the
521 State Department of Education on the basis of the count of
522 students in certain grade levels and in student categories
523 established for the purpose of applying various weights under this
524 act are intended only to generate total appropriation amounts on a
525 per student basis. Except as otherwise required by state or
526 federal law or by rules, regulations, policies or orders of the
527 State Board of Education and the State Department of Education, a
528 school district may exercise full autonomy in the spending of all
529 funds allocated under the formula to the district so long as funds
530 are expended in the manner determined by the school board to best
531 meet the needs of the student population of the local school
532 district.

533 **SECTION 14.** The following shall be codified as Section
534 37-151-227, Mississippi Code of 1972:



535 37-151-227. (1) (a) The State Department of Education,
536 pursuant to Section 37-57-1(2), shall determine the amount that
537 each school district must provide toward the cost of the uniform
538 per student funding formula and shall certify that amount to the
539 district. The local contribution amount in a school district in
540 which there is located one or more charter schools is an amount
541 determined as follows: using the uniform per student funding
542 formula twenty-eight (28) mill value, or the twenty-seven percent
543 (27%) cap amount (whichever is less), an average per student
544 amount will be calculated. This average per student amount shall
545 be multiplied times the number of students enrolled in the charter
546 school in that school district. The sum is the amount of the
547 charter school's local contribution to the funding formula.

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

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

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

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



559 (iv) The school district's homestead reimbursement
560 revenues.

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

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

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

571 (2) (a) Except as otherwise provided in subsection (3), the
572 required state effort in support of the Uniform Per Student
573 Funding Formula for each school district and charter school is
574 determined by subtracting the sum of the required local
575 contribution, as set forth in subsection (1)(a) of this section,
576 and the other local revenue sources set forth in subsection (1)(c)
577 of this section, which total amount may not exceed twenty-seven
578 percent (27%) of the total projected funding formula cost, from
579 the total projected Uniform Per Student Funding Formula Cost, as
580 determined under this article, for the school district or charter
581 school.

582 (b) If the school board of any school district
583 determines that it is not economically feasible or practicable to



584 operate any school within the district for the full one hundred
585 eighty (180) days required for a school term of a scholastic year
586 under Section 37-13-63, due to an enemy attack, a man-made,
587 technological or natural disaster in which the Governor has
588 declared a disaster emergency under the laws of this state or the
589 President of the United States has declared an emergency or major
590 disaster to exist in this state, the school board may notify the
591 State Department of Education of such disaster and submit a plan
592 for altering the school term. If the State Board of Education
593 finds the disaster to be the cause of the school not operating for
594 the contemplated school term and that the school is in a school
595 district covered by the Governor's or President's disaster
596 declaration, it may permit the schools in that district to be
597 operated for less than one hundred eighty (180) days and, in such
598 case, the State Department of Education may not reduce the state
599 contributions to the funding formula for that district because of
600 the failure to operate those schools for one hundred eighty (180)
601 days.

602 (3) (a) Notwithstanding the provisions of subsection (2)(a)
603 of this section or any other provision of this article, the state
604 allocation in support of the Uniform Per Student Funding Formula
605 for a school district or charter school for fiscal year 2019 and
606 fiscal year 2020 may not be less than an amount equal to the
607 amount of state funds received by that school district or charter
608 school under the Mississippi Adequate Education Program in fiscal



609 year 2018, plus any increase in state effort attributable to an
610 increase in the school district's student enrollment in fiscal
611 year 2019 and fiscal year 2020.

612 (b) Notwithstanding the provisions of subsection (2)(a)
613 of this section or any other provision of this article, the state
614 allocation in support of the Uniform Per Student Funding Formula
615 for a school district or charter school for fiscal year 2021,
616 fiscal year 2022, fiscal year 2023, fiscal year 2024 and fiscal
617 year 2025 may not be less than an amount equal to ninety-seven
618 percent (97%), nor greater than an amount equal to one hundred
619 three percent (103%), of the state funds received by that school
620 district or charter school under the Uniform Per Student Funding
621 Formula in the immediately preceding fiscal year; however, the
622 limitations prescribed in this paragraph do not apply to the
623 extent of any portion of such a decrease or increase, as the case
624 may be, in the required state effort for a school district which
625 is attributable solely to a projected change in the school
626 district's student enrollment in the year for which funds are
627 being allocated.

628 (c) This subsection (3) shall stand repealed on July 1,
629 2025.

630 **SECTION 15.** The following shall be codified as Section
631 37-151-229, Mississippi Code of 1972:

632 37-151-229. (1) To qualify for state funds under this
633 article, a school district may not exceed a student-teacher ratio,



634 based on the district's enrollment, of 27:1 in Grades 1, 2, 3 and
635 4; for kindergarten and Grades 5 through 12, the student-teacher
636 ratio must be determined in accordance with appropriate
637 accreditation standards developed by the Mississippi Commission on
638 School Accreditation. However, any local district may apply to
639 the State Board of Education for approval of a waiver to this
640 section by submitting and justifying an alternative educational
641 program to serve the needs of enrollment. The State Board of
642 Education must approve or disapprove of the waiver no later than
643 forty-five (45) days after receipt of the application.

644 (2) If a school district violates this section, the state
645 allocation for the next succeeding fiscal year to that school
646 district must be reduced by the percentage variance that the
647 actual student-teacher ratios in the school district has to the
648 required student-teacher ratios mandated in this section.

649 (3) Notwithstanding the provisions of this section, the
650 State Board of Education may waive the student-teacher
651 requirements specified in this section upon a finding that a good
652 faith effort is being made by a school district to comply with the
653 ratio provisions but, due to a lack of classroom space which is
654 beyond the district's control, it is physically impossible for the
655 district to comply, and the cost of temporary classroom space
656 cannot be justified.

657 (4) If a school district meets the highest levels of
658 accreditation standards, as determined by the State Board of



659 Education in the state's accountability system, the State Board of
660 Education, in its discretion, may exempt the school district from
661 the maximum student-teacher ratio prescribed in this section.

662 **SECTION 16.** The following shall be codified as Section
663 37-151-231, Mississippi Code of 1972:

664 37-151-231. The State Department of Education shall revise
665 the Accounting Manual for Mississippi Public School Districts to
666 improve financial reporting at the school, district and state
667 level in order to facilitate a transparent system that fairly and
668 accurately represents the amounts being spent and delivered to
669 Mississippi's students under the Uniform Per Student Funding
670 Formula on an annual basis. The department shall develop an
671 additional series of codes for the accounting manual which must be
672 used by school districts in reporting spending in a manner that
673 enables the attribution of funds spent to the student subgroups,
674 by demographics, and/or school buildings that benefitted from
675 those funds.

676 **SECTION 17.** The following shall be codified as Section
677 37-151-233, Mississippi Code of 1972:

678 37-151-233. (1) The State Department of Education shall
679 develop and implement a fiscal transparency system that compares
680 financial investment under the Mississippi Uniform Per Student
681 Funding Formula for each school district with student academic
682 growth in the district on an annual basis. The transparency
683 system also must enable school district outcomes to be compared



684 with the outcomes of peer districts at both the school and student
685 subgroup levels and must be detailed sufficiently to allow a
686 determination to be made on whether funding allocated for students
687 with specific cost considerations is sufficient to elicit intended
688 academic outcomes. For the purposes of this section, "peer
689 districts" are those school districts identified by the State
690 Department of Education as districts having comparable numbers and
691 demographics of students.

692 (2) The State Department of Education shall make available
693 information relating to spending and outcomes, as collected
694 through the transparency system implemented pursuant to subsection
695 (1), on the department's website. The information must be in a
696 searchable format that allows users to search for any school or
697 district in the state and to generate a report on the details of
698 spending and outcomes by student subgroup. In addition, the
699 information must be presented in such a manner that allows
700 information for a particular school or school district to be
701 compared with other similar schools or school districts throughout
702 the state.

703 **SECTION 18.** The following shall be codified as Section
704 37-151-235, Mississippi Code of 1972:

705 37-151-235. (1) The State Department of Education shall
706 develop and implement a financial rating model for the purpose of
707 reviewing the general financial health of school districts in the
708 state as well as the fiscal output, or return on investment, on an



709 annual basis. The assessment of a school district's general
710 fiscal health under the financial rating model must include a
711 review of the following:

- 712 (a) The district's annual financial audit;
- 713 (b) The ratio of annual expenditures to revenue;
- 714 (c) The district's maintenance of short- and long-term
715 debt;
- 716 (d) Annual federal funds lapse;
- 717 (e) Debt-to-operating expenses ratios; and
- 718 (f) Such other indicators of financial stewardship as
719 determined by the department.

720 The assessment of a school district's fiscal output may
721 include both student-focused analyses and nonstudent outcomes,
722 including, but not limited to, a review of professional
723 development spending compared to annual growth on teacher
724 evaluations and the cost of facility maintenance and small capital
725 repairs compared to teacher workplace satisfaction polls.

726 (2) The department shall implement a weighting system as
727 part of the financial rating model under which different portions
728 of a school district's assessment are weighted appropriately. The
729 various weights must be combined to form a single score for the
730 school district, which score must be in such format that allows
731 the score to be compared to scores earned by other school
732 districts identified as peer school districts by the department.
733 School districts having poor outcomes, as determined by the



734 department, must be encouraged to achieve more efficient spending
735 in accordance with the following:

736 (a) In the first year that a school district earns a
737 very low score, as defined by the department, the department shall
738 submit a written warning to the school district regarding the
739 school district's financial assessment.

740 (b) In the second consecutive year that a school
741 district receives a very low score, the department shall assign a
742 higher-performing peer district to offer technical assistance to
743 the school district and to review practices and make
744 recommendations for improving the quality and cost-effectiveness
745 of programs in the low-performing district.

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

750 (d) In the fourth consecutive year that school district
751 receives a very low score, the State Board of Education shall take
752 such steps as may be necessary to request the Governor to declare
753 a state of emergency in the district, as authorized under Section
754 37-17-6.

755 **SECTION 19.** The following shall be codified as Section
756 37-151-237, Mississippi Code of 1972:

757 37-151-237. (1) The State Department of Education shall
758 conduct a comprehensive review of all rules, regulations, orders



759 and policies of the department and State Board of Education to
760 identify all accreditation standards established by rule,
761 regulation, order or policy which create a fiscal impact on school
762 districts and to determine if such standards are critical to
763 student success. The department shall examine those rules,
764 regulations, orders and policies to assess whether compliance with
765 the administrative requirements causes a fiscal impact that has
766 the effect of earmarking state funds before those funds are
767 allocated to a school district and forcing inefficient spending
768 while restricting innovation by the district. The study must
769 identify those areas in which school districts are required to
770 follow a prescribed or assumed investment of resources rather than
771 be held to an expected outcome, including, but not limited to:
772 student-to-teacher ratios; teacher-to-administrator ratios; and
773 teacher salary schedules. The department also shall examine any
774 rules, regulations, orders or policies that prohibit or restrict
775 the use of state funds or the use of local funds for certain
776 expenditures to ascertain whether those provisions are necessary
777 or desirable under the student-centered Mississippi Uniform Per
778 Student Funding Formula. Based upon the results of the review,
779 the State Board of Education or the department shall consider
780 making any necessary or desirable revisions to any rule,
781 regulation, order or policy deemed inconsistent with the intent of
782 the funding formula.



783 (2) Before October 1, 2019, the State Department of
784 Education shall submit a report to the Joint Legislative Study
785 Committee on Statutory Education Accreditation Standards created
786 under Section 20 of this act on the rules, regulations, orders and
787 policies being considered for revision by the department or State
788 Board of Education, along with the reasons for those revisions,
789 and including any recommended legislation for statutory revisions
790 deemed necessary or desirable by the department or board in
791 furthering the intent of the funding formula.

792 **SECTION 20.** (1) There is created the Joint Legislative
793 Study Committee on Statutory Education Accreditation Standards.
794 The purpose of the committee is to identify all accreditation
795 standards established by state law which create a fiscal impact on
796 school districts and to determine if such standards are critical
797 to student success. The committee shall conduct a comprehensive
798 review of those laws to assess whether compliance with the
799 statutory requirements causes a fiscal impact that has the effect
800 of earmarking state funds before those funds are allocated to a
801 school district and forcing inefficient spending while restricting
802 innovation by the district. The study must identify those areas
803 in which school districts are required to follow a prescribed or
804 assumed investment of resources rather than be held to an expected
805 outcome, including, but not limited to: student-to-teacher
806 ratios; teacher-to-administrator ratios; and teacher salary
807 schedules. The committee also shall examine those statutes that



808 prohibit or restrict the use of state funds or the use of local
809 funds for certain expenditures to ascertain whether those
810 provisions are necessary or desirable under the student-centered
811 Mississippi Uniform Per Student Funding Formula.

812 (2) Upon completing its review of statutory accreditation
813 requirements pursuant to subsection (1), the study committee, in
814 consultation with the State Department of Education, shall
815 research the desirability and feasibility of creating and
816 implementing an accountability system of earned autonomy under
817 which the highest performing and highest academic growth school
818 districts are granted independence from certain administrative and
819 statutory requirements. The study committee shall consider
820 establishing different tiers of flexibility that may be exercised
821 in high performing districts that exceed either growth or
822 performance goals established by the State Department of Education
823 and shall determine if the earned autonomy should be implemented
824 as a stand alone accountability system or as a separate component
825 of any new fiscal accountability model which may be established as
826 a result of the study committee's recommendations.

827 (3) The Joint Legislative Study Committee on Statutory
828 Education Accreditation Standards is comprised of the following
829 members:

- 830 (a) The Chairman of the House Education Committee;
- 831 (b) The Chairman of the Senate Education Committee;
- 832 (c) The Chairman of the House Appropriations Committee;



833 (d) The Chairman of the Senate Appropriations
834 Committee;
835 (e) Two (2) members of the House Education Committee
836 appointed by the Speaker of the House of Representatives;
837 (f) Two (2) members of the Senate Education Committee
838 appointed by the Lieutenant Governor;
839 (g) Two (2) members of the House Appropriations
840 Committee appointed by the Speaker of the House of
841 Representatives; and
842 (h) Two (2) members of the Senate Appropriations
843 Committee appointed by the Lieutenant Governor.

844 The committee shall convene no later than thirty (30) days
845 after the effective date of this act. The Speaker of the House of
846 Representatives and the Lieutenant Governor shall each designate a
847 member of the committee from their respective chambers to serve as
848 joint chairmen of the committee.

849 (4) For attending meetings of the committee, each member
850 must be paid from the contingent expense fund of the member's
851 respective house per diem in the amount authorized by Section
852 25-3-69 and a mileage allowance and expense allowance in the
853 amount authorized under Section 5-1-47. However, no per diem,
854 mileage allowance or expense allowance for attending meetings of
855 the committee may be paid while the Legislature is in session, and
856 no per diem, mileage allowance or expense allowance may be paid



857 without prior approval of the proper committee in the member's
858 respective house.

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

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

866 **SECTION 21.** The following shall be codified as Section
867 37-151-239, Mississippi Code of 1972:

868 37-151-239. (1) The State Board of Education shall
869 establish a study committee for the purpose of studying and making
870 recommendations relating to the use of a service-based, or
871 Individualized Education Program (IEP)-based, funding model in
872 order to improve the funding of special education throughout the
873 state.

874 (2) The State Superintendent of Public Education shall
875 appoint members to serve on the study committee. Members of the
876 committee must be representative of the state's population and
877 involved in, or concerned with, the education of children eligible
878 for special education services. The committee must be comprised
879 of no less than the following members:

880 (a) The State Director of the Office of Special
881 Education within the State Department of Education;



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

885 (c) A district-level director of special education
886 services from the administrative offices of one or more school
887 districts;

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

890 (e) Special education teachers representing various
891 school districts;

892 (f) School-level support staff who assist with students
893 receiving special education services representing various school
894 districts;

895 (g) Parents of students receiving special education
896 services in various school districts;

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

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

903 In making appointments to the committee, the superintendent
904 shall select persons from rural and urban school districts
905 throughout the state which vary in size and demographics in order



906 to ensure that the diverse interests of different school districts
907 are represented on the committee.

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

909 (a) Analyze the current system utilized by the state
910 relating to the reporting of special education students and
911 services by school districts and the state calculation and
912 budgeting for those students and services in order to determine if
913 the system is the most accurate and efficient means to fund
914 special education;

915 (b) Study IEP-based funding models incorporating
916 consideration of both diagnoses and services which have been
917 successfully implemented in the funding of special education in
918 other states;

919 (c) Determine the feasibility and suitability of
920 transitioning to an IEP-based funding system in the State of
921 Mississippi, with consideration given to the resources and time
922 needed to implement an IEP-based funding program thoughtfully and
923 requisite changes to the State's Performance Plan and Maintenance
924 of Effort (MOE) baseline funding under the Individuals with
925 Disabilities Education Act (IDEA); and

926 (d) Prepare and submit a report to the Education and
927 Appropriations Committees of the House of Representatives and
928 Senate on its findings and recommendations before December 1,
929 2018.



930 **SECTION 22.** The following shall be codified as Section
931 37-151-241, Mississippi code of 1972:

932 37-151-241. (1) There is established the Early Learning
933 Funding Continuum Study Committee. The committee shall study and
934 make recommendations relating to the establishment of an early
935 learning funding continuum by expanding pre-kindergarten funding
936 and providing additional funding for students in early grades
937 through an appropriate weight in the funding formula.

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

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

942 (b) The Director of the Early Childhood Office within
943 the State Department of Education;

944 (c) An employee of the State Department of Education
945 who has a thorough knowledge and understanding of the Mississippi
946 Uniform Per Student Funding Formula and early childhood and
947 elementary education programs that are funded separately from the
948 formula;

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

953 (e) The manager of a private or parochial school or
954 licensed child care center that is participating in the voluntary



955 prekindergarten program through an early learning collaborative,
956 appointed by the State Superintendent of Public Education;

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

959 (g) The director of the Division of Early Childhood
960 Care and Development within the Mississippi Department of Human
961 Services;

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

967 (i) Such other persons who have experience and
968 expertise in the funding and delivery of public and private
969 prekindergarten and elementary education programs, selected and
970 appointed by the State Superintendent of Public Education.

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

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



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

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

984 (c) Study methods for providing supplemental funding
985 for students in the early grades which create connectivity between
986 prekindergarten and grade school and promote early academic
987 success; and

988 (d) Prepare and submit a report to the Education and
989 Appropriations Committees of the House of Representatives and
990 Senate on its findings and recommendations before December 1,
991 2018.

992 (4) Appointments to the committee must be made within thirty
993 (30) days after the effective date of this act. A majority of the
994 members of the committee shall constitute a quorum. Members of
995 the committee may not be compensated for the performance of their
996 duties under this section. Any incidental costs associated with
997 conducting the study must be paid by the State Department of
998 Education.

999 (5) The State Department of Education shall provide such
1000 facilities and clerical and administrative support to the Early
1001 Learning Funding Continuum Study Committee as may be necessary to
1002 enable the committee to properly perform its duties.



1003 (6) Upon presentation of its report to the Legislature, the
1004 Early Learning Funding Continuum Study Committee shall be
1005 dissolved.

1006 **SECTION 23.** Section 1-3-26, Mississippi Code of 1972, is
1007 amended as follows:

1008 1-3-26. Wherever the phrase "minimum education program,"
1009 "minimum program," * * * ~~or~~ "minimum foundation program,"
1010 "Mississippi Adequate Education Program," "adequate education
1011 program" or "MAEP" shall appear in the laws of this state, it
1012 shall be construed to mean the * * * ~~"Mississippi Adequate~~
1013 ~~Education Program"~~ "Mississippi Uniform Per Student Funding
1014 Formula" created under * * * ~~Section 37-151-1 et seq~~ Chapter 151,
1015 Title 37, Mississippi Code of 1972.

1016 **SECTION 24.** Section 7-7-211, Mississippi Code of 1972, is
1017 amended as follows:

1018 7-7-211. The department shall have the power and it shall be
1019 its duty:

1020 (a) To identify and define for all public offices of
1021 the state and its subdivisions generally accepted accounting
1022 principles or other accounting principles as promulgated by
1023 nationally recognized professional organizations and to consult
1024 with the State Fiscal Officer in the prescription and
1025 implementation of accounting rules and regulations;

1026 (b) To provide best practices, for all public offices
1027 of regional and local subdivisions of the state, systems of



1028 accounting, budgeting and reporting financial facts relating to
1029 said offices in conformity with legal requirements and with
1030 generally accepted accounting principles or other accounting
1031 principles as promulgated by nationally recognized professional
1032 organizations; to assist such subdivisions in need of assistance
1033 in the installation of such systems; to revise such systems when
1034 deemed necessary, and to report to the Legislature at periodic
1035 times the extent to which each office is maintaining such systems,
1036 along with such recommendations to the Legislature for improvement
1037 as seem desirable;

1038 (c) To study and analyze existing managerial policies,
1039 methods, procedures, duties and services of the various state
1040 departments and institutions upon written request of the Governor,
1041 the Legislature or any committee or other body empowered by the
1042 Legislature to make such request to determine whether and where
1043 operations can be eliminated, combined, simplified and improved;

1044 (d) To postaudit each year and, when deemed necessary,
1045 preaudit and investigate the financial affairs of the departments,
1046 institutions, boards, commissions, or other agencies of state
1047 government, as part of the publication of a comprehensive annual
1048 financial report for the State of Mississippi, or as deemed
1049 necessary by the State Auditor. In complying with the
1050 requirements of this paragraph, the department shall have the
1051 authority to conduct all necessary audit procedures on an interim
1052 and year-end basis;



1053 (e) To postaudit and, when deemed necessary, preaudit
1054 and investigate separately the financial affairs of (i) the
1055 offices, boards and commissions of county governments and any
1056 departments and institutions thereof and therein; (ii) public
1057 school districts, departments of education and junior college
1058 districts; and (iii) any other local offices or agencies which
1059 share revenues derived from taxes or fees imposed by the State
1060 Legislature or receive grants from revenues collected by
1061 governmental divisions of the state; the cost of such audits,
1062 investigations or other services to be paid as follows: Such part
1063 shall be paid by the state from appropriations made by the
1064 Legislature for the operation of the State Department of Audit as
1065 may exceed the sum of Thirty-five Dollars (\$35.00) per man-hour
1066 for the services of each staff person engaged in performing the
1067 audit or other service plus the actual cost of any independent
1068 specialist firm contracted by the State Auditor to assist in the
1069 performance of the audit, which sum shall be paid by the county,
1070 district, department, institution or other agency audited out of
1071 its general fund or any other available funds from which such
1072 payment is not prohibited by law. Costs paid for independent
1073 specialists or firms contracted by the State Auditor shall be paid
1074 by the audited entity through the State Auditor to the specialist
1075 or firm conducting the postaudit.

1076 Each school district in the state shall have its financial
1077 records audited annually, at the end of each fiscal year, either



1078 by the State Auditor or by a certified public accountant approved
1079 by the State Auditor. Beginning with the audits of fiscal year
1080 2010 activity, no certified public accountant shall be selected to
1081 perform the annual audit of a school district who has audited that
1082 district for three (3) or more consecutive years previously.
1083 Certified public accountants shall be selected in a manner
1084 determined by the State Auditor. The school district shall have
1085 the responsibility to pay for the audit, including the review by
1086 the State Auditor of audits performed by certified public
1087 accountants;

1088 (f) To postaudit and, when deemed necessary, preaudit
1089 and investigate the financial affairs of the levee boards;
1090 agencies created by the Legislature or by executive order of the
1091 Governor; profit or nonprofit business entities administering
1092 programs financed by funds flowing through the State Treasury or
1093 through any of the agencies of the state, or its subdivisions; and
1094 all other public bodies supported by funds derived in part or
1095 wholly from public funds, except municipalities which annually
1096 submit an audit prepared by a qualified certified public
1097 accountant using methods and procedures prescribed by the
1098 department;

1099 (g) To make written demand, when necessary, for the
1100 recovery of any amounts representing public funds improperly
1101 withheld, misappropriated and/or otherwise illegally expended by
1102 an officer, employee or administrative body of any state, county



1103 or other public office, and/or for the recovery of the value of
1104 any public property disposed of in an unlawful manner by a public
1105 officer, employee or administrative body, such demands to be made
1106 (i) upon the person or persons liable for such amounts and upon
1107 the surety on official bond thereof, and/or (ii) upon any
1108 individual, partnership, corporation or association to whom the
1109 illegal expenditure was made or with whom the unlawful disposition
1110 of public property was made, if such individual, partnership,
1111 corporation or association knew or had reason to know through the
1112 exercising of reasonable diligence that the expenditure was
1113 illegal or the disposition unlawful. Such demand shall be
1114 premised on competent evidence, which shall include at least one
1115 (1) of the following: (i) sworn statements, (ii) written
1116 documentation, (iii) physical evidence, or (iv) reports and
1117 findings of government or other law enforcement agencies. Other
1118 provisions notwithstanding, a demand letter issued pursuant to
1119 this paragraph shall remain confidential by the State Auditor
1120 until the individual against whom the demand letter is being filed
1121 has been served with a copy of such demand letter. If, however,
1122 such individual cannot be notified within fifteen (15) days using
1123 reasonable means and due diligence, such notification shall be
1124 made to the individual's bonding company, if he or she is bonded.
1125 Each such demand shall be paid into the proper treasury of the
1126 state, county or other public body through the office of the
1127 department in the amount demanded within thirty (30) days from the



1128 date thereof, together with interest thereon in the sum of one
1129 percent (1%) per month from the date such amount or amounts were
1130 improperly withheld, misappropriated and/or otherwise illegally
1131 expended. In the event, however, such person or persons or such
1132 surety shall refuse, neglect or otherwise fail to pay the amount
1133 demanded and the interest due thereon within the allotted thirty
1134 (30) days, the State Auditor shall have the authority and it shall
1135 be his duty to institute suit, and the Attorney General shall
1136 prosecute the same in any court of the state to the end that there
1137 shall be recovered the total of such amounts from the person or
1138 persons and surety on official bond named therein; and the amounts
1139 so recovered shall be paid into the proper treasury of the state,
1140 county or other public body through the State Auditor. In any
1141 case where written demand is issued to a surety on the official
1142 bond of such person or persons and the surety refuses, neglects or
1143 otherwise fails within one hundred twenty (120) days to either pay
1144 the amount demanded and the interest due thereon or to give the
1145 State Auditor a written response with specific reasons for
1146 nonpayment, then the surety shall be subject to a civil penalty in
1147 an amount of twelve percent (12%) of the bond, not to exceed Ten
1148 Thousand Dollars (\$10,000.00), to be deposited into the State
1149 General Fund;

1150 (h) To investigate any alleged or suspected violation
1151 of the laws of the state by any officer or employee of the state,
1152 county or other public office in the purchase, sale or the use of



1153 any supplies, services, equipment or other property belonging
1154 thereto; and in such investigation to do any and all things
1155 necessary to procure evidence sufficient either to prove or
1156 disprove the existence of such alleged or suspected violations.
1157 The Department of Investigation of the State Department of Audit
1158 may investigate, for the purpose of prosecution, any suspected
1159 criminal violation of the provisions of this chapter. For the
1160 purpose of administration and enforcement of this chapter, the
1161 enforcement employees of the Department of Investigation of the
1162 State Department of Audit have the powers of a law enforcement
1163 officer of this state, and shall be empowered to make arrests and
1164 to serve and execute search warrants and other valid legal process
1165 anywhere within the State of Mississippi. All enforcement
1166 employees of the Department of Investigation of the State
1167 Department of Audit hired on or after July 1, 1993, shall be
1168 required to complete the Law Enforcement Officers Training Program
1169 and shall meet the standards of the program;

1170 (i) To issue subpoenas, with the approval of, and
1171 returnable to, a judge of a chancery or circuit court, in termtime
1172 or in vacation, to examine the records, documents or other
1173 evidence of persons, firms, corporations or any other entities
1174 insofar as such records, documents or other evidence relate to
1175 dealings with any state, county or other public entity. The
1176 circuit or chancery judge must serve the county in which the
1177 records, documents or other evidence is located; or where all or



1178 part of the transaction or transactions occurred which are the
1179 subject of the subpoena;

1180 (j) In any instances in which the State Auditor is or
1181 shall be authorized or required to examine or audit, whether
1182 preaudit or postaudit, any books, ledgers, accounts or other
1183 records of the affairs of any public hospital owned or owned and
1184 operated by one or more political subdivisions or parts thereof or
1185 any combination thereof, or any school district, including
1186 activity funds thereof, it shall be sufficient compliance
1187 therewith, in the discretion of the State Auditor, that such
1188 examination or audit be made from the report of any audit or other
1189 examination certified by a certified public accountant and
1190 prepared by or under the supervision of such certified public
1191 accountant. Such audits shall be made in accordance with
1192 generally accepted standards of auditing, with the use of an audit
1193 program prepared by the State Auditor, and final reports of such
1194 audits shall conform to the format prescribed by the State
1195 Auditor. All files, working papers, notes, correspondence and all
1196 other data compiled during the course of the audit shall be
1197 available, without cost, to the State Auditor for examination and
1198 abstracting during the normal business hours of any business day.
1199 The expense of such certified reports shall be borne by the
1200 respective hospital, or any available school district
1201 funds * * *~~other than minimum program funds~~, subject to
1202 examination or audit. The State Auditor shall not be bound by



1203 such certified reports and may, in his or their discretion,
1204 conduct such examination or audit from the books, ledgers,
1205 accounts or other records involved as may be appropriate and
1206 authorized by law;

1207 (k) The State Auditor shall have the authority to
1208 contract with qualified public accounting firms to perform
1209 selected audits required in paragraphs (d), (e), (f) and (j) of
1210 this section, if funds are made available for such contracts by
1211 the Legislature, or if funds are available from the governmental
1212 entity covered by paragraphs (d), (e), (f) and (j). Such audits
1213 shall be made in accordance with generally accepted standards of
1214 auditing. All files, working papers, notes, correspondence and
1215 all other data compiled during the course of the audit shall be
1216 available, without cost, to the State Auditor for examination and
1217 abstracting during the normal business hours of any business day;

1218 (l) The State Auditor shall have the authority to
1219 establish training courses and programs for the personnel of the
1220 various state and local governmental entities under the
1221 jurisdiction of the Office of the State Auditor. The training
1222 courses and programs shall include, but not be limited to, topics
1223 on internal control of funds, property and equipment control and
1224 inventory, governmental accounting and financial reporting, and
1225 internal auditing. The State Auditor is authorized to charge a
1226 fee from the participants of these courses and programs, which fee
1227 shall be deposited into the Department of Audit Special Fund.



1228 State and local governmental entities are authorized to pay such
1229 fee and any travel expenses out of their general funds or any
1230 other available funds from which such payment is not prohibited by
1231 law;

1232 (m) Upon written request by the Governor or any member
1233 of the State Legislature, the State Auditor may audit any state
1234 funds and/or state and federal funds received by any nonprofit
1235 corporation incorporated under the laws of this state;

1236 (n) To conduct performance audits of personal or
1237 professional service contracts by state agencies on a random
1238 sampling basis, or upon request of the State Personal Service
1239 Contract Review Board under Section 25-9-120(3); and

1240 (o) At the discretion of the State Auditor, the Auditor
1241 may conduct risk assessments, as well as performance and
1242 compliance audits based on Generally Accepted Government Auditing
1243 Standards (GAGAS) of any state-funded economic development program
1244 authorized under Title 57, Mississippi Code of 1972. After risk
1245 assessments or program audits, the State Auditor may conduct
1246 audits of those projects deemed high-risk, specifically as they
1247 identify any potential wrongdoing or noncompliance based on
1248 objectives of the economic development program. The Auditor is
1249 granted authority to gather, audit and review data and information
1250 from the Mississippi Development Authority or any of its agents,
1251 the Department of Revenue, and when necessary under this
1252 paragraph, the recipient business or businesses or any other



1253 private, public or nonprofit entity with information relevant to
1254 the audit project. The maximum amount the State Auditor may bill
1255 the oversight agency under this paragraph in any fiscal year is
1256 One Hundred Thousand Dollars (\$100,000.00), based on reasonable
1257 and necessary expenses.

1258 **SECTION 25.** Section 19-9-157, Mississippi Code of 1972, is
1259 amended as follows:

1260 19-9-157. The board of supervisors of the situs county, upon
1261 receipt of the payments pursuant to Section 19-9-151 less the
1262 payment made according to Section 19-9-153, shall pay all such
1263 funds in excess of Five Million Five Hundred Thousand Dollars
1264 (\$5,500,000.00) to the governing authorities of the public school
1265 districts in such county in the proportion that the * * *~~average~~
1266 ~~daily attendance~~ student enrollment for the preceding scholastic
1267 year of each school district bears to the total * * *~~average~~
1268 ~~daily attendance~~ student enrollment of the county for the
1269 preceding scholastic year. Such funds may be expended only for
1270 the purposes of capital improvements to school facilities and only
1271 after plans therefor have been submitted to and approved by
1272 the * * *~~Educational Finance Commission or its successor~~ State
1273 Board of Education. The governing authorities of such school
1274 districts may borrow money in anticipation of receipt of payments
1275 pursuant to this section and the levying authority for the school
1276 district may issue negotiable notes therefor, for the purposes set
1277 forth herein. Such loan shall be repaid from the payments



1278 received under this section by the governing authorities of the
1279 public school district. However, no public school districts
1280 within the situs county shall be entitled to any payments after
1281 January 1, 1990.

1282 **SECTION 26.** Section 25-4-29, Mississippi Code of 1972, is
1283 amended as follows:

1284 25-4-29. (1) Required statements hereunder shall be filed
1285 as follows:

1286 (a) Every incumbent public official required by
1287 paragraphs (a), (b), (d) and (e) of Section 25-4-25 to file a
1288 statement of economic interest shall file such statement with the
1289 commission on or before May 1 of each year that such official
1290 holds office, regardless of duration;

1291 (b) Candidates for office required to file a statement
1292 hereunder shall file such statement within fifteen (15) days after
1293 the deadline for qualification for that public office;

1294 (c) Persons who are required to file a statement
1295 because of appointment to fill a vacancy in an office or required
1296 to file under Section 25-4-25(d) and (e) shall file such statement
1297 within thirty (30) days of their appointment;

1298 (d) No person by reason of successful candidacy or
1299 assuming additional offices shall be required to file more than
1300 one (1) statement of economic interest in any calendar year,
1301 except such official shall notify the commission as soon as
1302 practicable of additional offices not previously reported; and



1303 (e) The commission may, on an individual case basis,
1304 provide for additional time to file a statement upon a showing
1305 that compliance with a filing date set out under paragraph (a),
1306 (b), (c) or (d) above would work an unreasonable hardship.

1307 (2) Any person who fails to file a statement of economic
1308 interest within thirty (30) days of the date the statement is due
1309 shall be deemed delinquent by the commission. The commission
1310 shall give written notice of the delinquency to the person by
1311 United States mail or by personal service of process. If within
1312 fifteen (15) days of receiving written notice of delinquency the
1313 delinquent filer has not filed the statement of economic interest,
1314 a fine of Fifty Dollars (\$50.00) per day, not to exceed a total
1315 fine of One Thousand Dollars (\$1,000.00), shall be assessed
1316 against the delinquent filer for each day thereafter in which the
1317 statement of economic interest is not properly filed. The
1318 commission shall enroll such assessment as a civil judgment with
1319 the circuit clerk in the delinquent filer's county of residence.
1320 The commission may enforce the judgment for the benefit of the
1321 State General Fund for the support of the * * *~~Mississippi~~
1322 ~~Adequate Education Program~~ Mississippi Uniform Per Student Funding
1323 Formula in the same manner as is prescribed for other civil
1324 judgments.

1325 **SECTION 27.** Section 27-25-706, Mississippi Code of 1972, is
1326 amended as follows:



1327 27-25-706. The board of supervisors of any county in the
1328 State of Mississippi bordering on the Pearl River and having a
1329 population according to the 1970 census of not less than forty
1330 thousand (40,000) and not more than fifty thousand (50,000), and
1331 through which Interstate Highway 20 runs, and wherein there is
1332 being constructed or has been constructed a plant for the
1333 extracting of sulphur from natural gas, and the board of
1334 supervisors of any county in the State of Mississippi bordering on
1335 the Pearl River and having a population according to the 1970
1336 census of not less than nineteen thousand (19,000) and not more
1337 than twenty-one thousand (21,000) and wherein U.S. Highway 49 and
1338 Mississippi Highway 28 intersect and wherein there is being
1339 constructed or has been constructed a plant for the extracting of
1340 sulphur from natural gas, are hereby authorized and empowered, in
1341 their discretion, to pledge all or any part of the county's share
1342 of the severance tax on gas extracted, handled or processed
1343 through such extraction plant, as additional security for the
1344 payment of bonds issued for the purpose of constructing,
1345 reconstructing, overlaying and/or repairing, an access road or
1346 roads or publicly owned railroads to and from such sulphur
1347 extraction plant. The amount so pledged for the payment of the
1348 principal of and the interest on such bonds shall be deducted and
1349 set aside by such board of supervisors prior to the distribution
1350 of such severance taxes in the manner provided by law, and only
1351 the amount of such severance taxes remaining after such deduction



1352 shall be subject to such distribution. The board of supervisors
1353 in such counties may pledge only up to fifty percent (50%) of such
1354 severance taxes as their respective county may receive to retire
1355 the bonds and interest pursuant to the authority of this section.
1356 The required local contribution of said counties to the cost of
1357 the * * *~~minimum foundation education program~~ uniform per student
1358 funding formula shall not be reduced nor shall the obligation of
1359 the state under * * *~~said minimum foundation program~~ the funding
1360 formula to said counties be increased because of the passage of
1361 this section.

1362 Such bonds shall be issued under the provisions of Sections
1363 19-9-1 through Section 19-9-19.

1364 **SECTION 28.** Section 27-33-3, Mississippi Code of 1972, is
1365 amended as follows:

1366 27-33-3. In order to recognize and give effect to the
1367 principle of tax-free homes as a public policy in Mississippi, to
1368 encourage home building and ownership, and to give additional
1369 security to family groups, it is hereby declared that homes
1370 legally assessed on the land roll, owned and actually occupied as
1371 a home by bona fide residents of this state, who are heads of
1372 families, shall be exempt from the ad valorem taxes herein
1373 enumerated, on not in excess of Seven Thousand Five Hundred
1374 Dollars (\$7,500.00) of the assessed value including an area of
1375 land not in excess of that specified hereinafter in this article.
1376 The exemption from taxes shall be limited to the following:



1377 (a) All homeowners who are heads of families and who
1378 qualify under the provisions of this article shall be exempt from
1379 taxes levied in 1983 and payable in 1984 and from taxes levied in
1380 1984 and payable in 1985 as follows:

1381 (i) The ad valorem taxes levied by counties
1382 pursuant to Section 27-39-329. Amounts so exempted shall not be
1383 reimbursed by the state.

1384 (ii) Ad valorem taxes levied for maintenance and
1385 current expenses by or for a county as authorized by Section
1386 27-39-303, but the levy for such purpose in any year for which
1387 reimbursement is to be made shall not exceed the millage levied
1388 for such purpose for the 1984 fiscal year; or a levy for county
1389 roads or a road district as authorized by Section 27-39-305; or a
1390 levy for constructing and maintaining all bridges and culverts as
1391 authorized by Section 65-15-7, but the levy for either or both of
1392 such purposes for which reimbursement is to be made shall not in
1393 any event exceed seven (7) mills in any year; the * * *countywide
1394 levy for the support of the * * *~~minimum education program~~ uniform
1395 per student funding formula to produce the minimum local ad
1396 valorem tax effort required * * *~~of a county as authorized~~ of a
1397 school district by Section 37-57-1, and the supplementary school
1398 district tax levy for the support and maintenance of * * *county
1399 schools as authorized by Section 37-57-105; provided, however,
1400 that the total of the levies made under said Sections 37-57-1 and
1401 37-57-105, which shall be exempt under this article, shall be



1402 limited to twenty (20) mills for any affected property area, and
1403 in the event the total of such levies should exceed twenty (20)
1404 mills for any affected property area, the excess shall not be
1405 exempt under this article, and in such case, the levy for the
1406 support of the * * *~~minimum education program of the county~~
1407 uniform per student funding formula shall have priority as an
1408 exempt levy;

1409 (iii) Ad valorem taxes levied for the support and
1410 maintenance of agricultural high schools within the limits and as
1411 authorized by Section 37-27-3, and ad valorem taxes levied for the
1412 support of community or junior colleges within the limits and as
1413 authorized by subsection (2) of Section 37-29-141; provided,
1414 however, that the exemption from taxation and reimbursement for
1415 tax loss for agricultural high schools and community or junior
1416 colleges, or any combination of same, shall not exceed three (3)
1417 mills in any one (1) year for any one (1) county;

1418 (iv) Ad valorem taxes levied for the support of
1419 the * * *~~minimum education program of~~ uniform per student funding
1420 formula in a municipal separate school district to produce the
1421 minimum local ad valorem tax effort required of such municipal
1422 separate school district as authorized by Section * * *~~37-57-3~~
1423 37-57-1, and the supplementary tax levy for the support and
1424 maintenance of the schools of a municipal separate school district
1425 as authorized by Section 37-57-105; provided, however, the total
1426 of the levies made under said Sections * * *~~37-57-3~~ 37-57-1 and



1427 37-57-105 which shall be exempt under this article shall be
1428 limited to fifteen (15) mills for any affected property area,
1429 except in those special municipal separate school districts as
1430 provided by Sections 37-7-701 through 37-7-743, the total of the
1431 levies made under Sections 37-7-739 and 37-57-105 for such special
1432 municipal separate school district which shall be exempt under
1433 this article shall not exceed twenty (20) mills, and in the event
1434 the total of such levies should exceed fifteen (15) mills for any
1435 affected property area, or twenty (20) mills in the case of a
1436 special municipal separate school district, the excess shall not
1437 be exempt under this article, and, in such case, the levy for the
1438 support of the * * *~~minimum education program of~~ uniform per
1439 student funding formula in the municipal separate school district
1440 shall have priority as an exempt levy;

1441 (v) In the event any law referred to in this
1442 section is amended so as to authorize an increase in the tax levy
1443 for any purposes, such increase in the levy shall be applied to
1444 and taxes collected from the property owners on the entire
1445 assessed value of exempted homes; and the tax loss resulting from
1446 such increase shall not be reimbursed under the provisions of the
1447 Homestead Exemption Law, unless such law clearly specifies that
1448 the exempted assessed value of homes is exempt from such increase;

1449 (vi) Ad valorem taxes levied under Sections
1450 65-15-7 and 65-15-21 shall be used solely for purposes levied.



1451 (b) Those homeowners who qualify for the exemptions
1452 provided for in subsection (a) of this section and who have
1453 reached the age of sixty-five (65) years on or before January 1 of
1454 the year for which the exemption is claimed; and
1455 service-connected, totally disabled American veterans who were
1456 honorably discharged from military service, upon presentation of
1457 proper proof of eligibility shall be exempt from any and all ad
1458 valorem taxes, including the forest acreage tax authorized by
1459 Section 49-19-115, on homesteads not in excess of Seven Thousand
1460 Five Hundred Dollars (\$7,500.00) of assessed value thereof;
1461 provided, however, that property owned jointly by husband and wife
1462 and property owned in fee simple by either spouse shall be
1463 eligible for this exemption in full if either spouse fulfills the
1464 age or disability requirement. On all other jointly owned
1465 property the amount of the allowable exemption shall be determined
1466 on the basis of each individual joint owner's qualifications and
1467 pro rata share of the property.

1468 (c) Those homeowners who qualify for the exemptions
1469 provided for in subsection (a) of this section and who would be
1470 classified as disabled under the Federal Social Security Act (42
1471 USCS Section 416(i)), upon presentation of proper proof of
1472 eligibility shall be exempt from any and all ad valorem taxes,
1473 including the forest acreage tax authorized by Section 49-19-115,
1474 on homesteads not in excess of Seven Thousand Five Hundred Dollars
1475 (\$7,500.00) of assessed value thereof; provided, however, that



1476 property owned jointly by husband and wife and property owned in
1477 fee simple by either spouse shall be eligible for this exemption
1478 in full if either spouse fulfills the disability requirement. On
1479 all other jointly owned property, the amount of the allowable
1480 exemption shall be determined on the basis of each individual
1481 joint owner's qualifications and pro rata share of the property.

1482 (d) Homeowners who qualify for exemption under
1483 subsection (c) of this section will not be included in the
1484 limitations of Section 27-33-59(e).

1485 Reimbursement by the State of Mississippi to the various
1486 taxing units for the tax losses incurred because of the additional
1487 exemptions provided for under these subsections shall be made in
1488 accordance with the procedures outlined in Section 27-33-41.

1489 This section shall not apply to claims for homestead
1490 exemptions filed in any calendar year subsequent to the 1984
1491 calendar year.

1492 **SECTION 29.** Section 27-39-317, Mississippi Code of 1972, is
1493 amended as follows:

1494 27-39-317. The board of supervisors of each county shall, at
1495 its regular meeting in September of each year, levy the county ad
1496 valorem taxes for the fiscal year, and shall, by order, fix the
1497 tax rate, or levy, for the county, for the road districts, if any,
1498 and for the school districts, if any, and for any other taxing
1499 districts; and the rates, or levies, for the county and for any
1500 district shall be expressed in mills or a decimal fraction of a



1501 mill. Said tax rates, or levies, shall determine the ad valorem
1502 taxes to be collected upon each dollar of valuation, upon the
1503 assessment rolls of the county, including the assessment of motor
1504 vehicles as provided by the Motor Vehicle Ad Valorem Tax Law of
1505 1958, Section 27-51-1 et seq., for county taxes; and upon each
1506 dollar of valuation for the respective districts, as shown upon
1507 the assessment rolls of the county, including the assessment of
1508 motor vehicles as provided by the Motor Vehicle Ad Valorem Tax Law
1509 of 1958, Section 27-51-1 et seq.; except as to such values as
1510 shall be exempt, in whole or in part, from certain tax rates or
1511 levies. If the rate or levy for the county is an increase from
1512 the previous fiscal year, then the proposed rate or levy shall be
1513 advertised in accordance with Section 27-39-203. If the board of
1514 supervisors of any county shall not levy the county taxes and the
1515 district taxes at its regular September meeting, the board shall
1516 levy the same on or before September 15 at an adjourned or special
1517 meeting, or thereafter, provided, however, that if such levy be
1518 not made on or before the fifteenth day of September then the tax
1519 collector or Department of Revenue may issue road and bridge
1520 privilege tax license plates for motor vehicles as defined in the
1521 Motor Vehicle Ad Valorem Tax Law of 1958, Section 27-51-1 et seq.,
1522 without collecting or requiring proof of payment of county ad
1523 valorem taxes, and may continue to so issue such plates until such
1524 levy is duly certified to him, and for twenty-four (24) hours
1525 thereafter.



1526 Notwithstanding the requirements of this section, in the
1527 event the Department of Revenue orders the county to make an
1528 adjustment to the tax roll pursuant to Section 27-35-113, the
1529 county shall have a period of thirty (30) days from the date of
1530 the commission's final determination to adjust the millage in
1531 order to collect the same dollar amount of taxes as originally
1532 levied by the board.

1533 In making the levy of taxes, the board of supervisors shall
1534 specify, in its order, the levy for each purpose, as follows:

1535 (a) For general county purposes (current expense and
1536 maintenance taxes), as authorized by Section 27-39-303.

1537 (b) For roads and bridges, as authorized by Section
1538 27-39-305.

1539 (c) For schools, including the * * *~~countywide minimum~~
1540 ~~education program~~ uniform per student funding formula levy and the
1541 levy for each school district including special municipal separate
1542 school districts, but not including other municipal separate
1543 school districts, and for an agricultural high school, county high
1544 school or community or junior college (current expense and
1545 maintenance taxes), as authorized by Chapter 57, Title 37,
1546 Mississippi Code of 1972, and any other applicable statute. The
1547 levy for schools shall apply to the assessed value of property in
1548 the respective school districts, including special municipal
1549 separate school districts, but not including other municipal
1550 separate school districts, and a distinct and separate levy shall



1551 be made for each school district, and the purpose for each levy
1552 shall be stated.

1553 (d) For road bonds and the interest thereon, separately
1554 for countywide bonds and for the bonds of each road district.

1555 (e) For school bonds and the interest thereon,
1556 separately for countywide bonds and for the bonds of each school
1557 district.

1558 (f) For countywide bonds, and the interest thereon,
1559 other than for road bonds and school bonds.

1560 (g) For loans, notes or any other obligation, and the
1561 interest thereon, if permitted by the law.

1562 (h) For any other purpose for which a levy is lawfully
1563 made.

1564 The order shall state all of the purposes for which the
1565 general county levy is made, using the administrative items
1566 suggested by the State Department of Audit * * *~~of Mississippi~~
1567 under the county budget law in its uniform system of accounts for
1568 counties, but the rate or levy for any item or purpose need not be
1569 shown; and if a countywide levy is made for any general or special
1570 purpose under the provisions of any law other than Section
1571 27-39-303, each such levy shall be separately stated.

1572 During the month of February of each year, if the order or
1573 resolution of the board of trustees of any school district of said
1574 county or partly in said county, is filed with it requesting the
1575 levying of ad valorem taxes for the support and maintenance of



1576 such school district for the following fiscal year, then the board
1577 of supervisors of every such county in the state shall notify, in
1578 writing, within thirty (30) days, the county superintendent of
1579 education of such county, the levy or levies it intends to make
1580 for the support and maintenance of such school districts of such
1581 county at its regular meeting in September following, and the
1582 county superintendent of education and the trustees of all such
1583 school districts shall be authorized to use such expressed
1584 intention of the board of supervisors in computing the support and
1585 maintenance budget or budgets of such school district or districts
1586 for the ensuing fiscal school year.

1587 **SECTION 30.** Section 29-3-47, Mississippi Code of 1972, is
1588 amended as follows:

1589 29-3-47. For its services the State Forestry Commission
1590 shall be entitled to receive its actual expenses incurred in the
1591 discharge of the duties herein imposed. In order to provide funds
1592 with which to pay for the general supervision and sale of forest
1593 products, fifteen percent (15%) of all receipts from the sales of
1594 forest products shall be placed by the board in a Forestry Escrow
1595 Fund and reserved to pay for work performed by the State Forestry
1596 Commission. Such payments shall be equal to the actual expenses
1597 incurred by the commission as substantiated by itemized bills
1598 presented to the board.

1599 Money in the Forestry Escrow Fund may be used to pay for any
1600 forestry work authorized during the period of the agreement and



1601 shall not be subject to lapse by reason of county budget
1602 limitations.

1603 In each school district having need of tree planting and
1604 timber stand improvement, the board of education is authorized to
1605 place additional amounts in the Forestry Escrow Fund to reimburse
1606 the State Forestry Commission for actual expenses incurred in
1607 performing this work, or to pay for any work done under private
1608 contract under the supervision of said commission. Such
1609 additional amounts may be made available from forest products
1610 sales receipts, funds borrowed from the sixteenth section
1611 principal fund as is provided for in Section 29-3-113, or any
1612 other funds available to the board of education
1613 excluding * * *~~minimum foundation program~~ uniform per student
1614 funding formula funds. Expenditures from the Forestry Escrow Fund
1615 for tree planting, timber stand improvement, and other forestry
1616 work will be limited to payment for work recommended by the
1617 Forestry Commission and agreed to by the board of education.

1618 When it becomes evident that the amount of money in the
1619 Forestry Escrow Fund is in excess of the amount necessary to
1620 accomplish the work needed to achieve the goals set by the board
1621 of education and the Forestry Commission, the State Forestry
1622 Commission shall advise said board to release any part of such
1623 funds as will not be needed, which may then be spent for any
1624 purpose authorized by law.



1625 **SECTION 31.** Section 29-3-49, Mississippi Code of 1972, is
1626 amended as follows:

1627 29-3-49. It shall be the duty of the State Forestry
1628 Commission, in the manner provided in Section 29-3-45, to enter
1629 into agreements for timber improvement purposes with the board of
1630 education upon the request of the board. The contract shall
1631 provide for the carrying out of a long-term program of timber
1632 improvement, including any or all of the following: The deadening
1633 of undesirable hardwoods, the planting of trees, the cutting and
1634 maintaining of fire lanes, and the establishment of marked
1635 boundaries on all lands classified as forest lands in the
1636 agreements, which provide for the reimbursement of all current
1637 costs incurred by the State Forestry Commission and the carrying
1638 out of the duties required by such agreements. In the
1639 alternative, the commission, in its discretion, may have the
1640 option to contract with a private contractor, subject to the
1641 approval of the board, to perform this work under the supervision
1642 of the commission. Payment of the reimbursements as hereinabove
1643 set forth to the Forestry Commission, or of compensation due under
1644 any such contract with private contractors shall be made upon
1645 presentation of itemized bills by the commission or the private
1646 contractors, as the case may be, and may be made out of any
1647 sixteenth section funds to the credit of, or accruing to, any
1648 school district in which such work shall be done, or out of any



1649 other funds available to such district, excluding * * *~~minimum~~
1650 ~~foundation program~~ uniform per student funding formula funds.

1651 **SECTION 32.** Section 29-3-113, Mississippi Code of 1972, is
1652 amended as follows:

1653 29-3-113. The principal fund shall be a permanent township
1654 fund which shall consist of funds heretofore or hereafter derived
1655 from certain uses or for certain resources of school trust lands
1656 which shall be invested and, except as otherwise provided in this
1657 section, only the interest and income derived from such funds
1658 shall be expendable by the school district.

1659 The principal fund shall consist of:

1660 (a) Funds received for easements and rights-of-way
1661 pursuant to Section 29-3-91;

1662 (b) Funds received for sales of lieu land pursuant to
1663 Sections 29-3-15 through 29-3-25;

1664 (c) Funds received from any permanent damage to the
1665 school trust land;

1666 (d) Funds received from the sale of nonrenewable
1667 resources, including, but not limited to, the sale of sand,
1668 gravel, dirt, clays and royalties received from the sale of
1669 mineral ores, coal, oil and gas;

1670 (e) Funds received from the sale of buildings pursuant
1671 to Section 29-3-77;

1672 (f) Funds received from the sale of timber; and

1673 (g) Funds received pursuant to Section 29-3-23(2).



1674 It shall be the duty of the Board of Education to keep the
1675 principal fund invested in any direct obligation issued by or
1676 guaranteed in full as to principal and interest by the United
1677 States of America or in certificates of deposit issued by a
1678 qualified depository of the State of Mississippi as approved by
1679 the State Treasurer. The certificates of deposit may bear
1680 interest at any rate per annum which may be mutually agreed upon
1681 but in no case shall said rate be less than that paid on passbook
1682 savings.

1683 The Board of Education is authorized to invest the funds in
1684 interest bearing deposits or other obligations of the types
1685 described in Section 27-105-33 or in any other type investment in
1686 which any other political subdivision of the State of Mississippi
1687 may invest, except that one hundred percent (100%) of the funds
1688 are authorized to be invested. For the purposes of investment,
1689 the principal fund of each township may be combined into one or
1690 more district accounts; however, the docket book of the county
1691 superintendent shall at all times reflect the proper source of
1692 such funds. Provided that funds received from the sale of timber
1693 shall be placed in a separate principal fund account, and may be
1694 expended for any of the purposes authorized by law.

1695 The Board of Education shall have authority to borrow such
1696 funds at a rate of interest not less than four percent (4%) per
1697 annum and for a term not exceeding twenty (20) years, for the
1698 erection, equipment or repair of said district schools, to provide



1699 local funds for any building project approved by the State Board
1700 of Education or to provide additional funds for forest stand
1701 improvement as set forth in Section 29-3-47. In addition, the
1702 board may borrow the funds under the same interest restrictions
1703 for a term not exceeding ten (10) years to provide funds for the
1704 purchase of school buses. The Board of Education of any school
1705 district in any county that has an aggregate amount of assets in
1706 its principal fund in excess of Five Million Dollars
1707 (\$5,000,000.00), may deduct an amount not to exceed Five Hundred
1708 Thousand Dollars (\$500,000.00) for the purpose of covering the
1709 cost of asbestos removal from school district buildings. Such
1710 asbestos removal shall be construed to constitute the repair of
1711 school district facilities as prescribed in Section 29-3-115.

1712 No school land trust funds may be expended after the annual
1713 payment date until the payment is made on such loan. The annual
1714 payment can be made from any funds available to the school
1715 district except * * *~~minimum foundation program~~ uniform per
1716 student funding formula funds.

1717 It shall be unlawful for the Board of Education to borrow any
1718 sixteenth section school funds in any other manner than that
1719 prescribed herein, and if any such funds shall be borrowed or
1720 invested in any other manner, any officer concerned in making such
1721 loan and investment or suffering the same to be made in violation
1722 of the provisions of this section, shall be liable personally and
1723 on his official bond for the safety of the funds so loaned.



1724 **SECTION 33.** Section 29-3-137, Mississippi Code of 1972, is
1725 amended as follows:

1726 29-3-137. (1) Beginning with the 1985-1986 fiscal year the
1727 Legislature of the State of Mississippi shall appropriate to the
1728 State Department of Education a sum of One Million Dollars
1729 (\$1,000,000.00) to be disbursed to the Chickasaw counties, and an
1730 additional One Million Dollars (\$1,000,000.00) each succeeding
1731 fiscal year thereafter until a maximum appropriation of Five
1732 Million Dollars (\$5,000,000.00) is made for the fiscal year
1733 1989-1990. Beginning with the appropriation for
1734 the * * *~~1990-1991~~ 2018-2019 fiscal year, the amount appropriated
1735 under the provisions of this section shall not exceed the total
1736 average annual expendable revenue * * *~~per teacher unit~~ received
1737 by the Choctaw counties from school lands, or Five Million Dollars
1738 (\$5,000,000.00), whichever is the lesser.

1739 (2) The State Department of Education is hereby authorized,
1740 empowered and directed to allocate for distribution such funds
1741 appropriated each year under subsection (1) of this section in
1742 proportion to the * * *~~number of teacher units~~ amount of funding
1743 allotted under the * * *~~minimum program,~~ uniform per student
1744 funding formula to such school districts affected by the sale of
1745 Chickasaw cession school lands. School districts not wholly
1746 situated in Chickasaw cession affected territory shall receive a
1747 prorated amount of such allocation based on the percentage of such
1748 lands located within the district. Provided further, that the



1749 State Department of Education shall, in addition, deduct from each
1750 affected school district's allocation the amount such district
1751 shall receive from interest payments from the Chickasaw School
1752 Fund under Section 212, Mississippi Constitution of 1890 for each
1753 fiscal year. * * *~~The total number of teacher units in the~~
1754 ~~Chickasaw counties shall be computed by the State Department of~~
1755 ~~Education.~~ The department shall document the foregoing
1756 computation in its annual budget request for the appropriation to
1757 the Chickasaw School Fund, and shall revise its budget request
1758 under such formula as the average annual revenues from sixteenth
1759 section school lands fluctuate.

1760 (3) [Repealed]

1761 **SECTION 34.** Section 31-7-10, Mississippi Code of 1972, is
1762 amended as follows:

1763 31-7-10. (1) For the purposes of this section, the term
1764 "equipment" shall mean equipment, furniture, and if applicable,
1765 associated software and other applicable direct costs associated
1766 with the acquisition. In addition to its other powers and duties,
1767 the Department of Finance and Administration shall have the
1768 authority to develop a master lease-purchase program and, pursuant
1769 to that program, shall have the authority to execute on behalf of
1770 the state master lease-purchase agreements for equipment to be
1771 used by an agency, as provided in this section. Each agency
1772 electing to acquire equipment by a lease-purchase agreement shall
1773 participate in the Department of Finance and Administration's



1774 master lease-purchase program, unless the Department of Finance
1775 and Administration makes a determination that such equipment
1776 cannot be obtained under the program or unless the equipment can
1777 be obtained elsewhere at an overall cost lower than that for which
1778 the equipment can be obtained under the program. Such
1779 lease-purchase agreements may include the refinancing or
1780 consolidation, or both, of any state agency lease-purchase
1781 agreements entered into after June 30, 1990.

1782 (2) All funds designated by agencies for procurement of
1783 equipment and financing thereof under the master lease-purchase
1784 program shall be paid into a special fund created in the State
1785 Treasury known as the "Master Lease-Purchase Program Fund," which
1786 shall be used by the Department of Finance and Administration for
1787 payment to the lessors for equipment acquired under master
1788 lease-purchase agreements.

1789 (3) Upon final approval of an appropriation bill, each
1790 agency shall submit to the Public Procurement Review Board a
1791 schedule of proposed equipment acquisitions for the master
1792 lease-purchase program. Upon approval of an equipment schedule by
1793 the Public Procurement Review Board with the advice of the
1794 Department of Information Technology Services, the Office of
1795 Purchasing, Travel and Fleet Management, and the Division of
1796 Energy and Transportation of the Mississippi Development Authority
1797 as it pertains to energy efficient climate control systems, the
1798 Public Procurement Review Board shall forward a copy of the



1799 equipment schedule to the Department of Finance and
1800 Administration.

1801 (4) The level of lease-purchase debt recommended by the
1802 Department of Finance and Administration shall be subject to
1803 approval by the State Bond Commission. After such approval, the
1804 Department of Finance and Administration shall be authorized to
1805 advertise and solicit written competitive proposals for a lessor,
1806 who will purchase the equipment pursuant to bid awards made by the
1807 using agency under a given category and then transfer the
1808 equipment to the Department of Finance and Administration as
1809 lessee, pursuant to a master lease-purchase agreement.

1810 The Department of Finance and Administration shall select the
1811 successful proposer for the financing of equipment under the
1812 master lease-purchase program with the approval of the State Bond
1813 Commission.

1814 (5) Each master lease-purchase agreement, and any subsequent
1815 amendments, shall include such terms and conditions as the State
1816 Bond Commission shall determine to be appropriate and in the
1817 public interest, and may include any covenants deemed necessary or
1818 desirable to protect the interests of the lessor, including, but
1819 not limited to, provisions setting forth the interest rate (or
1820 method for computing interest rates) for financing pursuant to
1821 such agreement, covenants concerning application of payments and
1822 funds held in the Master Lease-Purchase Program Fund, covenants to
1823 maintain casualty insurance with respect to equipment subject to



1824 the master lease-purchase agreement (and all state agencies are
1825 specifically authorized to purchase any insurance required by a
1826 master lease-purchase agreement) and covenants precluding or
1827 limiting the right of the lessee or user to acquire equipment
1828 within a specified time (not to exceed five (5) years) after
1829 cancellation on the basis of a failure to appropriate funds for
1830 payment of amounts due under a lease-purchase agreement covering
1831 comparable equipment. The State Bond Commission shall transmit
1832 copies of each such master lease-purchase agreement and each such
1833 amendment to the Joint Legislative Budget Committee. To the
1834 extent provided in any master lease-purchase agreement, title to
1835 equipment leased pursuant thereto shall be deemed to be vested in
1836 the state or the user of the equipment (as specified in such
1837 master lease-purchase agreement), subject to default under or
1838 termination of such master lease-purchase agreement.

1839 A master lease-purchase agreement may provide for payment by
1840 the lessor to the lessee of the purchase price of the equipment to
1841 be acquired pursuant thereto prior to the date on which payment is
1842 due to the vendor for such equipment and that the lease payments
1843 by the lessee shall commence as though the equipment had been
1844 provided on the date of payment. If the lessee, or lessee's
1845 escrow agent, has sufficient funds for payment of equipment
1846 purchases prior to payment due date to vendor of equipment, such
1847 funds shall be held or utilized on an as-needed basis for payment
1848 of equipment purchases either by the State Treasurer (in which



1849 event the master lease-purchase agreement may include provisions
1850 concerning the holding of such funds, the creation of a security
1851 interest for the benefit of the lessor in such funds until
1852 disbursed and other appropriate provisions approved by the Bond
1853 Commission) or by a corporate trustee selected by the Department
1854 of Finance and Administration (in which event the Department of
1855 Finance and Administration shall have the authority to enter into
1856 an agreement with such a corporate trustee containing terms and
1857 conditions approved by the Bond Commission). Earnings on any
1858 amount paid by the lessor prior to the acquisition of the
1859 equipment may be used to make lease payments under the master
1860 lease-purchase agreement or applied to pay costs and expenses
1861 incurred in connection with such lease-purchase agreement. In
1862 such event, the equipment-use agreements with the user agency may
1863 provide for lease payments to commence upon the date of payment by
1864 the lessor and may also provide for a credit against such payments
1865 to the extent that investment receipts from investment of the
1866 purchase price are to be used to make lease-purchase payments.

1867 (6) The annual rate of interest paid under any
1868 lease-purchase agreement authorized under this section shall not
1869 exceed the maximum interest rate to maturity on general obligation
1870 indebtedness permitted under Section 75-17-101.

1871 (7) The Department of Finance and Administration shall
1872 furnish the equipment to the various agencies, also known as the
1873 user, pursuant to an equipment-use agreement developed by the



1874 Department of Finance and Administration. Such agreements shall
1875 require that all monthly payments due from such agency be paid,
1876 transferred or allocated into the Master Lease-Purchase Program
1877 Fund pursuant to a schedule established by the Department of
1878 Finance and Administration. In the event such sums are not paid
1879 by the defined payment period, the Executive Director of the
1880 Department of Finance and Administration shall issue a requisition
1881 for a warrant to draw such amount as may be due from any funds
1882 appropriated for the use of the agency which has failed to make
1883 the payment as agreed.

1884 (8) All master lease-purchase agreements executed under the
1885 authority of this section shall contain the following annual
1886 allocation dependency clause or an annual allocation dependency
1887 clause which is substantially equivalent thereto: "The
1888 continuation of each equipment schedule to this agreement is
1889 contingent in whole or in part upon the appropriation of funds by
1890 the Legislature to make the lease-purchase payments required under
1891 such equipment schedule. If the Legislature fails to appropriate
1892 sufficient funds to provide for the continuation of the
1893 lease-purchase payments under any such equipment schedule, then
1894 the obligations of the lessee and of the agency to make such
1895 lease-purchase payments and the corresponding provisions of any
1896 such equipment schedule to this agreement shall terminate on the
1897 last day of the fiscal year for which appropriations were made."



1898 (9) The maximum lease term for any equipment acquired under
1899 the master lease-purchase program shall not exceed the useful life
1900 of such equipment as determined according to the upper limit of
1901 the asset depreciation range (ADR) guidelines for the Class Life
1902 Asset Depreciation Range System established by the Internal
1903 Revenue Service pursuant to the United States Internal Revenue
1904 Code and Regulations thereunder as in effect on December 31, 1980,
1905 or comparable depreciation guidelines with respect to any
1906 equipment not covered by ADR guidelines. The Department of
1907 Finance and Administration shall be deemed to have met the
1908 requirements of this subsection if the term of a master
1909 lease-purchase agreement does not exceed the weighted average
1910 useful life of all equipment covered by such agreement and the
1911 schedules thereto as determined by the Department of Finance and
1912 Administration. For purposes of this subsection, the "term of a
1913 master lease-purchase agreement" shall be the weighted average
1914 maturity of all principal payments to be made under such master
1915 lease-purchase agreement and all schedules thereto.

1916 (10) Interest paid on any master lease-purchase agreement
1917 under this section shall be exempt from State of Mississippi
1918 income taxation. All equipment, and the purchase thereof by any
1919 lessor, acquired under the master lease-purchase program and all
1920 lease-purchase payments with respect thereto shall be exempt from
1921 all Mississippi sales, use and ad valorem taxes.



1922 (11) The Governor, in his annual executive budget to the
1923 Legislature, shall recommend appropriations sufficient to provide
1924 funds to pay all amounts due and payable during the applicable
1925 fiscal year under master lease-purchase agreements entered into
1926 pursuant to this section.

1927 (12) Any master lease-purchase agreement reciting in
1928 substance that such agreement has been entered into pursuant to
1929 this section shall be conclusively deemed to have been entered
1930 into in accordance with all of the provisions and conditions set
1931 forth in this section. Any defect or irregularity arising with
1932 respect to procedures applicable to the acquisition of any
1933 equipment shall not invalidate or otherwise limit the obligation
1934 of the Department of Finance and Administration, or the state or
1935 any agency of the state, under any master lease-purchase agreement
1936 or any equipment-use agreement.

1937 (13) There shall be maintained by the Department of Finance
1938 and Administration, with respect to each master lease-purchase
1939 agreement, an itemized statement of the cash price, interest
1940 rates, interest costs, commissions, debt service schedules and all
1941 other costs and expenses paid by the state incident to the
1942 lease-purchase of equipment under such agreement.

1943 (14) Lease-purchase agreements entered into by the Board of
1944 Trustees of State Institutions of Higher Learning pursuant to the
1945 authority of Section 37-101-413 or by any other agency which has
1946 specific statutory authority other than pursuant to Section



1947 31-7-13(e) to acquire equipment by lease-purchase shall not be
1948 made pursuant to the master lease-purchase program under this
1949 section, unless the Board of Trustees of State Institutions of
1950 Higher Learning or such other agency elects to participate as to
1951 part or all of its lease-purchase acquisitions in the master
1952 lease-purchase program pursuant to this section.

1953 (15) The Department of Finance and Administration may
1954 develop a master lease-purchase program for school districts and,
1955 pursuant to that program, may execute on behalf of the school
1956 districts master lease-purchase agreements for equipment to be
1957 used by the school districts. The form and structure of this
1958 program shall be substantially the same as set forth in this
1959 section for the master lease-purchase program for state agencies.
1960 If sums due from a school district under the master lease-purchase
1961 program are not paid by the expiration of the defined payment
1962 period, the Executive Director of the Department of Finance and
1963 Administration may withhold such amount that is due from the
1964 school district's * * *~~minimum education or adequate education~~
1965 ~~program fund~~ uniform per student funding formula allotments.

1966 (16) The Department of Finance and Administration may
1967 develop a master lease-purchase program for community and junior
1968 college districts and, pursuant to that program, may execute on
1969 behalf of the community and junior college districts master
1970 lease-purchase agreements for equipment to be used by the
1971 community and junior college districts. The form and structure of



1972 this program must be substantially the same as set forth in this
1973 section for the master lease-purchase program for state agencies.
1974 If sums due from a community or junior college district under the
1975 master lease-purchase program are not paid by the expiration of
1976 the defined payment period, the Executive Director of the
1977 Department of Finance and Administration may withhold an amount
1978 equal to the amount due under the program from any funds allocated
1979 for that community or junior college district in the state
1980 appropriations for the use and support of the community and junior
1981 colleges.

1982 (17) From and after July 1, 2016, the expenses of this
1983 agency shall be defrayed by appropriation from the State General
1984 Fund and all user charges and fees authorized under this section
1985 shall be deposited into the State General Fund as authorized by
1986 law.

1987 (18) From and after July 1, 2016, no state agency shall
1988 charge another state agency a fee, assessment, rent or other
1989 charge for services or resources received by authority of this
1990 section.

1991 **SECTION 35.** Section 37-1-3, Mississippi Code of 1972, is
1992 amended as follows:

1993 37-1-3. (1) The State Board of Education shall adopt rules
1994 and regulations and set standards and policies for the
1995 organization, operation, management, planning, budgeting and
1996 programs of the State Department of Education.



1997 (a) The board is directed to identify all functions of
1998 the department that contribute to or comprise a part of the state
1999 system of educational accountability and to establish and maintain
2000 within the department the necessary organizational structure,
2001 policies and procedures for effectively coordinating such
2002 functions. Such policies and procedures shall clearly fix and
2003 delineate responsibilities for various aspects of the system and
2004 for overall coordination of the total system and its effective
2005 management.

2006 (b) The board shall establish and maintain a
2007 system-wide plan of performance, policy and directions of public
2008 education not otherwise provided for.

2009 (c) The board shall effectively use the personnel and
2010 resources of the department to enhance technical assistance to
2011 school districts in instruction and management therein.

2012 (d) The board shall establish and maintain a central
2013 budget policy.

2014 (e) The board shall establish and maintain within the
2015 State Department of Education a central management capacity under
2016 the direction of the State Superintendent of Public Education.

2017 (f) The board, with recommendations from the
2018 superintendent, shall design and maintain a five-year plan and
2019 program for educational improvement that shall set forth
2020 objectives for system performance and development and be the basis
2021 for budget requests and legislative initiatives.



2022 (2) (a) The State Board of Education shall adopt and
2023 maintain a curriculum and a course of study to be used in the
2024 public school districts that is designed to prepare the state's
2025 children and youth to be productive, informed, creative citizens,
2026 workers and leaders, and it shall regulate all matters arising in
2027 the practical administration of the school system not otherwise
2028 provided for.

2029 (b) Before the 1999-2000 school year, the State Board
2030 of Education shall develop personal living and finances objectives
2031 that focus on money management skills for individuals and families
2032 for appropriate, existing courses at the secondary level. The
2033 objectives must require the teaching of those skills necessary to
2034 handle personal business and finances and must include instruction
2035 in the following:

- 2036 (i) Opening a bank account and assessing the
2037 quality of a bank's services;
- 2038 (ii) Balancing a checkbook;
- 2039 (iii) Managing debt, including retail and credit
2040 card debt;
- 2041 (iv) Completing a loan application;
- 2042 (v) The implications of an inheritance;
- 2043 (vi) The basics of personal insurance policies;
- 2044 (vii) Consumer rights and responsibilities;
- 2045 (viii) Dealing with salesmen and merchants;
- 2046 (ix) Computing state and federal income taxes;



- 2047 (x) Local tax assessments;
- 2048 (xi) Computing interest rates by various
- 2049 mechanisms;
- 2050 (xii) Understanding simple contracts; and
- 2051 (xiii) Contesting an incorrect billing statement.

2052 (3) The State Board of Education shall have authority to

2053 expend any available federal funds, or any other funds expressly

2054 designated, to pay training, educational expenses, salary

2055 incentives and salary supplements to licensed teachers employed in

2056 local school districts or schools administered by the State Board

2057 of Education. Such incentive payments shall not be considered

2058 part of a school district's local supplement * * *~~as defined in~~

2059 ~~Section 37-151-5(e)~~, nor shall the incentives be considered part

2060 of the local supplement paid to an individual teacher for the

2061 purposes of Section 37-19-7(1). * * *~~MAEP funds or any other state~~

2062 Uniform per student funding formula funds shall not be used to

2063 provide such incentives unless specifically authorized by law.

2064 (4) The State Board of Education shall through its actions

2065 seek to implement the policies set forth in Section 37-1-2.

2066 **SECTION 36.** Section 37-3-11, Mississippi Code of 1972, is

2067 amended as follows:

2068 37-3-11. The State Superintendent of Public Education shall

2069 perform the duties assigned to him by the State Board of

2070 Education, and he shall have the following duties:



2071 (a) To serve as secretary for the State Board of
2072 Education;

2073 (b) To be the Chief Administrative Officer of the State
2074 Department of Education;

2075 (c) To recommend to the State Board of Education, for
2076 its consideration, rules and regulations for the supervision of
2077 the public schools and agricultural high schools of the school
2078 districts throughout the state and for the efficient organization
2079 and conduct of the same;

2080 (d) To collect data and make it available to the state
2081 board for determining the proper distribution of the * * *state
2082 ~~common school~~ uniform per student funding formula funds;

2083 (e) To keep a complete record of all official acts of
2084 the State Superintendent and the acts of the State Board of
2085 Education;

2086 (f) To prepare, have printed and furnish all officers
2087 charged with the administration of the laws pertaining to the
2088 public schools, such blank forms and books as may be necessary to
2089 the proper discharge of their duties, which printing is to be paid
2090 for out of funds provided by the Legislature;

2091 (g) To have printed in pamphlet form the laws
2092 pertaining to the public schools and publish therein forms for
2093 conducting school business, the rules and regulations for the
2094 government of schools that the State Superintendent or the State
2095 Board of Education may recommend, and such other matters as may be



2096 deemed worthy of public interest pertaining to the public schools,
2097 which printing is to be paid for out of funds provided by the
2098 Legislature;

2099 (h) To meet all superintendents annually at such time
2100 and place as the State Superintendent shall appoint for the
2101 purpose of accumulating facts relative to schools, to review the
2102 educational progress made in the various sections of the state, to
2103 compare views, discuss problems, hear discussions and suggestions
2104 relative to examinations and qualifications of teachers, methods
2105 of instruction, textbooks, summer schools for teachers, visitation
2106 of schools, consolidation of schools, health work in the schools,
2107 vocational education and other matters pertaining to the public
2108 school system;

2109 (i) To advise all superintendents upon all matters
2110 involving the welfare of the schools, and at the request of any
2111 superintendent, to give an opinion upon a written statement of
2112 facts on all questions and controversies arising out of the
2113 interpretation and construction of the school laws, in regard to
2114 rights, powers and duties of school officers and superintendents,
2115 and to keep a record of all such decisions. Before giving any
2116 opinion, the superintendent may submit the statement of facts to
2117 the Attorney General, and it shall be the duty of the Attorney
2118 General forthwith to examine such statement and suggest the proper
2119 decision to be made upon such fact;



2120 (j) To require annually, and as often as the State
2121 Superintendent may deem proper, of all superintendents, detailed
2122 reports on the educational business of the various districts;

2123 (k) On or before January 10 in each year to prepare,
2124 under the direction of the State Board of Education, the annual
2125 information report of the State Department of Education as
2126 described in Section 37-151-97;

2127 (l) To determine the number of educable children in the
2128 several school districts under rules and regulations prescribed by
2129 the State Board of Education; and

2130 (m) To perform such other duties as may be prescribed
2131 by the State Board of Education.

2132 **SECTION 37.** Section 37-3-83, Mississippi Code of 1972, is
2133 amended as follows:

2134 37-3-83. (1) There is established within the State
2135 Department of Education, using only existing staff and resources,
2136 a School Safety Grant Program, available to all eligible public
2137 school districts, to assist in financing programs to provide
2138 school safety. However, no monies from the Temporary Assistance
2139 for Needy Families grant may be used for the School Safety Grant
2140 Program.

2141 (2) The school board of each school district, with the
2142 assistance of the State Department of Education School Safety
2143 Center, shall adopt a comprehensive local school district school
2144 safety plan and shall update the plan on an annual basis.



2145 (3) Subject to the extent of appropriations available, the
2146 School Safety Grant Program shall offer any of the following
2147 specific preventive services, and other additional services
2148 appropriate to the most current school district school safety
2149 plan:

2150 (a) Metal detectors;

2151 (b) Video surveillance cameras, communications
2152 equipment and monitoring equipment for classrooms, school
2153 buildings, school grounds and school buses;

2154 (c) Crisis management/action teams responding to school
2155 violence;

2156 (d) Violence prevention training, conflict resolution
2157 training, and other appropriate training designated by the State
2158 Department of Education for faculty and staff; and

2159 (e) School safety personnel.

2160 (4) Each local school district of this state may annually
2161 apply for school safety grant funds subject to appropriations by
2162 the Legislature. School safety grants shall include a base grant
2163 amount plus an additional amount per student in * * *~~average~~
2164 ~~daily attendance~~ enrollment in the school or school district. The
2165 base grant amount and amount per student shall be determined by
2166 the State Board of Education, subject to specific appropriation
2167 therefor by the Legislature. In order to be eligible for such
2168 program, each local school board desiring to participate shall
2169 apply to the State Department of Education by May 31 before the



2170 beginning of the applicable fiscal year on forms provided by the
2171 department, and shall be required to establish a local School
2172 Safety Task Force to involve members of the community in the
2173 school safety effort. The State Department of Education shall
2174 determine by July 1 of each succeeding year which local school
2175 districts have submitted approved applications for school safety
2176 grants.

2177 (5) As part of the School Safety Grant Program, the State
2178 Department of Education may conduct a pilot program to research
2179 the feasibility of using video camera equipment in the classroom
2180 to address the following:

2181 (a) Determine if video cameras in the classroom reduce
2182 student disciplinary problems;

2183 (b) Enable teachers to present clear and convincing
2184 evidence of a student's disruptive behavior to the student, the
2185 principal, the superintendent and the student's parents; and

2186 (c) Enable teachers to review teaching performance and
2187 receive diagnostic feedback for developmental purposes.

2188 (6) Any local school district may use
2189 audio/visual-monitoring equipment in classrooms, hallways,
2190 buildings, grounds and buses for the purpose of monitoring school
2191 disciplinary problems.

2192 (7) As a component of the comprehensive local school
2193 district school safety plan required under subsection (2) of this
2194 section, the school board of a school district may adopt and



2195 implement a policy addressing sexual abuse of children, to be
2196 known as "Erin's Law Awareness." Any policy adopted under this
2197 subsection may include or address, but need not be limited to, the
2198 following:

2199 (a) Methods for increasing teacher, student and
2200 parental awareness of issues regarding sexual abuse of children,
2201 including knowledge of likely warning signs indicating that a
2202 child may be a victim of sexual abuse;

2203 (b) Educational information for parents or guardians,
2204 which may be included in the school handbook, on the warning signs
2205 of a child being abused, along with any needed assistance,
2206 referral or resource information;

2207 (c) Training for school personnel on child sexual
2208 abuse;

2209 (d) Age-appropriate curriculum for students in
2210 prekindergarten through fifth grade;

2211 (e) Actions that a child who is a victim of sexual
2212 abuse should take to obtain assistance and intervention;

2213 (f) Counseling and resources available for students
2214 affected by sexual abuse; and

2215 (g) Emotional and educational support for a child who
2216 has been abused to enable the child to be successful in school.

2217 **SECTION 38.** Section 37-7-208, Mississippi Code of 1972, is
2218 amended as follows:



2219 37-7-208. The board of trustees of any consolidated school
2220 district may pay from * * *~~non-minimum program~~ funds other than
2221 uniform per student funding formula funds the cost and expense of
2222 litigation involved by or resulting from the creation of or
2223 litigation to create single member school board trustee election
2224 districts, and pay from * * *~~non-minimum program~~ funds other than
2225 uniform per student funding formula funds the cost or expense to
2226 implement any plan, decree or reorganization as approved by the
2227 court. Said payments by the board of trustees shall be deemed a
2228 "new program" under the provisions of Section
2229 37-57-107, * * *~~Mississippi Code of 1972~~, and any additional
2230 millage levied for such purpose and the revenue generated
2231 therefrom shall be excluded from the tax increase limitation
2232 prescribed in Sections 37-57-105 and 37-57-107. The board of
2233 supervisors of any county in which there is located such
2234 consolidated school district may, in its discretion, contribute
2235 out of county general funds to the cost and expense of such
2236 litigation and/or the cost of implementing such redistricting
2237 plan.

2238 **SECTION 39.** Section 37-7-301, Mississippi Code of 1972, is
2239 amended as follows:

2240 37-7-301. The school boards of all school districts shall
2241 have the following powers, authority and duties in addition to all
2242 others imposed or granted by law, to wit:



2243 (a) To organize and operate the schools of the district
2244 and to make such division between the high school grades and
2245 elementary grades as, in their judgment, will serve the best
2246 interests of the school;

2247 (b) To introduce public school music, art, manual
2248 training and other special subjects into either the elementary or
2249 high school grades, as the board shall deem proper;

2250 (c) To be the custodians of real and personal school
2251 property and to manage, control and care for same, both during the
2252 school term and during vacation;

2253 (d) To have responsibility for the erection, repairing
2254 and equipping of school facilities and the making of necessary
2255 school improvements;

2256 (e) To suspend or to expel a pupil or to change the
2257 placement of a pupil to the school district's alternative school
2258 or homebound program for misconduct in the school or on school
2259 property, as defined in Section 37-11-29, on the road to and from
2260 school, or at any school-related activity or event, or for conduct
2261 occurring on property other than school property or other than at
2262 a school-related activity or event when such conduct by a pupil,
2263 in the determination of the school superintendent or principal,
2264 renders that pupil's presence in the classroom a disruption to the
2265 educational environment of the school or a detriment to the best
2266 interest and welfare of the pupils and teacher of such class as a



2267 whole, and to delegate such authority to the appropriate officials
2268 of the school district;

2269 (f) To visit schools in the district, in their
2270 discretion, in a body for the purpose of determining what can be
2271 done for the improvement of the school in a general way;

2272 (g) To support, within reasonable limits, the
2273 superintendent, principal and teachers where necessary for the
2274 proper discipline of the school;

2275 (h) To exclude from the schools students with what
2276 appears to be infectious or contagious diseases; provided,
2277 however, such student may be allowed to return to school upon
2278 presenting a certificate from a public health officer, duly
2279 licensed physician or nurse practitioner that the student is free
2280 from such disease;

2281 (i) To require those vaccinations specified by the
2282 State Health Officer as provided in Section 41-23-37;

2283 (j) To see that all necessary utilities and services
2284 are provided in the schools at all times when same are needed;

2285 (k) To authorize the use of the school buildings and
2286 grounds for the holding of public meetings and gatherings of the
2287 people under such regulations as may be prescribed by said board;

2288 (l) To prescribe and enforce rules and regulations not
2289 inconsistent with law or with the regulations of the State Board
2290 of Education for their own government and for the government of



2291 the schools, and to transact their business at regular and special
2292 meetings called and held in the manner provided by law;

2293 (m) To maintain and operate all of the schools under
2294 their control for such length of time during the year as may be
2295 required;

2296 (n) To enforce in the schools the courses of study and
2297 the use of the textbooks prescribed by the proper authorities;

2298 (o) To make orders directed to the superintendent of
2299 schools for the issuance of pay certificates for lawful purposes
2300 on any available funds of the district and to have full control of
2301 the receipt, distribution, allotment and disbursement of all funds
2302 provided for the support and operation of the schools of such
2303 school district whether such funds be derived from state
2304 appropriations, local ad valorem tax collections, or otherwise.
2305 The local school board shall be authorized and empowered to
2306 promulgate rules and regulations that specify the types of claims
2307 and set limits of the dollar amount for payment of claims by the
2308 superintendent of schools to be ratified by the board at the next
2309 regularly scheduled meeting after payment has been made;

2310 (p) To select all school district personnel in the
2311 manner provided by law, and to provide for such employee fringe
2312 benefit programs, including accident reimbursement plans, as may
2313 be deemed necessary and appropriate by the board;



2314 (q) To provide athletic programs and other school
2315 activities and to regulate the establishment and operation of such
2316 programs and activities;

2317 (r) To join, in their discretion, any association of
2318 school boards and other public school-related organizations, and
2319 to pay from local funds other than * * *~~minimum foundation~~ uniform
2320 per student funding formula funds, any membership dues;

2321 (s) To expend local school activity funds, or other
2322 available school district funds, other than * * *~~minimum education~~
2323 ~~program~~ uniform per student funding formula funds, for the
2324 purposes prescribed under this paragraph. "Activity funds" shall
2325 mean all funds received by school officials in all school
2326 districts paid or collected to participate in any school activity,
2327 such activity being part of the school program and partially
2328 financed with public funds or supplemented by public funds. The
2329 term "activity funds" shall not include any funds raised and/or
2330 expended by any organization unless commingled in a bank account
2331 with existing activity funds, regardless of whether the funds were
2332 raised by school employees or received by school employees during
2333 school hours or using school facilities, and regardless of whether
2334 a school employee exercises influence over the expenditure or
2335 disposition of such funds. Organizations shall not be required to
2336 make any payment to any school for the use of any school facility
2337 if, in the discretion of the local school governing board, the
2338 organization's function shall be deemed to be beneficial to the



2339 official or extracurricular programs of the school. For the
2340 purposes of this provision, the term "organization" shall not
2341 include any organization subject to the control of the local
2342 school governing board. Activity funds may only be expended for
2343 any necessary expenses or travel costs, including advances,
2344 incurred by students and their chaperons in attending any in-state
2345 or out-of-state school-related programs, conventions or seminars
2346 and/or any commodities, equipment, travel expenses, purchased
2347 services or school supplies which the local school governing
2348 board, in its discretion, shall deem beneficial to the official or
2349 extracurricular programs of the district, including items which
2350 may subsequently become the personal property of individuals,
2351 including yearbooks, athletic apparel, book covers and trophies.
2352 Activity funds may be used to pay travel expenses of school
2353 district personnel. The local school governing board shall be
2354 authorized and empowered to promulgate rules and regulations
2355 specifically designating for what purposes school activity funds
2356 may be expended. The local school governing board shall provide
2357 (i) that such school activity funds shall be maintained and
2358 expended by the principal of the school generating the funds in
2359 individual bank accounts, or (ii) that such school activity funds
2360 shall be maintained and expended by the superintendent of schools
2361 in a central depository approved by the board. The local school
2362 governing board shall provide that such school activity funds be
2363 audited as part of the annual audit required in Section 37-9-18.



2364 The State Department of Education shall prescribe a uniform system
2365 of accounting and financial reporting for all school activity fund
2366 transactions;

2367 (t) To enter into an energy performance contract,
2368 energy services contract, on a shared_savings, lease or
2369 lease-purchase basis, for energy efficiency services and/or
2370 equipment as provided for in Section 31-7-14;

2371 (u) To maintain accounts and issue pay certificates on
2372 school food service bank accounts;

2373 (v) (i) To lease a school building from an individual,
2374 partnership, nonprofit corporation or a private for-profit
2375 corporation for the use of such school district, and to expend
2376 funds therefor as may be available from any * * *~~nonminimum~~
2377 program sources other than uniform per student funding formula
2378 funds. The school board of the school district desiring to lease
2379 a school building shall declare by resolution that a need exists
2380 for a school building and that the school district cannot provide
2381 the necessary funds to pay the cost or its proportionate share of
2382 the cost of a school building required to meet the present needs.
2383 The resolution so adopted by the school board shall be published
2384 once each week for three (3) consecutive weeks in a newspaper
2385 having a general circulation in the school district involved, with
2386 the first publication thereof to be made not less than thirty (30)
2387 days prior to the date upon which the school board is to act on
2388 the question of leasing a school building. If no petition



2389 requesting an election is filed prior to such meeting as
2390 hereinafter provided, then the school board may, by resolution
2391 spread upon its minutes, proceed to lease a school building. If
2392 at any time prior to said meeting a petition signed by not less
2393 than twenty percent (20%) or fifteen hundred (1500), whichever is
2394 less, of the qualified electors of the school district involved
2395 shall be filed with the school board requesting that an election
2396 be called on the question, then the school board shall, not later
2397 than the next regular meeting, adopt a resolution calling an
2398 election to be held within such school district upon the question
2399 of authorizing the school board to lease a school building. Such
2400 election shall be called and held, and notice thereof shall be
2401 given, in the same manner for elections upon the questions of the
2402 issuance of the bonds of school districts, and the results thereof
2403 shall be certified to the school board. If at least three-fifths
2404 (3/5) of the qualified electors of the school district who voted
2405 in such election shall vote in favor of the leasing of a school
2406 building, then the school board shall proceed to lease a school
2407 building. The term of the lease contract shall not exceed twenty
2408 (20) years, and the total cost of such lease shall be either the
2409 amount of the lowest and best bid accepted by the school board
2410 after advertisement for bids or an amount not to exceed the
2411 current fair market value of the lease as determined by the
2412 averaging of at least two (2) appraisals by certified general
2413 appraisers licensed by the State of Mississippi. The term "school



2414 building" as used in this paragraph (v) (i) shall be construed to
2415 mean any building or buildings used for classroom purposes in
2416 connection with the operation of schools and shall include the
2417 site therefor, necessary support facilities, and the equipment
2418 thereof and appurtenances thereto such as heating facilities,
2419 water supply, sewage disposal, landscaping, walks, drives and
2420 playgrounds. The term "lease" as used in this paragraph (v) (i)
2421 may include a lease-purchase contract;

2422 (ii) If two (2) or more school districts propose
2423 to enter into a lease contract jointly, then joint meetings of the
2424 school boards having control may be held but no action taken shall
2425 be binding on any such school district unless the question of
2426 leasing a school building is approved in each participating school
2427 district under the procedure hereinabove set forth in paragraph
2428 (v) (i). All of the provisions of paragraph (v) (i) regarding the
2429 term and amount of the lease contract shall apply to the school
2430 boards of school districts acting jointly. Any lease contract
2431 executed by two (2) or more school districts as joint lessees
2432 shall set out the amount of the aggregate lease rental to be paid
2433 by each, which may be agreed upon, but there shall be no right of
2434 occupancy by any lessee unless the aggregate rental is paid as
2435 stipulated in the lease contract. All rights of joint lessees
2436 under the lease contract shall be in proportion to the amount of
2437 lease rental paid by each;



2438 (w) To employ all noninstructional and noncertificated
2439 employees and fix the duties and compensation of such personnel
2440 deemed necessary pursuant to the recommendation of the
2441 superintendent of schools;

2442 (x) To employ and fix the duties and compensation of
2443 such legal counsel as deemed necessary;

2444 (y) Subject to rules and regulations of the State Board
2445 of Education, to purchase, own and operate trucks, vans and other
2446 motor vehicles, which shall bear the proper identification
2447 required by law;

2448 (z) To expend funds for the payment of substitute
2449 teachers and to adopt reasonable regulations for the employment
2450 and compensation of such substitute teachers;

2451 (aa) To acquire in its own name by purchase all real
2452 property which shall be necessary and desirable in connection with
2453 the construction, renovation or improvement of any public school
2454 building or structure. Whenever the purchase price for such real
2455 property is greater than Fifty Thousand Dollars (\$50,000.00), the
2456 school board shall not purchase the property for an amount
2457 exceeding the fair market value of such property as determined by
2458 the average of at least two (2) independent appraisals by
2459 certified general appraisers licensed by the State of Mississippi.
2460 If the board shall be unable to agree with the owner of any such
2461 real property in connection with any such project, the board shall
2462 have the power and authority to acquire any such real property by



2463 condemnation proceedings pursuant to Section 11-27-1 et seq.,
2464 Mississippi Code of 1972, and for such purpose, the right of
2465 eminent domain is hereby conferred upon and vested in said board.
2466 Provided further, that the local school board is authorized to
2467 grant an easement for ingress and egress over sixteenth section
2468 land or lieu land in exchange for a similar easement upon
2469 adjoining land where the exchange of easements affords substantial
2470 benefit to the sixteenth section land; provided, however, the
2471 exchange must be based upon values as determined by a competent
2472 appraiser, with any differential in value to be adjusted by cash
2473 payment. Any easement rights granted over sixteenth section land
2474 under such authority shall terminate when the easement ceases to
2475 be used for its stated purpose. No sixteenth section or lieu land
2476 which is subject to an existing lease shall be burdened by any
2477 such easement except by consent of the lessee or unless the school
2478 district shall acquire the unexpired leasehold interest affected
2479 by the easement;

2480 (bb) To charge reasonable fees related to the
2481 educational programs of the district, in the manner prescribed in
2482 Section 37-7-335;

2483 (cc) Subject to rules and regulations of the State
2484 Board of Education, to purchase relocatable classrooms for the use
2485 of such school district, in the manner prescribed in Section
2486 37-1-13;



2487 (dd) Enter into contracts or agreements with other
2488 school districts, political subdivisions or governmental entities
2489 to carry out one or more of the powers or duties of the school
2490 board, or to allow more efficient utilization of limited resources
2491 for providing services to the public;

2492 (ee) To provide for in-service training for employees
2493 of the district;

2494 (ff) As part of their duties to prescribe the use of
2495 textbooks, to provide that parents and legal guardians shall be
2496 responsible for the textbooks and for the compensation to the
2497 school district for any books which are not returned to the proper
2498 schools upon the withdrawal of their dependent child. If a
2499 textbook is lost or not returned by any student who drops out of
2500 the public school district, the parent or legal guardian shall
2501 also compensate the school district for the fair market value of
2502 the textbooks;

2503 (gg) To conduct fund-raising activities on behalf of
2504 the school district that the local school board, in its
2505 discretion, deems appropriate or beneficial to the official or
2506 extracurricular programs of the district; provided that:

2507 (i) Any proceeds of the fund-raising activities
2508 shall be treated as "activity funds" and shall be accounted for as
2509 are other activity funds under this section; and

2510 (ii) Fund-raising activities conducted or
2511 authorized by the board for the sale of school pictures, the



2512 rental of caps and gowns or the sale of graduation invitations for
2513 which the school board receives a commission, rebate or fee shall
2514 contain a disclosure statement advising that a portion of the
2515 proceeds of the sales or rentals shall be contributed to the
2516 student activity fund;

2517 (hh) To allow individual lessons for music, art and
2518 other curriculum-related activities for academic credit or
2519 nonacademic credit during school hours and using school equipment
2520 and facilities, subject to uniform rules and regulations adopted
2521 by the school board;

2522 (ii) To charge reasonable fees for participating in an
2523 extracurricular activity for academic or nonacademic credit for
2524 necessary and required equipment such as safety equipment, band
2525 instruments and uniforms;

2526 (jj) To conduct or participate in any fund-raising
2527 activities on behalf of or in connection with a tax-exempt
2528 charitable organization;

2529 (kk) To exercise such powers as may be reasonably
2530 necessary to carry out the provisions of this section;

2531 (ll) To expend funds for the services of nonprofit arts
2532 organizations or other such nonprofit organizations who provide
2533 performances or other services for the students of the school
2534 district;

2535 (mm) To expend federal No Child Left Behind Act funds,
2536 or any other available funds that are expressly designated and



2537 authorized for that use, to pay training, educational expenses,
2538 salary incentives and salary supplements to employees of local
2539 school districts; except that incentives shall not be considered
2540 part of the local supplement * * *~~as defined in Section~~
2541 ~~37-151-5(e)~~, nor shall incentives be considered part of the local
2542 supplement paid to an individual teacher for the purposes of
2543 Section 37-19-7(1). * * *~~Mississippi Adequate Education Program~~
2544 Mississippi Uniform Per Student Funding Formula funds or any other
2545 state funds may not be used for salary incentives or salary
2546 supplements as provided in this paragraph (mm);

2547 (nn) To use any available funds, not appropriated or
2548 designated for any other purpose, for reimbursement to the
2549 state-licensed employees from both in state and out of state, who
2550 enter into a contract for employment in a school district, for the
2551 expense of moving when the employment necessitates the relocation
2552 of the licensed employee to a different geographical area than
2553 that in which the licensed employee resides before entering into
2554 the contract. The reimbursement shall not exceed One Thousand
2555 Dollars (\$1,000.00) for the documented actual expenses incurred in
2556 the course of relocating, including the expense of any
2557 professional moving company or persons employed to assist with the
2558 move, rented moving vehicles or equipment, mileage in the amount
2559 authorized for county and municipal employees under Section
2560 25-3-41 if the licensed employee used his personal vehicle or
2561 vehicles for the move, meals and such other expenses associated



2562 with the relocation. No licensed employee may be reimbursed for
2563 moving expenses under this section on more than one (1) occasion
2564 by the same school district. Nothing in this section shall be
2565 construed to require the actual residence to which the licensed
2566 employee relocates to be within the boundaries of the school
2567 district that has executed a contract for employment in order for
2568 the licensed employee to be eligible for reimbursement for the
2569 moving expenses. However, the licensed employee must relocate
2570 within the boundaries of the State of Mississippi. Any individual
2571 receiving relocation assistance through the Critical Teacher
2572 Shortage Act as provided in Section 37-159-5 shall not be eligible
2573 to receive additional relocation funds as authorized in this
2574 paragraph;

2575 (oo) To use any available funds, not appropriated or
2576 designated for any other purpose, to reimburse persons who
2577 interview for employment as a licensed employee with the district
2578 for the mileage and other actual expenses incurred in the course
2579 of travel to and from the interview at the rate authorized for
2580 county and municipal employees under Section 25-3-41;

2581 (pp) Consistent with the report of the Task Force to
2582 Conduct a Best Financial Management Practices Review, to improve
2583 school district management and use of resources and identify cost
2584 savings as established in Section 8 of Chapter 610, Laws of 2002,
2585 local school boards are encouraged to conduct independent reviews
2586 of the management and efficiency of schools and school districts.



2587 Such management and efficiency reviews shall provide state and
2588 local officials and the public with the following:

2589 (i) An assessment of a school district's
2590 governance and organizational structure;

2591 (ii) An assessment of the school district's
2592 financial and personnel management;

2593 (iii) An assessment of revenue levels and sources;

2594 (iv) An assessment of facilities utilization,
2595 planning and maintenance;

2596 (v) An assessment of food services, transportation
2597 and safety/security systems;

2598 (vi) An assessment of instructional and
2599 administrative technology;

2600 (vii) A review of the instructional management and
2601 the efficiency and effectiveness of existing instructional
2602 programs; and

2603 (viii) Recommended methods for increasing
2604 efficiency and effectiveness in providing educational services to
2605 the public;

2606 (qq) To enter into agreements with other local school
2607 boards for the establishment of an educational service agency
2608 (ESA) to provide for the cooperative needs of the region in which
2609 the school district is located, as provided in Section 37-7-345;

2610 (rr) To implement a financial literacy program for
2611 students in Grades 10 and 11. The board may review the national



2612 programs and obtain free literature from various nationally
2613 recognized programs. After review of the different programs, the
2614 board may certify a program that is most appropriate for the
2615 school districts' needs. If a district implements a financial
2616 literacy program, then any student in Grade 10 or 11 may
2617 participate in the program. The financial literacy program shall
2618 include, but is not limited to, instruction in the same areas of
2619 personal business and finance as required under Section
2620 37-1-3(2) (b). The school board may coordinate with volunteer
2621 teachers from local community organizations, including, but not
2622 limited to, the following: United States Department of
2623 Agriculture Rural Development, United States Department of Housing
2624 and Urban Development, Junior Achievement, bankers and other
2625 nonprofit organizations. Nothing in this paragraph shall be
2626 construed as to require school boards to implement a financial
2627 literacy program;

2628 (ss) To collaborate with the State Board of Education,
2629 Community Action Agencies or the Department of Human Services to
2630 develop and implement a voluntary program to provide services for
2631 a prekindergarten program that addresses the cognitive, social,
2632 and emotional needs of four-year-old and three-year-old children.
2633 The school board may utilize any source of available revenue to
2634 fund the voluntary program. Effective with the 2013-2014 school
2635 year, to implement voluntary prekindergarten programs under the



2636 Early Learning Collaborative Act of 2013 pursuant to state funds
2637 awarded by the State Department of Education on a matching basis;

2638 (tt) With respect to any lawful, written obligation of
2639 a school district, including, but not limited to, leases
2640 (excluding leases of sixteenth section public school trust land),
2641 bonds, notes, or other agreement, to agree in writing with the
2642 obligee that the Department of Revenue or any state agency,
2643 department or commission created under state law may:

2644 (i) Withhold all or any part (as agreed by the
2645 school board) of any monies which such local school board is
2646 entitled to receive from time to time under any law and which is
2647 in the possession of the Department of Revenue, or any state
2648 agency, department or commission created under state law; and

2649 (ii) Pay the same over to any financial
2650 institution, trustee or other obligee, as directed in writing by
2651 the school board, to satisfy all or part of such obligation of the
2652 school district.

2653 The school board may make such written agreement to withhold
2654 and transfer funds irrevocable for the term of the written
2655 obligation and may include in the written agreement any other
2656 terms and provisions acceptable to the school board. If the
2657 school board files a copy of such written agreement with the
2658 Department of Revenue, or any state agency, department or
2659 commission created under state law then the Department of Revenue
2660 or any state agency, department or commission created under state



2661 law shall immediately make the withholdings provided in such
2662 agreement from the amounts due the local school board and shall
2663 continue to pay the same over to such financial institution,
2664 trustee or obligee for the term of the agreement.

2665 This paragraph (tt) shall not grant any extra authority to a
2666 school board to issue debt in any amount exceeding statutory
2667 limitations on assessed value of taxable property within such
2668 school district or the statutory limitations on debt maturities,
2669 and shall not grant any extra authority to impose, levy or collect
2670 a tax which is not otherwise expressly provided for, and shall not
2671 be construed to apply to sixteenth section public school trust
2672 land;

2673 (uu) With respect to any matter or transaction that is
2674 competitively bid by a school district, to accept from any bidder
2675 as a good-faith deposit or bid bond or bid surety, the same type
2676 of good-faith deposit or bid bond or bid surety that may be
2677 accepted by the state or any other political subdivision on
2678 similar competitively bid matters or transactions. This paragraph
2679 (uu) shall not be construed to apply to sixteenth section public
2680 school trust land. The school board may authorize the investment
2681 of any school district funds in the same kind and manner of
2682 investments, including pooled investments, as any other political
2683 subdivision, including community hospitals;

2684 (vv) To utilize the alternate method for the conveyance
2685 or exchange of unused school buildings and/or land, reserving a



2686 partial or other undivided interest in the property, as
2687 specifically authorized and provided in Section 37-7-485;

2688 (ww) To delegate, privatize or otherwise enter into a
2689 contract with private entities for the operation of any and all
2690 functions of nonacademic school process, procedures and operations
2691 including, but not limited to, cafeteria workers, janitorial
2692 services, transportation, professional development, achievement
2693 and instructional consulting services materials and products,
2694 purchasing cooperatives, insurance, business manager services,
2695 auditing and accounting services, school safety/risk prevention,
2696 data processing and student records, and other staff services;
2697 however, the authority under this paragraph does not apply to the
2698 leasing, management or operation of sixteenth section lands.
2699 Local school districts, working through their regional education
2700 service agency, are encouraged to enter into buying consortia with
2701 other member districts for the purposes of more efficient use of
2702 state resources as described in Section 37-7-345;

2703 (xx) To partner with entities, organizations and
2704 corporations for the purpose of benefiting the school district;

2705 (yy) To borrow funds from the Rural Economic
2706 Development Authority for the maintenance of school buildings;

2707 (zz) To fund and operate voluntary early childhood
2708 education programs, defined as programs for children less than
2709 five (5) years of age on or before September 1, and to use any
2710 source of revenue for such early childhood education programs.



2711 Such programs shall not conflict with the Early Learning
2712 Collaborative Act of 2013;

2713 (aaa) To issue and provide for the use of procurement
2714 cards by school board members, superintendents and licensed school
2715 personnel consistent with the rules and regulations of the
2716 Mississippi Department of Finance and Administration under Section
2717 31-7-9; and

2718 (bbb) To conduct an annual comprehensive evaluation of
2719 the superintendent of schools consistent with the assessment
2720 components of paragraph (pp) of this section and the assessment
2721 benchmarks established by the Mississippi School Board Association
2722 to evaluate the success the superintendent has attained in meeting
2723 district goals and objectives, the superintendent's leadership
2724 skill and whether or not the superintendent has established
2725 appropriate standards for performance, is monitoring success and
2726 is using data for improvement.

2727 **SECTION 40.** Section 37-7-302, Mississippi Code of 1972, is
2728 amended as follows:

2729 37-7-302. The board of trustees of any school district shall
2730 be authorized to borrow such funds as may be reasonable and
2731 necessary from the federal government, the State of Mississippi or
2732 any political subdivision or entity thereof, or any other
2733 governmental agency, from any individual, partnership, nonprofit
2734 corporation or private for-profit corporation, to aid such school
2735 districts in asbestos removal, to be repaid out of



2736 any * * * ~~nonminimum program~~ funds other than uniform per student
2737 funding formula funds; provided, however, that the grant of
2738 authority shall in no way be construed to require said boards of
2739 trustees to remove asbestos material or substances from any
2740 facilities under their control, nor shall there be any liability
2741 to said school districts or boards for the failure to so remove
2742 such asbestos materials. All indebtedness incurred under the
2743 provisions of this section shall be evidenced by the negotiable
2744 notes or certificates of indebtedness of the school district on
2745 whose behalf the money is borrowed. Said notes or certificates of
2746 indebtedness of the school district on whose behalf the money is
2747 borrowed shall be signed by the president of the school board and
2748 superintendent of schools of such school district. Such notes or
2749 certificates of indebtedness shall not bear a greater overall
2750 maximum interest rate to maturity than the rates now or hereafter
2751 authorized under the provisions of Section 19-9-19. No such notes
2752 or certificates of indebtedness shall be issued and sold for less
2753 than par and accrued interest. All notes or certificates of
2754 indebtedness shall mature in approximately equal installments of
2755 principal and interest over a period not to exceed twenty (20)
2756 years from the dates of the issuance thereof. Principal and
2757 interest shall be payable in such manner as may be determined by
2758 the school board. Such notes or certificates of indebtedness shall
2759 be issued in such form and in such denominations as may be
2760 determined by the school board and same may be made payable at the



2761 office of any bank or trust company selected by the school board
2762 and, in such case, funds for the payment of principal and interest
2763 due thereon shall be provided in the same manner provided by law
2764 for the payment of the principal and interest due on bonds issued
2765 by the taxing districts of this state.

2766 **SECTION 41.** Section 37-7-303, Mississippi Code of 1972, is
2767 amended as follows:

2768 37-7-303. (1) The school board of any school district may
2769 insure motor vehicles for any hazard that the board may choose,
2770 and shall insure the school buildings, equipment and other school
2771 property of the district against any and all hazards that the
2772 board may deem necessary to provide insurance against. In
2773 addition, the local school board of any school district shall
2774 purchase and maintain business property insurance and business
2775 personal property insurance on all school district-owned buildings
2776 and/or contents as required by federal law and regulations of the
2777 Federal Emergency Management Agency (FEMA) as is necessary for
2778 receiving public assistance or reimbursement for repair,
2779 reconstruction, replacement or other damage to those buildings
2780 and/or contents caused by the Hurricane Katrina Disaster of 2005
2781 or subsequent disasters. The school district is authorized to
2782 expend funds from any available source for the purpose of
2783 obtaining and maintaining that property insurance. The school
2784 district is authorized to enter into agreements with the
2785 Department of Finance and Administration, other local school



2786 districts, community/junior college districts, state institutions
2787 of higher learning, community hospitals and/or other state
2788 agencies to pool their liabilities to participate in a group
2789 business property and/or business personal property insurance
2790 program, subject to uniform rules and regulations as may be
2791 adopted by the Department of Finance and Administration. Such
2792 school board shall be authorized to contract for such insurance
2793 for a term of not exceeding five (5) years and to obligate the
2794 district for the payment of the premiums thereon. When necessary,
2795 the school board is authorized and empowered, in its discretion,
2796 to borrow money payable in annual installments for a period of not
2797 exceeding five (5) years at a rate of interest not exceeding eight
2798 percent (8%) per annum to provide funds to pay such insurance
2799 premiums. The money so borrowed and the interest thereon shall be
2800 payable from any school funds of the district other
2801 than * * *~~minimum education program~~ uniform per student funding
2802 formula funds. The school boards of school districts are further
2803 authorized and empowered, in all cases where same may be
2804 necessary, to bring and maintain suits and other actions in any
2805 court of competent jurisdiction for the purpose of collecting the
2806 proceeds of insurance policies issued upon the property of such
2807 school district.

2808 (2) Two (2) or more school districts, together with other
2809 educational entities or agencies, may agree to pool their
2810 liabilities to participate in a group workers' compensation



2811 program. The governing authorities of any school board or other
2812 educational entity or agency may authorize the organization and
2813 operation of, or the participation in such a group self-insurance
2814 program with other school boards and educational entities or
2815 agencies, subject to the requirements of Section 71-3-5. The
2816 Workers' Compensation Commission shall approve such group
2817 self-insurance programs subject to uniform rules and regulations
2818 as may be adopted by the commission applicable to all groups.

2819 **SECTION 42.** Section 37-7-307, Mississippi Code of 1972, is
2820 amended as follows:

2821 37-7-307. (1) For purposes of this section, the term
2822 "licensed employee" means any employee of a public school district
2823 required to hold a valid license by the Commission on Teacher and
2824 Administrator Education, Certification and Licensure and
2825 Development.

2826 (2) The school board of a school district shall establish by
2827 rules and regulations a policy of sick leave with pay for licensed
2828 employees and teacher assistants employed in the school district,
2829 and such policy shall include the following minimum provisions for
2830 sick and emergency leave with pay:

2831 (a) Each licensed employee and teacher assistant, at
2832 the beginning of each school year, shall be credited with a
2833 minimum sick leave allowance, with pay, of seven (7) days for
2834 absences caused by illness or physical disability of the employee
2835 during that school year.



2836 (b) Any unused portion of the total sick leave
2837 allowance shall be carried over to the next school year and
2838 credited to such licensed employee and teacher assistant if the
2839 licensed employee or teacher assistant remains employed in the
2840 same school district. In the event any public school licensed
2841 employee or teacher assistant transfers from one public school
2842 district in Mississippi to another, any unused portion of the
2843 total sick leave allowance credited to such licensed employee or
2844 teacher assistant shall be credited to such licensed employee or
2845 teacher assistant in the computation of unused leave for
2846 retirement purposes under Section 25-11-109. Accumulation of sick
2847 leave allowed under this section shall be unlimited.

2848 (c) No deduction from the pay of such licensed employee
2849 or teacher assistant may be made because of absence of such
2850 licensed employee or teacher assistant caused by illness or
2851 physical disability of the licensed employee or teacher assistant
2852 until after all sick leave allowance credited to such licensed
2853 employee or teacher assistant has been used.

2854 (d) For the first ten (10) days of absence of a
2855 licensed employee because of illness or physical disability, in
2856 any school year, in excess of the sick leave allowance credited to
2857 such licensed employee, there shall be deducted from the pay of
2858 such licensed employee the established substitute amount of
2859 licensed employee compensation paid in that local school district,
2860 necessitated because of the absence of the licensed employee as a



2861 result of illness or physical disability. In lieu of deducting
2862 the established substitute amount from the pay of such licensed
2863 employee, the policy may allow the licensed employee to receive
2864 full pay for the first ten (10) days of absence because of illness
2865 or physical disability, in any school year, in excess of the sick
2866 leave allowance credited to such licensed employee. Thereafter,
2867 the regular pay of such absent licensed employee shall be
2868 suspended and withheld in its entirety for any period of absence
2869 because of illness or physical disability during that school year.

2870 (3) (a) Beginning with the school year 1983-1984, each
2871 licensed employee at the beginning of each school year shall be
2872 credited with a minimum personal leave allowance, with pay, of two
2873 (2) days for absences caused by personal reasons during that
2874 school year. Effective for the 2010-2011 and 2011-2012 school
2875 years, licensed employees shall be credited with an additional
2876 one-half (1/2) day of personal leave for every day the licensed
2877 employee is furloughed without pay as provided in Section
2878 37-7-308. Except as otherwise provided in paragraph (b) of this
2879 subsection, such personal leave shall not be taken on the first
2880 day of the school term, the last day of the school term, on a day
2881 previous to a holiday or a day after a holiday. Personal leave
2882 may be used for professional purposes, including absences caused
2883 by attendance of such licensed employee at a seminar, class,
2884 training program, professional association or other functions
2885 designed for educators. No deduction from the pay of such



2886 licensed employee may be made because of absence of such licensed
2887 employee caused by personal reasons until after all personal leave
2888 allowance credited to such licensed employee has been used.
2889 However, the superintendent of a school district, in his
2890 discretion, may allow a licensed employee personal leave in
2891 addition to any minimum personal leave allowance, under the
2892 condition that there shall be deducted from the salary of such
2893 licensed employee the actual amount of any compensation paid to
2894 any person as a substitute, necessitated because of the absence of
2895 the licensed employee. Any unused portion of the total personal
2896 leave allowance up to five (5) days shall be carried over to the
2897 next school year and credited to such licensed employee if the
2898 licensed employee remains employed in the same school district.
2899 Any personal leave allowed for a furlough day shall not be carried
2900 over to the next school year.

2901 (b) Notwithstanding the restrictions on the use of
2902 personal leave prescribed under paragraph (a) of this subsection,
2903 a licensed employee may use personal leave as follows:

2904 (i) Personal leave may be taken on the first day
2905 of the school term, the last day of the school term, on a day
2906 previous to a holiday or a day after a holiday if, on the
2907 applicable day, an immediate family member of the employee is
2908 being deployed for military service.

2909 (ii) Personal leave may be taken on a day previous
2910 to a holiday or a day after a holiday if an employee of a school



2911 district has either a minimum of ten (10) years' experience as an
2912 employee of that school district or a minimum of thirty (30) days
2913 of unused accumulated leave that has been earned while employed in
2914 that school district.

2915 (iii) Personal leave may be taken on the first day
2916 of the school term, the last day of the school term, on a day
2917 previous to a holiday or a day after a holiday if, on the
2918 applicable day, the employee has been summoned to appear for jury
2919 duty or as a witness in court.

2920 (4) Beginning with the school year 1992-1993, each licensed
2921 employee shall be credited with a professional leave allowance,
2922 with pay, for each day of absence caused by reason of such
2923 employee's statutorily required membership and attendance at a
2924 regular or special meeting held within the State of Mississippi of
2925 the State Board of Education, the Commission on Teacher and
2926 Administrator Education, Certification and Licensure and
2927 Development, the Commission on School Accreditation, the
2928 Mississippi Authority for Educational Television, the meetings of
2929 the state textbook rating committees or other meetings authorized
2930 by local school board policy.

2931 (5) Upon retirement from employment, each licensed and
2932 nonlicensed employee shall be paid for not more than thirty (30)
2933 days of unused accumulated leave earned while employed by the
2934 school district in which the employee is last employed. Such
2935 payment for licensed employees shall be made by the school



2936 district at a rate equal to the amount paid to substitute teachers
2937 and for nonlicensed employees, the payment shall be made by the
2938 school district at a rate equal to the federal minimum wage. The
2939 payment shall be treated in the same manner for retirement
2940 purposes as a lump-sum payment for personal leave as provided in
2941 Section 25-11-103(e). Any remaining lawfully credited unused
2942 leave, for which payment has not been made, shall be certified to
2943 the Public Employees' Retirement System in the same manner and
2944 subject to the same limitations as otherwise provided by law for
2945 unused leave. No payment for unused accumulated leave may be made
2946 to either a licensed or nonlicensed employee at termination or
2947 separation from service for any purpose other than for the purpose
2948 of retirement.

2949 (6) The school board may adopt rules and regulations which
2950 will reasonably aid to implement the policy of sick and personal
2951 leave, including, but not limited to, rules and regulations having
2952 the following general effect:

2953 (a) Requiring the absent employee to furnish the
2954 certificate of a physician or dentist or other medical
2955 practitioner as to the illness of the absent licensed employee,
2956 where the absence is for four (4) or more consecutive school days,
2957 or for two (2) consecutive school days immediately preceding or
2958 following a nonschool day;

2959 (b) Providing penalties, by way of full deduction from
2960 salary, or entry on the work record of the employee, or other



2961 appropriate penalties, for any materially false statement by the
2962 employee as to the cause of absence;

2963 (c) Forfeiture of accumulated or future sick leave, if
2964 the absence of the employee is caused by optional dental or
2965 medical treatment or surgery which could, without medical risk,
2966 have been provided, furnished or performed at a time when school
2967 was not in session;

2968 (d) Enlarging, increasing or providing greater sick or
2969 personal leave allowances than the minimum standards established
2970 by this section in the discretion of the school board of each
2971 school district.

2972 (7) School boards may include in their budgets provisions
2973 for the payment of substitute employees, necessitated because of
2974 the absence of regular licensed employees. All such substitute
2975 employees shall be paid wholly from district funds, except as
2976 otherwise provided for long-term substitute teachers in Section
2977 37-19-20. Such school boards, in their discretion, also may pay,
2978 from district funds other than * * *~~adequate education program~~
2979 uniform per student funding formula funds, the whole or any part
2980 of the salaries of all employees granted leaves for the purpose of
2981 special studies or training.

2982 (8) The school board may further adopt rules and regulations
2983 which will reasonably implement such leave policies for all other
2984 nonlicensed and hourly paid school employees as the board deems
2985 appropriate. Effective for the 2010-2011 and 2011-2012 school



2986 years, nonlicensed employees shall be credited with an additional
2987 one-half (1/2) day of personal leave for every day the nonlicensed
2988 employee is furloughed without pay as provided in Section
2989 37-7-308.

2990 (9) Vacation leave granted to either licensed or nonlicensed
2991 employees shall be synonymous with personal leave. Unused
2992 vacation or personal leave accumulated by licensed employees in
2993 excess of the maximum five (5) days which may be carried over from
2994 one year to the next may be converted to sick leave. The annual
2995 conversion of unused vacation or personal leave to sick days for
2996 licensed or unlicensed employees shall not exceed the allowable
2997 number of personal leave days as provided in Section 25-3-93. The
2998 annual total number of converted unused vacation and/or personal
2999 days added to the annual unused sick days for any employee shall
3000 not exceed the combined allowable number of days per year provided
3001 in Sections 25-3-93 and 25-3-95. Local school board policies that
3002 provide for vacation, personal and sick leave for employees shall
3003 not exceed the provisions for leave as provided in Sections
3004 25-3-93 and 25-3-95. Any personal or vacation leave previously
3005 converted to sick leave under a lawfully adopted policy before May
3006 1, 2004, or such personal or vacation leave accumulated and
3007 available for use prior to May 1, 2004, under a lawfully adopted
3008 policy but converted to sick leave after May 1, 2004, shall be
3009 recognized as accrued leave by the local school district and
3010 available for use by the employee. The leave converted under a



3011 lawfully adopted policy prior to May 1, 2004, or such personal and
3012 vacation leave accumulated and available for use as of May 1,
3013 2004, which was subsequently converted to sick leave may be
3014 certified to the Public Employees' Retirement System upon
3015 termination of employment and any such leave previously converted
3016 and certified to the Public Employees' Retirement System shall be
3017 recognized.

3018 (10) (a) For the purposes of this subsection, the following
3019 words and phrases shall have the meaning ascribed in this
3020 paragraph unless the context requires otherwise:

3021 (i) "Catastrophic injury or illness" means a
3022 life-threatening injury or illness of an employee or a member of
3023 an employee's immediate family that totally incapacitates the
3024 employee from work, as verified by a licensed physician, and
3025 forces the employee to exhaust all leave time earned by that
3026 employee, resulting in the loss of compensation from the local
3027 school district for the employee. Conditions that are short-term
3028 in nature, including, but not limited to, common illnesses such as
3029 influenza and the measles, and common injuries, are not
3030 catastrophic. Chronic illnesses or injuries, such as cancer or
3031 major surgery, that result in intermittent absences from work and
3032 that are long-term in nature and require long recuperation periods
3033 may be considered catastrophic.

3034 (ii) "Immediate family" means spouse, parent,
3035 stepparent, sibling, child or stepchild.



3036 (b) Any school district employee may donate a portion
3037 of his or her unused accumulated personal leave or sick leave to
3038 another employee of the same school district who is suffering from
3039 a catastrophic injury or illness or who has a member of his or her
3040 immediate family suffering from a catastrophic injury or illness,
3041 in accordance with the following:

3042 (i) The employee donating the leave (the "donor
3043 employee") shall designate the employee who is to receive the
3044 leave (the "recipient employee") and the amount of unused
3045 accumulated personal leave and sick leave that is to be donated,
3046 and shall notify the school district superintendent or his
3047 designee of his or her designation.

3048 (ii) The maximum amount of unused accumulated
3049 personal leave that an employee may donate to any other employee
3050 may not exceed a number of days that would leave the donor
3051 employee with fewer than seven (7) days of personal leave
3052 remaining, and the maximum amount of unused accumulated sick leave
3053 that an employee may donate to any other employee may not exceed
3054 fifty percent (50%) of the unused accumulated sick leave of the
3055 donor employee.

3056 (iii) An employee must have exhausted all of his
3057 or her available leave before he or she will be eligible to
3058 receive any leave donated by another employee. Eligibility for
3059 donated leave shall be based upon review and approval by the donor
3060 employee's supervisor.



3061 (iv) Before an employee may receive donated leave,
3062 he or she must provide the school district superintendent or his
3063 designee with a physician's statement that states that the illness
3064 meets the catastrophic criteria established under this section,
3065 the beginning date of the catastrophic injury or illness, a
3066 description of the injury or illness, and a prognosis for recovery
3067 and the anticipated date that the recipient employee will be able
3068 to return to work.

3069 (v) Before an employee may receive donated leave,
3070 the superintendent of education of the school district shall
3071 appoint a review committee to approve or disapprove the said
3072 donations of leave, including the determination that the illness
3073 is catastrophic within the meaning of this section.

3074 (vi) If the total amount of leave that is donated
3075 to any employee is not used by the recipient employee, the whole
3076 days of donated leave shall be returned to the donor employees on
3077 a pro rata basis, based on the ratio of the number of days of
3078 leave donated by each donor employee to the total number of days
3079 of leave donated by all donor employees.

3080 (vii) Donated leave shall not be used in lieu of
3081 disability retirement.

3082 **SECTION 43.** Section 37-7-319, Mississippi Code of 1972, is
3083 amended as follows:

3084 37-7-319. All public school boards may purchase group
3085 insurance coverage for the liability of all of its active



3086 full-time instructional and noninstructional personnel. Such
3087 policy shall be paid for with any funds available other
3088 than * * *~~state minimum education program~~ uniform per student
3089 funding formula funds.

3090 **SECTION 44.** Section 37-7-333, Mississippi Code of 1972, is
3091 amended as follows:

3092 37-7-333. The school boards of all school districts shall
3093 have full control of the receipt, distribution, allotment and
3094 disbursement of all funds which may be provided for the support
3095 and maintenance of the schools of such district whether such funds
3096 be * * *~~minimum education program~~ uniform per student funding
3097 formula allotments, funds derived from supplementary tax levies as
3098 authorized by law, or funds derived from any other source
3099 whatsoever except as may otherwise be provided by law for control
3100 of the proceeds from school bonds or notes and the taxes levied to
3101 pay the principal of and interest on such bonds or notes. The tax
3102 collector of each county shall make reports, in writing, verified
3103 by his affidavit, on or before the twentieth day of each month to
3104 the superintendent of schools of each school district within such
3105 county reflecting all school district taxes collected by him for
3106 the support of said school district during the preceding month.
3107 He shall at the same time pay over all such school district taxes
3108 collected by him for the support of said school district directly
3109 to said superintendent of schools.



3110 All such allotments or funds shall be placed in the
3111 depository or depositories selected by the school board in the
3112 same manner as provided in Section 27-105-305 for the selection of
3113 county depositories. Provided, however, the annual notice to be
3114 given by the school board to financial institutions may be given
3115 by the school board at any regular meeting subsequent to the
3116 board's regular December meeting but prior to the regular May
3117 meeting. The bids of financial institutions for the privilege of
3118 keeping school funds may be received by the school board at some
3119 subsequent meeting, but no later than the regular June meeting;
3120 and the selection by the school board of the depository or
3121 depositories shall be effective on July 1 of each year. School
3122 boards shall advertise and accept bids for depositories, no less
3123 than once every three (3) years, when such board determines that
3124 it can obtain a more favorable rate of interest and less
3125 administrative processing. Such depository shall place on deposit
3126 with the superintendent of schools the same securities as required
3127 in Section 27-105-315.

3128 In the event a bank submits a bid or offer to a school
3129 district to act as a depository for the district and such bid or
3130 offer, if accepted, would result in a contract in which a member
3131 of the school board would have a direct or indirect interest, the
3132 school board should not open or consider any bids received. The
3133 superintendent of schools shall submit the matter to the State
3134 Treasurer, who shall have the authority to solicit bids, select a



3135 depository or depositories, make all decisions and take any action
3136 within the authority of the school board under this section
3137 relating to the selection of a depository or depositories.

3138 **SECTION 45.** Section 37-7-339, Mississippi Code of 1972, is
3139 amended as follows:

3140 37-7-339. (1) The school board of any local school
3141 district, in its discretion, may provide extended day and extended
3142 school year programs for kindergarten or compulsory-school-age
3143 students, or both, and may expend any funds for these purposes
3144 which are available from sources other than the * * *~~adequate~~
3145 ~~education program~~ uniform per student funding formula. It is not
3146 the intent of the Legislature, in enacting this section, to
3147 interfere with the Headstart program. School boards, in their
3148 discretion, may charge participants a reasonable fee for such
3149 programs.

3150 (2) The school board of any school district may adopt any
3151 orders, policies, rules or regulations with respect to instruction
3152 within that school district for which no specific provision has
3153 been made by general law and which are not inconsistent with the
3154 Mississippi Constitution of 1890, the Mississippi Code of 1972, or
3155 any order, policy, rule or regulation of the State Board of
3156 Education; those school boards also may alter, modify and repeal
3157 any orders, policies, rules or regulations enacted under this
3158 subsection. Any such program pertaining to reading must further
3159 the goal that Mississippi students will demonstrate a growing



3160 proficiency in reading and will reach or exceed the national
3161 average within the next decade.

3162 **SECTION 46.** Section 37-7-419, Mississippi Code of 1972, is
3163 amended as follows:

3164 37-7-419. The various school districts which may become
3165 parties to any such agreement are authorized to appropriate and
3166 expend for the purposes thereof any and all funds which may be
3167 required to carry out the terms of any such agreement from any
3168 funds available to any such party to such an agreement not
3169 otherwise appropriated without limitation as to the source of such
3170 funds, including * * *~~minimum foundation program~~ uniform per
3171 student funding formula funds, sixteenth section funds, funds
3172 received from the federal government or other sources by way of
3173 grant, donation or otherwise, and funds which may be available to
3174 any such party through the State Department of Education or any
3175 other agency of the state, regardless of the party to such
3176 agreement designated thereby to be primarily responsible for the
3177 construction or operation of any such regional high school center
3178 and regardless of the limitation on the expenditure of any such
3179 funds imposed by any other statute. However, no such funds whose
3180 use was originally limited to the construction of capital
3181 improvements shall be utilized for the purpose of defraying the
3182 administrative or operating costs of any such center. Any one or
3183 more of the parties to such an agreement may be designated as the
3184 fiscal agent or contracting party in carrying out any of the



3185 purposes of such agreement, and any and all funds authorized to be
3186 spent therefor by any of the said parties may be paid over to the
3187 fiscal agent or contracting party for disbursement by such fiscal
3188 agent or contracting party. Such disbursements shall be made and
3189 contracted for under the laws and regulations applicable to such
3190 fiscal or disbursing agent. All of the school district parties to
3191 any such agreement may issue bonds, negotiable notes or other
3192 evidences of indebtedness for the purpose of providing funds for
3193 the acquisition of land and for the construction of buildings and
3194 permanent improvements under the terms of any such agreement under
3195 any existing laws authorizing the issuance or sale thereof to
3196 provide funds for any capital improvement.

3197 **SECTION 47.** Section 37-9-17, Mississippi Code of 1972, is
3198 amended as follows:

3199 37-9-17. (1) On or before April 1 of each year, the
3200 principal of each school shall recommend to the superintendent of
3201 the local school district the licensed employees or
3202 noninstructional employees to be employed for the school involved
3203 except those licensed employees or noninstructional employees who
3204 have been previously employed and who have a contract valid for
3205 the ensuing scholastic year. If such recommendations meet with
3206 the approval of the superintendent, the superintendent shall
3207 recommend the employment of such licensed employees or
3208 noninstructional employees to the local school board, and, unless
3209 good reason to the contrary exists, the board shall elect the



3210 employees so recommended. If, for any reason, the local school
3211 board shall decline to elect any employee so recommended,
3212 additional recommendations for the places to be filled shall be
3213 made by the principal to the superintendent and then by the
3214 superintendent to the local school board as provided above. The
3215 school board of any local school district shall be authorized to
3216 designate a personnel supervisor or another principal employed by
3217 the school district to recommend to the superintendent licensed
3218 employees or noninstructional employees; however, this
3219 authorization shall be restricted to no more than two (2)
3220 positions for each employment period for each school in the local
3221 school district. Any noninstructional employee employed upon the
3222 recommendation of a personnel supervisor or another principal
3223 employed by the local school district must have been employed by
3224 the local school district at the time the superintendent was
3225 elected or appointed to office; a noninstructional employee
3226 employed under this authorization may not be paid compensation in
3227 excess of the statewide average compensation for such
3228 noninstructional position with comparable experience, as
3229 established by the State Department of Education. The school
3230 board of any local school district shall be authorized to
3231 designate a personnel supervisor or another principal employed by
3232 the school district to accept the recommendations of principals or
3233 their designees for licensed employees or noninstructional
3234 employees and to transmit approved recommendations to the local



3235 school board; however, this authorization shall be restricted to
3236 no more than two (2) positions for each employment period for each
3237 school in the local school district.

3238 When the licensed employees have been elected as provided in
3239 the preceding paragraph, the superintendent of the district shall
3240 enter into a contract with such persons in the manner provided in
3241 this chapter.

3242 If, at the commencement of the scholastic year, any licensed
3243 employee shall present to the superintendent a license of a higher
3244 grade than that specified in such individual's contract, such
3245 individual may, if funds are available from * * *adequate
3246 ~~education program~~ uniform per student funding formula funds of the
3247 district, or from district funds, be paid from such funds the
3248 amount to which such higher grade license would have entitled the
3249 individual, had the license been held at the time the contract was
3250 executed.

3251 (2) Superintendents/directors of schools under the purview
3252 of the State Board of Education, the superintendent of the local
3253 school district and any private firm under contract with the local
3254 public school district to provide substitute teachers to teach
3255 during the absence of a regularly employed schoolteacher shall
3256 require, through the appropriate governmental authority, that
3257 current criminal records background checks and current child abuse
3258 registry checks are obtained, and that such criminal record
3259 information and registry checks are on file for any new hires



3260 applying for employment as a licensed or nonlicensed employee at a
3261 school and not previously employed in such school under the
3262 purview of the State Board of Education or at such local school
3263 district prior to July 1, 2000. In order to determine the
3264 applicant's suitability for employment, the applicant shall be
3265 fingerprinted. If no disqualifying record is identified at the
3266 state level, the fingerprints shall be forwarded by the Department
3267 of Public Safety to the Federal Bureau of Investigation for a
3268 national criminal history record check. The fee for such
3269 fingerprinting and criminal history record check shall be paid by
3270 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
3271 State Board of Education, the school board of the local school
3272 district or a private firm under contract with a local school
3273 district to provide substitute teachers to teach during the
3274 temporary absence of the regularly employed schoolteacher, in its
3275 discretion, may elect to pay the fee for the fingerprinting and
3276 criminal history record check on behalf of any applicant. Under
3277 no circumstances shall a member of the State Board of Education,
3278 superintendent/director of schools under the purview of the State
3279 Board of Education, local school district superintendent, local
3280 school board member or any individual other than the subject of
3281 the criminal history record checks disseminate information
3282 received through any such checks except insofar as required to
3283 fulfill the purposes of this section. Any nonpublic school which
3284 is accredited or approved by the State Board of Education may



3285 avail itself of the procedures provided for herein and shall be
3286 responsible for the same fee charged in the case of local public
3287 schools of this state. The determination whether the applicant
3288 has a disqualifying crime, as set forth in subsection (3) of this
3289 section, shall be made by the appropriate governmental authority,
3290 and the appropriate governmental authority shall notify the
3291 private firm whether a disqualifying crime exists.

3292 (3) If such fingerprinting or criminal record checks
3293 disclose a felony conviction, guilty plea or plea of nolo
3294 contendere to a felony of possession or sale of drugs, murder,
3295 manslaughter, armed robbery, rape, sexual battery, sex offense
3296 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
3297 burglary, gratification of lust or aggravated assault which has
3298 not been reversed on appeal or for which a pardon has not been
3299 granted, the new hire shall not be eligible to be employed at such
3300 school. Any employment contract for a new hire executed by the
3301 superintendent of the local school district or any employment of a
3302 new hire by a superintendent/director of a new school under the
3303 purview of the State Board of Education or by a private firm shall
3304 be voidable if the new hire receives a disqualifying criminal
3305 record check. However, the State Board of Education or the school
3306 board may, in its discretion, allow any applicant aggrieved by the
3307 employment decision under this section to appear before the
3308 respective board, or before a hearing officer designated for such
3309 purpose, to show mitigating circumstances which may exist and



3310 allow the new hire to be employed at the school. The State Board
3311 of Education or local school board may grant waivers for such
3312 mitigating circumstances, which shall include, but not be limited
3313 to: (a) age at which the crime was committed; (b) circumstances
3314 surrounding the crime; (c) length of time since the conviction and
3315 criminal history since the conviction; (d) work history; (e)
3316 current employment and character references; (f) other evidence
3317 demonstrating the ability of the person to perform the employment
3318 responsibilities competently and that the person does not pose a
3319 threat to the health or safety of the children at the school.

3320 (4) No local school district, local school district
3321 employee, member of the State Board of Education or employee of a
3322 school under the purview of the State Board of Education shall be
3323 held liable in any employment discrimination suit in which an
3324 allegation of discrimination is made regarding an employment
3325 decision authorized under this Section 37-9-17.

3326 **SECTION 48.** Section 37-9-23, Mississippi Code of 1972, is
3327 amended as follows:

3328 37-9-23. The superintendent shall enter into a contract with
3329 each assistant superintendent, principal, licensed employee and
3330 person anticipating graduation from an approved teacher education
3331 program or the issuance of a proper license before October 15 or
3332 February 15, as the case may be, who is elected and approved for
3333 employment by the school board. Such contracts shall be in such
3334 form as shall be prescribed by the State Board of Education and



3335 shall be executed in duplicate with one (1) copy to be retained by
3336 the appropriate superintendent and one (1) copy to be retained by
3337 the principal, licensed employee or person recommended for a
3338 licensed position contracted with. The contract shall show the
3339 name of the district, the length of the school term, the position
3340 held (whether an assistant superintendent, principal or licensed
3341 employee), the scholastic years which it covers, the total amount
3342 of the annual salary and how same is payable. The amount of
3343 salary to be shown in such contract shall be the amount which
3344 shall have been fixed and determined by the school board, but, as
3345 to the licensed employees paid, in whole or in part,
3346 with * * *~~adequate education program~~ uniform per student funding
3347 formula funds, such salary shall not be less than that required
3348 under the provisions of Chapter 19 of this title. Beginning with
3349 the 2010-2011 school year, the contract shall include a provision
3350 allowing the school district to reduce the state minimum salary by
3351 a pro rata daily amount in order to comply with the school
3352 district employee furlough provisions of Section 37-7-308, and
3353 shall include a provision which conditions the payment of such
3354 salary upon the availability of * * *~~adequate education~~ uniform
3355 per student funding formula funds provided for salaries. The
3356 contract entered into with any person recommended for a licensed
3357 position who is anticipating either graduation from an approved
3358 teacher education program before September 1 or December 31, as
3359 the case may be, or the issuance of a proper license before



3360 October 15 or February 15, as the case may be, shall be a
3361 conditional contract and shall include a provision stating that
3362 the contract will be null and void if, as specified in the
3363 contract, the contingency upon which the contract is conditioned
3364 has not occurred. If any superintendent, other than those
3365 elected, principal, licensed employee or person recommended for a
3366 licensed position who has been elected and approved shall not
3367 execute and return the contract within ten (10) days after same
3368 has been tendered to him for execution, then, at the option of the
3369 school board, the election of the licensed employee and the
3370 contract tendered to him shall be void and of no effect.

3371 **SECTION 49.** Section 37-9-25, Mississippi Code of 1972, is
3372 amended as follows:

3373 37-9-25. The school board shall have the power and
3374 authority, in its discretion, to employ the superintendent, unless
3375 such superintendent is elected at the November 2015 general
3376 election, for not exceeding four (4) scholastic years and the
3377 principals or licensed employees for not exceeding three (3)
3378 scholastic years. In such case, contracts shall be entered into
3379 with such superintendents, principals and licensed employees for
3380 the number of years for which they have been employed. However,
3381 in the event that a vacancy in the office of the superintendent of
3382 schools elected at the November 2015 general election shall occur
3383 before January 1, 2019, the local school board shall then appoint
3384 the superintendent of the school district and enter into contract



3385 with the appointee for a period not to exceed three (3) scholastic
3386 years. All such contracts with licensed employees shall for the
3387 years after the first year thereof be subject to the contingency
3388 that the licensed employee may be released if, during the life of
3389 the contract, the * * *~~average daily attendance~~ student
3390 enrollment should decrease from that existing during the previous
3391 year and thus necessitate a reduction in the number of licensed
3392 employees during any year after the first year of the contract.
3393 However, in all such cases the licensed employee must be released
3394 before July 1 or at least thirty (30) days prior to the beginning
3395 of the school term, whichever date should occur earlier. The
3396 salary to be paid for the years after the first year of such
3397 contract shall be subject to revision, either upward or downward,
3398 in the event of an increase or decrease in the funds available for
3399 the payment thereof, but, unless such salary is revised prior to
3400 the beginning of a school year, it shall remain for such school
3401 year at the amount fixed in such contract. However, where school
3402 district funds, other than * * *~~minimum education program~~ uniform
3403 per student funding formula funds, are available during the school
3404 year in excess of the amount anticipated at the beginning of the
3405 school year the salary to be paid for such year may be increased
3406 to the extent that such additional funds are available and nothing
3407 herein shall be construed to prohibit same.

3408 **SECTION 50.** Section 37-9-33, Mississippi Code of 1972, is
3409 amended as follows:



3410 37-9-33. (1) In employing and contracting with appointed
3411 superintendents, principals and * * *~~certificated~~ licensed
3412 employees, the school board shall in all cases determine whether
3413 the amount of salary to be paid such superintendent, principals
3414 and * * *~~certificated~~ licensed employees is in compliance with the
3415 provisions of * * *~~the adequate education program~~ this chapter and
3416 Section 37-19-7. No contract shall be entered into where the
3417 salary of a superintendent, principal or * * *~~certificated~~
3418 licensed employee is to be paid, in whole or in part,
3419 from * * *~~adequate education program~~ uniform per student funding
3420 formula funds except where the statutory requirements * * *~~of said~~
3421 ~~chapter~~ as to the amount of such salary are fully met. Nothing
3422 herein shall be construed, however, to prohibit any school
3423 district from increasing the salaries of appointed
3424 superintendents, principals and * * *~~certificated~~ licensed
3425 employees above the amounts fixed by said chapter, provided that
3426 the amount of such increase is paid from funds available to such
3427 district other than * * *~~adequate program~~ uniform per student
3428 funding formula funds. Provided further, that school districts
3429 are authorized, in their discretion, to negotiate the salary
3430 levels applicable to * * *~~certificated~~ licensed employees employed
3431 after July 1, 2009, who are receiving retirement benefits from the
3432 retirement system of another state, and the annual experience
3433 increment provided in Section 37-19-7 shall not be applicable to
3434 any such retired * * *~~certificated~~ licensed employee. Nothing



3435 herein shall be construed to prohibit any school district from
3436 complying with the school district employee furlough provisions of
3437 Section 37-7-308.

3438 (2) Each school district shall provide an annual report to
3439 the State Department of Education on the number
3440 of * * *~~certificated~~ licensed and * * *~~noncertificated~~ nonlicensed
3441 employees receiving a salary from the school district who are also
3442 receiving retirement benefits from the Public Employees'
3443 Retirement System. This report shall include the name of the
3444 employee(s), the hours per week for which the employee is under
3445 contract and the services for which the employee is under
3446 contract. Said required annual report shall be in a form and
3447 deadline promulgated by the State Board of Education.

3448 **SECTION 51.** Section 37-9-35, Mississippi Code of 1972, is
3449 amended as follows:

3450 37-9-35. * * *~~No school district shall employ any teachers to~~
3451 ~~be paid, in whole or in part, from minimum education program funds~~
3452 ~~in excess of the number allowable under Chapter 19 of this Title,~~
3453 ~~but as provided in said chapter the number of teachers paid, in~~
3454 ~~whole or in part, from minimum education program funds shall be~~
3455 ~~determined by the average daily attendance for the preceding year,~~
3456 ~~and A reduction in the * * *~~average daily attendance~~ student~~
3457 enrollment during a current year from that existing in the
3458 preceding year shall not authorize the discharge or release of a
3459 teacher or teachers during such current year. * * *~~Nothing herein~~



3460 ~~shall be construed to prohibit any school district from employing~~
3461 ~~such additional teachers as it may deem necessary provided that~~
3462 ~~such teachers are paid wholly from funds other than minimum~~
3463 ~~education program funds.~~

3464 **SECTION 52.** Section 37-9-37, Mississippi Code of 1972, is
3465 amended as follows:

3466 37-9-37. The amount of the salary to be paid any
3467 superintendent, principal or licensed employee shall be fixed by
3468 the school board, provided that the requirements of * * *~~Chapter~~
3469 ~~19 of~~ this title are met as to superintendents, principals and
3470 licensed employees paid, in whole or in part, from * * *~~minimum~~
3471 ~~education program~~ uniform per student funding formula funds. In
3472 employing such superintendents, principals and licensed employees
3473 and in fixing their salaries, the school boards shall take into
3474 consideration the character, professional training, experience,
3475 executive ability and teaching capacity of the licensed employee,
3476 superintendent or principal. It is the intent of the Legislature
3477 that whenever the salary of the school district superintendent is
3478 set by a school board, the board shall take into consideration the
3479 amount of money that the district spends per pupil, and shall
3480 attempt to insure that the administrative cost of the district and
3481 the amount of the salary of the superintendent are not excessive
3482 in comparison to the per pupil expenditure of the district.

3483 **SECTION 53.** Section 37-9-77, Mississippi Code of 1972, is
3484 amended as follows:



3485 37-9-77. (1) There is established the Mississippi School
3486 Administrator Sabbatical Program which shall be available to
3487 licensed teachers employed in Mississippi school districts for not
3488 less than three (3) years, for the purpose of allowing such
3489 teachers to become local school district administrators under the
3490 conditions set forth in this section. The State Board of
3491 Education, in coordination with the Board of Trustees of State
3492 Institutions of Higher Learning, shall develop guidelines for the
3493 program. Application shall be made to the State Department of
3494 Education for the Mississippi School Administrator Sabbatical
3495 Program by qualified teachers meeting the criteria for a
3496 department-approved administration program and who have been
3497 recommended by the local school board. Administration programs
3498 that are eligible for the administrator sabbatical program shall
3499 be limited to those that have been approved by the department by
3500 the January 1 preceding the date of admission to the program.
3501 Admission into the program shall authorize the applicant to take
3502 university course work and training leading to an administrator's
3503 license.

3504 (2) The salaries of the teachers approved for participation
3505 in the administrator sabbatical program shall be paid by the
3506 employing school district from * * *~~nonminimum education program~~
3507 funds other than uniform per student funding formula funds.
3508 However, the State Department of Education shall reimburse the
3509 employing school districts for the cost of the salaries and paid



3510 fringe benefits of teachers participating in the administrator
3511 sabbatical program for one (1) contract year. Reimbursement shall
3512 be made in accordance with the then current * * *~~minimum education~~
3513 ~~program~~ salary schedule under Section 37-19-7, except that the
3514 maximum amount of the reimbursement from state funds shall not
3515 exceed the * * *~~minimum education program~~ salary prescribed for a
3516 teacher holding a Class A license and having five (5) years'
3517 experience. The local school district shall be responsible for
3518 that portion of a participating teacher's salary attributable to
3519 the local supplement and for any portion of the teacher's salary
3520 that exceeds the maximum amount allowed for reimbursement from
3521 state funds as provided in this subsection, and the school board
3522 may not reduce the local supplement payable to that teacher. Any
3523 reimbursements made by the State Department of Education to local
3524 school districts under this section shall be subject to available
3525 appropriations and may be made only to school districts determined
3526 by the State Board of Education as being in need of
3527 administrators.

3528 (3) Such teachers participating in the program on a
3529 full-time basis shall continue to receive teaching experience and
3530 shall receive the salary prescribed in Section 37-19-7, including
3531 the annual experience increments. Such participants shall be
3532 fully eligible to continue participation in the Public Employees'
3533 Retirement System and the Public School Employees Health Insurance
3534 Plan during the time they are in the program on a full-time basis.



3535 (4) As a condition for participation in the School
3536 Administrator Sabbatical Program, such teachers shall agree to
3537 employment as administrators in the sponsoring school district for
3538 not less than five (5) years following completion of administrator
3539 licensure requirements. Any person failing to comply with this
3540 employment commitment in any required school year, unless the
3541 commitment is deferred as provided in subsection (5) of this
3542 section, shall immediately be in breach of contract and become
3543 liable to the State Department of Education for that amount of his
3544 salary and paid fringe benefits paid by the state while the
3545 teacher was on sabbatical, less twenty percent (20%) of the amount
3546 of his salary and paid fringe benefits paid by the state for each
3547 year that the person was employed as an administrator following
3548 completion of the administrator licensure requirements. In
3549 addition, the person shall become liable to the local school
3550 district for any portion of his salary and paid fringe benefits
3551 paid by the local school district while the teacher was on
3552 sabbatical that is attributable to the local salary supplement or
3553 is attributable to the amount that exceeds the maximum amount
3554 allowed for reimbursement from state funds as provided in
3555 subsection (2) of this section, less twenty percent (20%) of the
3556 amount of his salary and paid fringe benefits paid by the school
3557 district for each year that the person was employed as an
3558 administrator following completion of the administrator licensure
3559 requirements. Interest on the amount due shall accrue at the



3560 current Stafford Loan rate at the time the breach occurs. If the
3561 claim for repayment of such salary and fringe benefits is placed
3562 in the hands of an attorney for collection after default, then the
3563 obligor shall be liable for an additional amount equal to a
3564 reasonable attorney's fee.

3565 (5) If there is not an administrator position immediately
3566 available in the sponsoring school district after a person has
3567 completed the administrator licensure requirements, or if the
3568 administrator position in the sponsoring school district in which
3569 the person is employed is no longer needed before the completion
3570 of the five-year employment commitment, the local school board
3571 shall defer any part of the employment commitment that has not
3572 been met until such time as an administrator position becomes
3573 available in the sponsoring school district. If such a deferral
3574 is made, the sponsoring school district shall employ the person as
3575 a teacher in the school district during the period of deferral,
3576 unless the person desires to be released from employment by the
3577 sponsoring school district and the district agrees to release the
3578 person from employment. If the sponsoring school district
3579 releases a person from employment, that person may be employed as
3580 an administrator in another school district in the state that is
3581 in need of administrators as determined by the State Board of
3582 Education, and that employment for the other school district shall
3583 be applied to any remaining portion of the five-year employment
3584 commitment required under this section. Nothing in this



3585 subsection shall prevent a school district from not renewing the
3586 person's contract before the end of the five-year employment
3587 commitment in accordance with the School Employment Procedures Law
3588 (Section 37-9-101 et seq.). However, if the person is not
3589 employed as an administrator by another school district after
3590 being released by the sponsoring school district, or after his
3591 contract was not renewed by the sponsoring school district, he
3592 shall be liable for repayment of the amount of his salary and
3593 fringe benefits as provided in subsection (4) of this section.

3594 (6) All funds received by the State Department of Education
3595 from the repayment of salary and fringe benefits paid by the state
3596 from program participants shall be deposited in the Mississippi
3597 Critical Teacher Shortage Fund.

3598 **SECTION 54.** Section 37-11-11, Mississippi Code of 1972, is
3599 amended as follows:

3600 37-11-11. (1) For the purposes of this section, the term
3601 "hospital" shall include community-based programs and facilities
3602 licensed or approved by the Department of Mental Health for
3603 treatment of chemical substance use and abuse.

3604 (2) When five (5) or more children of educable mind between
3605 the ages of six (6) and twenty-one (21) years who are capable of
3606 pursuing courses of instruction at secondary school level or below
3607 shall be confined in a hospital for an extended period of time,
3608 such children shall be eligible for and shall be provided with a
3609 program of education, instruction and training within such



3610 hospital in the manner hereinafter set forth, provided that the
3611 need for hospitalization for an extended period of time shall be
3612 certified by the chief of staff of such hospital and that the
3613 ability of such children to do school work shall be certified by
3614 qualified psychologists and/or educators approved by the State
3615 Board of Education.

3616 (3) When five (5) or more children as set forth herein shall
3617 be confined in the same hospital, then the board of trustees of
3618 the school district in which such hospital is located shall be
3619 authorized and empowered, in its discretion, to provide a program
3620 of education, instruction and training to such children within
3621 such hospital. For such purpose the board shall be authorized and
3622 empowered to employ and contract with teachers, provide textbooks
3623 and other instructional materials, correspondence courses and
3624 instructional equipment and appliances, and otherwise provide for
3625 the furnishing of such program and to administer and supervise the
3626 same. Such program shall be furnished in a manner as prescribed
3627 by rules and regulations adopted by the State Board of Education.
3628 The state board shall have full power to adopt such rules,
3629 regulations, policies and standards as it may deem necessary to
3630 carry out the purpose of this section, including the establishment
3631 of qualifications of any teachers employed under the provisions
3632 hereof. It is expressly provided, however, that no program shall
3633 be furnished under this section except in a hospital licensed for
3634 operation by the State of Mississippi and only in cases where such



3635 hospital shall consent thereto, shall provide any classroom space,
3636 furniture and facilities which may be deemed necessary, and
3637 otherwise shall cooperate in carrying out the provisions of this
3638 section. Before such program of education, instruction and
3639 training shall be provided, the governing authorities of said
3640 hospital shall enter into a contract with the board of trustees of
3641 the school district which stipulates that said hospital agrees to
3642 furnish the necessary classroom space, furniture and facilities
3643 and provide for their upkeep, fuel and such other things as may be
3644 necessary for the successful operation of the program of
3645 education, instruction and training.

3646 (4) In cases when children who are residents of school
3647 districts other than the school district providing such education
3648 program may participate in the program prescribed in this section.
3649 The boards of trustees of the districts of which such children are
3650 residents shall pay to the board of trustees of the school
3651 district furnishing such school program the pro rata part of the
3652 expenses of furnishing such school program within such hospital,
3653 which payments may be made from any funds available for the
3654 operation and maintenance of the schools of the district in which
3655 such child is a resident. The amount so paid shall be based upon,
3656 but shall not exceed, the current per pupil cost of education in
3657 the school district of the child's residence, and the amount to be
3658 so paid by the school district of the child's residence shall be
3659 fixed by the State Board of Education. If the amount to be paid



3660 which has been so fixed shall not be paid upon due demand made by
3661 the school district providing a program therefor, then the State
3662 Board of Education shall deduct any such amounts from the next
3663 allocation of * * *~~minimum education program school~~ funds
3664 attributable to any such district and shall remit the same to the
3665 board of trustees of such school district which is furnishing such
3666 school program. If the amounts so paid by such school districts
3667 of the child's residence shall not be sufficient to pay the
3668 expenses of furnishing such program, then the remainder of such
3669 expenses over and above that so paid by such school districts
3670 shall be paid by the State Board of Education to the school
3671 district providing such school program out of any funds available
3672 to the State Board of Education, including * * *~~minimum education~~
3673 ~~program school~~ uniform per student funding formula funds. However,
3674 such payments shall not exceed Three Hundred Dollars (\$300.00) per
3675 child in * * *~~average daily attendance~~ enrollment in such
3676 program. Provided, however, the State Board of Education shall in
3677 its discretion be authorized and empowered to exceed the said
3678 Three Hundred Dollars (\$300.00) per pupil limitation where such
3679 limitation would make it impractical to operate such a program.

3680 **SECTION 55.** Section 37-13-63, Mississippi Code of 1972, is
3681 amended as follows:

3682 37-13-63. (1) Except as otherwise provided, all public
3683 schools in the state shall be kept in session for at least one
3684 hundred eighty (180) days in each scholastic year.



3685 (2) If the school board of any school district shall
3686 determine that it is not economically feasible or practicable to
3687 operate any school within the district for the full one hundred
3688 eighty (180) days required for a scholastic year as contemplated
3689 due to an enemy attack, a man-made, technological or natural
3690 disaster or extreme weather emergency in which the Governor has
3691 declared a disaster or state of emergency under the laws of this
3692 state or the President of the United States has declared an
3693 emergency or major disaster to exist in this state, the school
3694 board may notify the State Department of Education of the disaster
3695 or weather emergency and submit a plan for altering the school
3696 term. If the State Board of Education finds the disaster or
3697 extreme weather emergency to be the cause of the school not
3698 operating for the contemplated school term and that such school
3699 was in a school district covered by the Governor's or President's
3700 disaster or state of emergency declaration, it may permit that
3701 school board to operate the schools in its district for less than
3702 one hundred eighty (180) days; however, in no instance of a
3703 declared disaster or state of emergency under the provisions of
3704 this subsection shall a school board receive payment from the
3705 State Department of Education for per pupil expenditure for pupils
3706 in * * *~~average daily attendance~~ enrollment in excess of ten (10)
3707 days.

3708 **SECTION 56.** Section 37-13-64, Mississippi Code of 1972, is
3709 amended as follows:



3710 37-13-64. (1) Beginning with the 2010-2011 school term, any
3711 school district required to close the operation of its schools by
3712 decision of the superintendent, under the authority provided by
3713 the local school board, due to extreme weather conditions, in the
3714 best interests of the health and safety of the students,
3715 administration and staff of the school district, shall be exempt
3716 from the requirement that schools be kept in session a minimum of
3717 one hundred eighty (180) days. Any school district that closes
3718 its schools for reasons authorized under this section shall
3719 receive payment from the State Department of Education for per
3720 pupil expenditure for pupils in * * *~~average daily attendance~~
3721 enrollment not to exceed ten (10) days.

3722 (2) In the event weather conditions are cause for the
3723 closure of operations of schools in any local school district in
3724 any instance in which a state of emergency has not been declared
3725 pursuant to Section * * *~~37-151-7(3)(e)~~ 37-151-227(2)(b), the
3726 State Board of Education may consider, on a case-by-case basis,
3727 requests submitted by local school districts to alter the school
3728 calendar consistent with the provision of that section.

3729 **SECTION 57.** Section 37-13-69, Mississippi Code of 1972, is
3730 amended as follows:

3731 37-13-69. All public schools of this state may observe such
3732 legal holidays as may be designated by the local school board, and
3733 no sessions of school shall be held on holidays so designated and
3734 observed. However, all schools shall operate for the full minimum



3735 term required by law exclusive of the holidays authorized by this
3736 section. The holidays thus observed shall not be deducted from
3737 the reports of the superintendents, principals and teachers, and
3738 such superintendents, principals and teachers shall be allowed pay
3739 for full time as though they had taught on those holidays.
3740 However, such holidays shall not be counted or included in any way
3741 in determining the * * * ~~average daily attendance~~ student
3742 enrollment of the school.

3743 **SECTION 58.** Section 37-15-38, Mississippi Code of 1972, is
3744 amended as follows:

3745 37-15-38. (1) The following phrases have the meanings
3746 ascribed in this section unless the context clearly requires
3747 otherwise:

3748 (a) A dual enrolled student is a student who is
3749 enrolled in a community or junior college or state institution of
3750 higher learning while enrolled in high school.

3751 (b) A dual credit student is a student who is enrolled
3752 in a community or junior college or state institution of higher
3753 learning while enrolled in high school and who is receiving high
3754 school and college credit for postsecondary coursework.

3755 (2) A local school board, the Board of Trustees of State
3756 Institutions of Higher Learning and the Mississippi Community
3757 College Board shall establish a dual enrollment system under which
3758 students in the school district who meet the prescribed criteria



3759 of this section may be enrolled in a postsecondary institution in
3760 Mississippi while they are still in school.

3761 (3) **Dual credit eligibility.** Before credits earned by a
3762 qualified high school student from a community or junior college
3763 or state institution of higher learning may be transferred to the
3764 student's home school district, the student must be properly
3765 enrolled in a dual enrollment program.

3766 (4) **Admission criteria for dual enrollment in community and
3767 junior college or university programs.** The Mississippi Community
3768 College Board and the Board of Trustees of State Institutions of
3769 Higher Learning may recommend to the State Board of Education
3770 admission criteria for dual enrollment programs under which high
3771 school students may enroll at a community or junior college or
3772 university while they are still attending high school and enrolled
3773 in high school courses. Students may be admitted to enroll in
3774 community or junior college courses under the dual enrollment
3775 programs if they meet that individual institution's stated dual
3776 enrollment admission requirements.

3777 (5) **Tuition and cost responsibility.** Tuition and costs for
3778 university-level courses and community and junior college courses
3779 offered under a dual enrollment program may be paid for by the
3780 postsecondary institution, the local school district, the parents
3781 or legal guardians of the student, or by grants, foundations or
3782 other private or public sources. Payment for tuition and any



3783 other costs must be made directly to the credit-granting
3784 institution.

3785 (6) **Transportation responsibility.** Any transportation
3786 required by a student to participate in the dual enrollment
3787 program is the responsibility of the parent, custodian or legal
3788 guardian of the student. Transportation costs may be paid from
3789 any available public or private sources, including the local
3790 school district.

3791 (7) **School district * * *~~average daily attendance~~ student**
3792 **enrollment credit.** When dually enrolled, the student may be
3793 counted, for * * *~~adequate education program funding~~ uniform per
3794 student funding formula purposes, in the * * *~~average daily~~
3795 attendance enrollment of the public school district in which the
3796 student attends high school.

3797 (8) **High school student transcript transfer requirements.**
3798 Grades and college credits earned by a student admitted to a dual
3799 credit program must be recorded on the high school student record
3800 and on the college transcript at the university or community or
3801 junior college where the student attends classes. The transcript
3802 of the university or community or junior college coursework may be
3803 released to another institution or applied toward college
3804 graduation requirements.

3805 (9) **Determining factor of prerequisites for dual enrollment**
3806 **courses.** Each university and community or junior college
3807 participating in a dual enrollment program shall determine course



3808 prerequisites. Course prerequisites shall be the same for dual
3809 enrolled students as for regularly enrolled students at that
3810 university or community or junior college.

3811 (10) **Process for determining articulation of curriculum**
3812 **between high school, university, and community and junior college**
3813 **courses.** All dual credit courses must meet the standards
3814 established at the postsecondary level. Postsecondary level
3815 developmental courses may not be considered as meeting the
3816 requirements of the dual credit program. Dual credit memorandum
3817 of understandings must be established between each postsecondary
3818 institution and the school district implementing a dual credit
3819 program.

3820 (11) [Deleted]

3821 (12) **Eligible courses for dual credit programs.** Courses
3822 eligible for dual credit include, but are not necessarily limited
3823 to, foreign languages, advanced math courses, advanced science
3824 courses, performing arts, advanced business and technology, and
3825 career and technical courses. Distance Learning Collaborative
3826 Program courses approved under Section 37-67-1 shall be fully
3827 eligible for dual credit. All courses being considered for dual
3828 credit must receive unconditional approval from the superintendent
3829 of the local school district and the chief instructional officer
3830 at the participating community or junior college or university in
3831 order for college credit to be awarded. A university or community



3832 or junior college shall make the final decision on what courses
3833 are eligible for semester hour credits.

3834 (13) **High school Carnegie unit equivalency.** One (1)
3835 three-hour university or community or junior college course is
3836 equal to one (1) high school Carnegie unit.

3837 (14) **Course alignment.** The universities, community and
3838 junior colleges and the State Department of Education shall
3839 periodically review their respective policies and assess the place
3840 of dual credit courses within the context of their traditional
3841 offerings.

3842 (15) **Maximum dual credits allowed.** It is the intent of the
3843 dual enrollment program to make it possible for every eligible
3844 student who desires to earn a semester's worth of college credit
3845 in high school to do so. A qualified dually enrolled high school
3846 student must be allowed to earn an unlimited number of college or
3847 university credits for dual credit.

3848 (16) **Dual credit program allowances.** A student may be
3849 granted credit delivered through the following means:

3850 (a) Examination preparation taught at a high school by
3851 a qualified teacher. A student may receive credit at the
3852 secondary level after completion of an approved course and passing
3853 the standard examination, such as an Advanced Placement or
3854 International Baccalaureate course through which a high school
3855 student is allowed CLEP credit by making a three (3) or higher on
3856 the end-of-course examination.



3857 (b) College or university courses taught at a high
3858 school or designated postsecondary site by a qualified teacher who
3859 is an employee of the school district and approved as an
3860 instructor by the collaborating college or university.

3861 (c) College or university courses taught at a college,
3862 university or high school by an instructor employed by the college
3863 or university and approved by the collaborating school district.

3864 (d) Online courses of any public university, community
3865 or junior college in Mississippi.

3866 (17) **Qualifications of dual credit instructors.** A dual
3867 credit academic instructor must meet the requirements set forth by
3868 the regional accrediting association (Southern Association of
3869 College and Schools). University and community and junior college
3870 personnel have the sole authority in the selection of dual credit
3871 instructors.

3872 A dual credit career and technical education instructor must
3873 meet the requirements set forth by the Mississippi Community
3874 College Board in the qualifications manual for postsecondary
3875 career and technical personnel.

3876 (18) **Guidance on local agreements.** The Chief Academic
3877 Officer of the State Board of Trustees of State Institutions of
3878 Higher Learning and the Chief Instructional Officers of the
3879 Mississippi Community College Board and the State Department of
3880 Education, working collaboratively, shall develop a template to be
3881 used by the individual community and junior colleges and



3882 institutions of higher learning for consistent implementation of
3883 the dual enrollment program throughout the State of Mississippi.

3884 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**

3885 A local school board and the local community colleges board shall
3886 establish a Mississippi Works Dual Enrollment-Dual Credit Option
3887 Program under which potential or recent student dropouts may
3888 dually enroll in their home school and a local community college
3889 in a dual credit program consisting of high school completion
3890 coursework and a community college credential, certificate or
3891 degree program. Students completing the dual enrollment-credit
3892 option may obtain their high school diploma while obtaining a
3893 community college credential, certificate or degree. The
3894 Mississippi Department of Employment Security shall assist
3895 students who have successfully completed the Mississippi Works
3896 Dual Enrollment-Dual Credit Option in securing a job upon the
3897 application of the student or the participating school or
3898 community college. The Mississippi Works Dual Enrollment-Dual
3899 Credit Option Program will be implemented statewide in the
3900 2012-2013 school year and thereafter. The State Board of
3901 Education, local school board and the local community college
3902 board shall establish criteria for the Dual Enrollment-Dual Credit
3903 Program. Students enrolled in the program will not be eligible to
3904 participate in interscholastic sports or other extracurricular
3905 activities at the home school district. Tuition and costs for
3906 community college courses offered under the Dual Enrollment-Dual



3907 Credit Program shall not be charged to the student, parents or
3908 legal guardians. When dually enrolled, the student shall be
3909 counted, for * * *~~adequate education program funding~~ uniform per
3910 student funding formula purposes, in the * * *~~average daily~~
3911 ~~attendance~~ enrollment of the public school district in which the
3912 student attends high school * * *,~~as provided in Section~~
3913 ~~37-151-7(1)(a)~~. Any transportation required by the student to
3914 participate in the Dual Enrollment-Dual Credit Program is the
3915 responsibility of the parent or legal guardian of the student, and
3916 transportation costs may be paid from any available public or
3917 private sources, including the local school district. Grades and
3918 college credits earned by a student admitted to this Dual
3919 Enrollment-Dual Credit Program shall be recorded on the high
3920 school student record and on the college transcript at the
3921 community college and high school where the student attends
3922 classes. The transcript of the community college coursework may
3923 be released to another institution or applied toward college
3924 graduation requirements. Any course that is required for subject
3925 area testing as a requirement for graduation from a public school
3926 in Mississippi is eligible for dual credit, and courses eligible
3927 for dual credit shall also include career, technical and degree
3928 program courses. All courses eligible for dual credit shall be
3929 approved by the superintendent of the local school district and
3930 the chief instructional officer at the participating community
3931 college in order for college credit to be awarded. A community



3932 college shall make the final decision on what courses are eligible
3933 for semester hour credits and the local school superintendent,
3934 subject to approval by the Mississippi Department of Education,
3935 shall make the final decision on the transfer of college courses
3936 credited to the student's high school transcript.

3937 **SECTION 59.** Section 37-16-3, Mississippi Code of 1972, is
3938 amended as follows:

3939 37-16-3. (1) The State Department of Education is directed
3940 to implement a program of statewide assessment testing which shall
3941 provide for the improvement of the operation and management of the
3942 public schools. The statewide program shall be timed, as far as
3943 possible, so as not to conflict with ongoing district assessment
3944 programs. As part of the program, the department shall:

3945 (a) Establish, with the approval of the State Board of
3946 Education, minimum performance standards related to the goals for
3947 education contained in the state's plan including, but not limited
3948 to, basic skills in reading, writing and mathematics. The minimum
3949 performance standards shall be approved by April 1 in each year
3950 they are established.

3951 (b) Conduct a uniform statewide testing program in
3952 grades deemed appropriate in the public schools, including charter
3953 schools. The program may test skill areas, basic skills and high
3954 school course content.

3955 (c) Monitor the results of the assessment program and,
3956 at any time the composite student performance of a school or basic



3957 program is found to be below the established minimum standards,
3958 notify the district superintendent or the governing board of the
3959 charter school, as the case may be, the school principal and the
3960 school advisory committee or other existing parent group of the
3961 situation within thirty (30) days of its determination. The
3962 department shall further provide technical assistance to a school
3963 district in the identification of the causes of this deficiency
3964 and shall recommend courses of action for its correction.

3965 (d) Provide technical assistance to the school
3966 districts, when requested, in the development of student
3967 performance standards in addition to the established minimum
3968 statewide standards.

3969 (e) Issue security procedure regulations providing for
3970 the security and integrity of the tests that are administered
3971 under the basic skills assessment program.

3972 (f) In case of an allegation of a testing irregularity
3973 that prompts a need for an investigation by the Department of
3974 Education, the department may, in its discretion, take complete
3975 control of the statewide test administration in a school district
3976 or any part thereof, including, but not limited to, obtaining
3977 control of the test booklets and answer documents. In the case of
3978 any verified testing irregularity that jeopardized the security
3979 and integrity of the test(s), validity or the accuracy of the test
3980 results, the cost of the investigation and any other actual and
3981 necessary costs related to the investigation paid by the



3982 Department of Education shall be reimbursed by the local school
3983 district from funds other than federal funds, * * *~~Mississippi~~
3984 ~~Adequate Education Program~~ uniform per student funding formula
3985 funds, or any other state funds within six (6) months from the
3986 date of notice by the department to the school district to make
3987 reimbursement to the department.

3988 (2) Uniform basic skills tests shall be completed by each
3989 student in the appropriate grade. These tests shall be
3990 administered in such a manner as to preserve the integrity and
3991 validity of the assessment. In the event of excused or unexcused
3992 student absences, make-up tests shall be given. The school
3993 superintendent of every school district in the state and the
3994 principal of each charter school shall annually certify to the
3995 State Department of Education that each student enrolled in the
3996 appropriate grade has completed the required basic skills
3997 assessment test for his or her grade in a valid test
3998 administration.

3999 (3) Within five (5) days of completing the administration of
4000 a statewide test, the principal of the school where the test was
4001 administered shall certify under oath to the State Department of
4002 Education that the statewide test was administered in strict
4003 accordance with the Requirements of the Mississippi Statewide
4004 Assessment System as adopted by the State Board of Education. The
4005 principal's sworn certification shall be set forth on a form
4006 developed and approved by the Department of Education. If,



4007 following the administration of a statewide test, the principal
4008 has reason to believe that the test was not administered in strict
4009 accordance with the Requirements of the Mississippi Statewide
4010 Assessment System as adopted by the State Board of Education, the
4011 principal shall submit a sworn certification to the Department of
4012 Education setting forth all information known or believed by the
4013 principal about all potential violations of the Requirements of
4014 the Mississippi Statewide Assessment System as adopted by the
4015 State Board of Education. The submission of false information or
4016 false certification to the Department of Education by any licensed
4017 educator may result in licensure disciplinary action pursuant to
4018 Section 37-3-2 and criminal prosecution pursuant to Section
4019 37-16-4.

4020 **SECTION 60.** Section 37-17-6, Mississippi Code of 1972, is
4021 amended as follows:

4022 37-17-6. (1) The State Board of Education, acting through
4023 the Commission on School Accreditation, shall establish and
4024 implement a permanent performance-based accreditation system, and
4025 all noncharter public elementary and secondary schools shall be
4026 accredited under this system.

4027 (2) * * * ~~No later than June 30, 1995,~~ The State Board of
4028 Education, acting through the Commission on School Accreditation,
4029 shall require school districts to provide school classroom space
4030 that is air-conditioned as a minimum requirement for
4031 accreditation.



4032 (3) (a) * * * ~~Beginning with the 1994-1995 school year,~~ The
4033 State Board of Education, acting through the Commission on School
4034 Accreditation, shall require that school districts employ
4035 certified school librarians according to the following formula:

4036	Number of Students	Number of Certified
4037	Per School Library	School Librarians
4038	0 - 499 Students	1/2 Full-time Equivalent
4039		Certified Librarian
4040	500 or More Students	1 Full-time Certified
4041		Librarian

4042 (b) The State Board of Education, however, may increase
4043 the number of positions beyond the above requirements.

4044 (c) The assignment of certified school librarians to
4045 the particular schools shall be at the discretion of the local
4046 school district. No individual shall be employed as a certified
4047 school librarian without appropriate training and certification as
4048 a school librarian by the State Department of Education.

4049 (d) School librarians in the district shall spend at
4050 least fifty percent (50%) of direct work time in a school library
4051 and shall devote no more than one-fourth (1/4) of the workday to
4052 administrative activities that are library related.

4053 (e) Nothing in this subsection shall prohibit any
4054 school district from employing more certified school librarians
4055 than are provided for in this section.



4056 (f) Any additional millage levied to fund school
4057 librarians required for accreditation under this subsection shall
4058 be included in the tax increase limitation set forth in Sections
4059 37-57-105 and 37-57-107 and shall not be deemed a new program for
4060 purposes of the limitation.

4061 (4) On or before December 31, 2002, the State Board of
4062 Education shall implement the performance-based accreditation
4063 system for school districts and for individual noncharter public
4064 schools which shall include the following:

4065 (a) High expectations for students and high standards
4066 for all schools, with a focus on the basic curriculum;

4067 (b) Strong accountability for results with appropriate
4068 local flexibility for local implementation;

4069 (c) A process to implement accountability at both the
4070 school district level and the school level;

4071 (d) Individual schools shall be held accountable for
4072 student growth and performance;

4073 (e) Set annual performance standards for each of the
4074 schools of the state and measure the performance of each school
4075 against itself through the standard that has been set for it;

4076 (f) A determination of which schools exceed their
4077 standards and a plan for providing recognition and rewards to
4078 those schools;

4079 (g) A determination of which schools are failing to
4080 meet their standards and a determination of the appropriate role



4081 of the State Board of Education and the State Department of
4082 Education in providing assistance and initiating possible
4083 intervention. A failing district is a district that fails to meet
4084 both the absolute student achievement standards and the rate of
4085 annual growth expectation standards as set by the State Board of
4086 Education for two (2) consecutive years. The State Board of
4087 Education shall establish the level of benchmarks by which
4088 absolute student achievement and growth expectations shall be
4089 assessed. In setting the benchmarks for school districts, the
4090 State Board of Education may also take into account such factors
4091 as graduation rates, dropout rates, completion rates, the extent
4092 to which the school or district employs qualified teachers in
4093 every classroom, and any other factors deemed appropriate by the
4094 State Board of Education. The State Board of Education, acting
4095 through the State Department of Education, shall apply a simple
4096 "A," "B," "C," "D" and "F" designation to the current school and
4097 school district statewide accountability performance
4098 classification labels beginning with the State Accountability
4099 Results for the 2011-2012 school year and following, and in the
4100 school, district and state report cards required under state and
4101 federal law. Under the new designations, a school or school
4102 district that has earned a "Star" rating shall be designated an
4103 "A" school or school district; a school or school district that
4104 has earned a "High-Performing" rating shall be designated a "B"
4105 school or school district; a school or school district that has



4106 earned a "Successful" rating shall be designated a "C" school or
4107 school district; a school or school district that has earned an
4108 "Academic Watch" rating shall be designated a "D" school or school
4109 district; a school or school district that has earned a
4110 "Low-Performing," "At-Risk of Failing" or "Failing" rating shall
4111 be designated an "F" school or school district. Effective with
4112 the implementation of any new curriculum and assessment standards,
4113 the State Board of Education, acting through the State Department
4114 of Education, is further authorized and directed to change the
4115 school and school district accreditation rating system to a simple
4116 "A," "B," "C," "D," and "F" designation based on a combination of
4117 student achievement scores and student growth as measured by the
4118 statewide testing programs developed by the State Board of
4119 Education pursuant to Chapter 16, Title 37, Mississippi Code of
4120 1972. In any statute or regulation containing the former
4121 accreditation designations, the new designations shall be
4122 applicable;

4123 (h) Development of a comprehensive student assessment
4124 system to implement these requirements; and

4125 (i) The State Board of Education may, based on a
4126 written request that contains specific reasons for requesting a
4127 waiver from the school districts affected by Hurricane Katrina of
4128 2005, hold harmless school districts from assignment of district
4129 and school level accountability ratings for the 2005-2006 school
4130 year. The State Board of Education upon finding an extreme



4131 hardship in the school district may grant the request. It is the
4132 intent of the Legislature that all school districts maintain the
4133 highest possible academic standards and instructional programs in
4134 all schools as required by law and the State Board of Education.

4135 (5) (a) Effective with the 2013-2014 school year, the State
4136 Department of Education, acting through the Mississippi Commission
4137 on School Accreditation, shall revise and implement a single "A"
4138 through "F" school and school district accountability system
4139 complying with applicable federal and state requirements in order
4140 to reach the following educational goals:

4141 (i) To mobilize resources and supplies to ensure
4142 that all students exit third grade reading on grade level by 2015;

4143 (ii) To reduce the student dropout rate to
4144 thirteen percent (13%) by 2015; and

4145 (iii) To have sixty percent (60%) of students
4146 scoring proficient and advanced on the assessments of the Common
4147 Core State Standards by 2016 with incremental increases of three
4148 percent (3%) each year thereafter.

4149 (b) The State Department of Education shall combine the
4150 state school and school district accountability system with the
4151 federal system in order to have a single system.

4152 (c) The State Department of Education shall establish
4153 five (5) performance categories ("A," "B," "C," "D" and "F") for
4154 the accountability system based on the following criteria:



4155 (i) Student Achievement: the percent of students
4156 proficient and advanced on the current state assessments;

4157 (ii) Individual student growth: the percent of
4158 students making one (1) year's progress in one (1) year's time on
4159 the state assessment, with an emphasis on the progress of the
4160 lowest twenty-five percent (25%) of students in the school or
4161 district;

4162 (iii) Four-year graduation rate: the percent of
4163 students graduating with a standard high school diploma in four
4164 (4) years, as defined by federal regulations;

4165 (iv) Categories shall identify schools as Reward
4166 ("A" schools), Focus ("D" schools) and Priority ("F" schools). If
4167 at least five percent (5%) of schools in the state are not graded
4168 as "F" schools, the lowest five percent (5%) of school grade point
4169 designees will be identified as Priority schools. If at least ten
4170 percent (10%) of schools in the state are not graded as "D"
4171 schools, the lowest ten percent (10%) of school grade point
4172 designees will be identified as Focus schools;

4173 (v) The State Department of Education shall
4174 discontinue the use of Star School, High-Performing, Successful,
4175 Academic Watch, Low-Performing, At-Risk of Failing and Failing
4176 school accountability designations;

4177 (vi) The system shall include the federally
4178 compliant four-year graduation rate in school and school district
4179 accountability system calculations. Graduation rate will apply to



4180 high school and school district accountability ratings as a
4181 compensatory component. The system shall discontinue the use of
4182 the High School Completer Index (HSCI);

4183 (vii) The school and school district
4184 accountability system shall incorporate a standards-based growth
4185 model, in order to support improvement of individual student
4186 learning;

4187 (viii) The State Department of Education shall
4188 discontinue the use of the Quality Distribution Index (QDI);

4189 (ix) The State Department of Education shall
4190 determine feeder patterns of schools that do not earn a school
4191 grade because the grades and subjects taught at the school do not
4192 have statewide standardized assessments needed to calculate a
4193 school grade. Upon determination of the feeder pattern, the
4194 department shall notify schools and school districts prior to the
4195 release of the school grades beginning in 2013. Feeder schools
4196 will be assigned the accountability designation of the school to
4197 which they provide students;

4198 (x) Standards for student, school and school
4199 district performance will be increased when student proficiency is
4200 at a seventy-five percent (75%) and/or when sixty-five percent
4201 (65%) of the schools and/or school districts are earning a grade
4202 of "B" or higher, in order to raise the standard on performance
4203 after targets are met.



4204 (6) Nothing in this section shall be deemed to require a
4205 nonpublic school that receives no local, state or federal funds
4206 for support to become accredited by the State Board of Education.

4207 (7) The State Board of Education shall create an
4208 accreditation audit unit under the Commission on School
4209 Accreditation to determine whether schools are complying with
4210 accreditation standards.

4211 (8) The State Board of Education shall be specifically
4212 authorized and empowered to withhold * * * ~~adequate education~~
4213 ~~program fund~~ uniform per student funding formula
4214 allocations * * *, ~~whichever is applicable,~~ to any public school
4215 district for failure to timely report student, school personnel
4216 and fiscal data necessary to meet state and/or federal
4217 requirements.

4218 (9) [Deleted]

4219 (10) The State Board of Education shall establish, for those
4220 school districts failing to meet accreditation standards, a
4221 program of development to be complied with in order to receive
4222 state funds, except as otherwise provided in subsection (15) of
4223 this section when the Governor has declared a state of emergency
4224 in a school district or as otherwise provided in Section 206,
4225 Mississippi Constitution of 1890. The state board, in
4226 establishing these standards, shall provide for notice to schools
4227 and sufficient time and aid to enable schools to attempt to meet



4228 these standards, unless procedures under subsection (15) of this
4229 section have been invoked.

4230 (11) * * *~~Beginning July 1, 1998,~~ The State Board of
4231 Education shall be charged with the implementation of the program
4232 of development in each applicable school district as follows:

4233 (a) Develop an impairment report for each district
4234 failing to meet accreditation standards in conjunction with school
4235 district officials;

4236 (b) Notify any applicable school district failing to
4237 meet accreditation standards that it is on probation until
4238 corrective actions are taken or until the deficiencies have been
4239 removed. The local school district shall develop a corrective
4240 action plan to improve its deficiencies. For district academic
4241 deficiencies, the corrective action plan for each such school
4242 district shall be based upon a complete analysis of the following:

4243 student test data, student grades, student attendance reports,
4244 student dropout data, existence and other relevant data. The
4245 corrective action plan shall describe the specific measures to be
4246 taken by the particular school district and school to improve:

4247 (i) instruction; (ii) curriculum; (iii) professional development;
4248 (iv) personnel and classroom organization; (v) student incentives
4249 for performance; (vi) process deficiencies; and (vii) reporting to
4250 the local school board, parents and the community. The corrective
4251 action plan shall describe the specific individuals responsible
4252 for implementing each component of the recommendation and how each



4253 will be evaluated. All corrective action plans shall be provided
4254 to the State Board of Education as may be required. The decision
4255 of the State Board of Education establishing the probationary
4256 period of time shall be final;

4257 (c) Offer, during the probationary period, technical
4258 assistance to the school district in making corrective
4259 actions. * * * ~~Beginning July 1, 1998,~~ Subject to the
4260 availability of funds, the State Department of Education shall
4261 provide technical and/or financial assistance to all such school
4262 districts in order to implement each measure identified in that
4263 district's corrective action plan through professional development
4264 and on-site assistance. Each such school district shall apply for
4265 and utilize all available federal funding in order to support its
4266 corrective action plan in addition to state funds made available
4267 under this paragraph;

4268 (d) Assign department personnel or contract, in its
4269 discretion, with the institutions of higher learning or other
4270 appropriate private entities with experience in the academic,
4271 finance and other operational functions of schools to assist
4272 school districts;

4273 (e) Provide for publication of public notice at least
4274 one time during the probationary period, in a newspaper published
4275 within the jurisdiction of the school district failing to meet
4276 accreditation standards, or if no newspaper is published therein,
4277 then in a newspaper having a general circulation therein. The



4278 publication shall include the following: declaration of school
4279 system's status as being on probation; all details relating to the
4280 impairment report; and other information as the State Board of
4281 Education deems appropriate. Public notices issued under this
4282 section shall be subject to Section 13-3-31 and not contrary to
4283 other laws regarding newspaper publication.

4284 (12) (a) If the recommendations for corrective action are
4285 not taken by the local school district or if the deficiencies are
4286 not removed by the end of the probationary period, the Commission
4287 on School Accreditation shall conduct a hearing to allow the
4288 affected school district to present evidence or other reasons why
4289 its accreditation should not be withdrawn. Additionally, if the
4290 local school district violates accreditation standards that have
4291 been determined by the policies and procedures of the State Board
4292 of Education to be a basis for withdrawal of school district's
4293 accreditation without a probationary period, the Commission on
4294 School Accreditation shall conduct a hearing to allow the affected
4295 school district to present evidence or other reasons why its
4296 accreditation should not be withdrawn. After its consideration of
4297 the results of the hearing, the Commission on School Accreditation
4298 shall be authorized, with the approval of the State Board of
4299 Education, to withdraw the accreditation of a public school
4300 district, and issue a request to the Governor that a state of
4301 emergency be declared in that district.



4302 (b) If the State Board of Education and the Commission
4303 on School Accreditation determine that an extreme emergency
4304 situation exists in a school district that jeopardizes the safety,
4305 security or educational interests of the children enrolled in the
4306 schools in that district and that emergency situation is believed
4307 to be related to a serious violation or violations of
4308 accreditation standards or state or federal law, or when a school
4309 district meets the State Board of Education's definition of a
4310 failing school district for two (2) consecutive full school years,
4311 or if more than fifty percent (50%) of the schools within the
4312 school district are designated as Schools At-Risk in any one (1)
4313 year, the State Board of Education may request the Governor to
4314 declare a state of emergency in that school district. For
4315 purposes of this paragraph, the declarations of a state of
4316 emergency shall not be limited to those instances when a school
4317 district's impairments are related to a lack of financial
4318 resources, but also shall include serious failure to meet minimum
4319 academic standards, as evidenced by a continued pattern of poor
4320 student performance.

4321 (c) Whenever the Governor declares a state of emergency
4322 in a school district in response to a request made under paragraph
4323 (a) or (b) of this subsection, the State Board of Education may
4324 take one or more of the following actions:

4325 (i) Declare a state of emergency, under which some
4326 or all of state funds can be escrowed except as otherwise provided



4327 in Section 206, Constitution of 1890, until the board determines
4328 corrective actions are being taken or the deficiencies have been
4329 removed, or that the needs of students warrant the release of
4330 funds. The funds may be released from escrow for any program
4331 which the board determines to have been restored to standard even
4332 though the state of emergency may not as yet be terminated for the
4333 district as a whole;

4334 (ii) Override any decision of the local school
4335 board or superintendent of education, or both, concerning the
4336 management and operation of the school district, or initiate and
4337 make decisions concerning the management and operation of the
4338 school district;

4339 (iii) Assign an interim superintendent, or in its
4340 discretion, contract with a private entity with experience in the
4341 academic, finance and other operational functions of schools and
4342 school districts, who will have those powers and duties prescribed
4343 in subsection (15) of this section;

4344 (iv) Grant transfers to students who attend this
4345 school district so that they may attend other accredited schools
4346 or districts in a manner that is not in violation of state or
4347 federal law;

4348 (v) For states of emergency declared under
4349 paragraph (a) only, if the accreditation deficiencies are related
4350 to the fact that the school district is too small, with too few
4351 resources, to meet the required standards and if another school



4352 district is willing to accept those students, abolish that
4353 district and assign that territory to another school district or
4354 districts. If the school district has proposed a voluntary
4355 consolidation with another school district or districts, then if
4356 the State Board of Education finds that it is in the best interest
4357 of the pupils of the district for the consolidation to proceed,
4358 the voluntary consolidation shall have priority over any such
4359 assignment of territory by the State Board of Education;

4360 (vi) For states of emergency declared under
4361 paragraph (b) only, reduce local supplements paid to school
4362 district employees, including, but not limited to, instructional
4363 personnel, assistant teachers and extracurricular activities
4364 personnel, if the district's impairment is related to a lack of
4365 financial resources, but only to an extent that will result in the
4366 salaries being comparable to districts similarly situated, as
4367 determined by the State Board of Education;

4368 (vii) For states of emergency declared under
4369 paragraph (b) only, the State Board of Education may take any
4370 action as prescribed in Section 37-17-13.

4371 (d) At the time that satisfactory corrective action has
4372 been taken in a school district in which a state of emergency has
4373 been declared, the State Board of Education may request the
4374 Governor to declare that the state of emergency no longer exists
4375 in the district.



4376 (e) The parent or legal guardian of a school-age child
4377 who is enrolled in a school district whose accreditation has been
4378 withdrawn by the Commission on School Accreditation and without
4379 approval of that school district may file a petition in writing to
4380 a school district accredited by the Commission on School
4381 Accreditation for a legal transfer. The school district
4382 accredited by the Commission on School Accreditation may grant the
4383 transfer according to the procedures of Section 37-15-31(1)(b).
4384 In the event the accreditation of the student's home district is
4385 restored after a transfer has been approved, the student may
4386 continue to attend the transferee school district.
4387 The ~~***per-pupil amount~~ per student allocation prescribed under
4388 Section 37-151-209 of the ***adequate education program uniform
4389 per student funding formula allotment ~~***, including the~~
4390 ~~collective "add-on program" costs for the student's home school~~
4391 ~~district~~ shall be transferred monthly to the school district
4392 accredited by the Commission on School Accreditation that has
4393 granted the transfer of the school-age child.

4394 (f) Upon the declaration of a state of emergency for
4395 any school district in which the Governor has previously declared
4396 a state of emergency, the State Board of Education may either:

4397 (i) Place the school district into district
4398 transformation, in which the school district shall remain until it
4399 has fulfilled all conditions related to district transformation.
4400 If the district was assigned an accreditation rating of "D" or "F"



4401 when placed into district transformation, the district shall be
4402 eligible to return to local control when the school district has
4403 attained a "C" rating or higher for five (5) consecutive years,
4404 unless the State Board of Education determines that the district
4405 is eligible to return to local control in less than the five-year
4406 period;

4407 (ii) Abolish the school district and
4408 administratively consolidate the school district with one or more
4409 existing school districts;

4410 (iii) Reduce the size of the district and
4411 administratively consolidate parts of the district, as determined
4412 by the State Board of Education. However, no school district
4413 which is not in district transformation shall be required to
4414 accept additional territory over the objection of the district; or

4415 (iv) Require the school district to develop and
4416 implement a district improvement plan with prescriptive guidance
4417 and support from the State Department of Education, with the goal
4418 of helping the district improve student achievement. Failure of
4419 the school board, superintendent and school district staff to
4420 implement the plan with fidelity and participate in the activities
4421 provided as support by the department shall result in the school
4422 district retaining its eligibility for district transformation.

4423 (g) There is established a Mississippi Recovery School
4424 District within the State Department of Education under the
4425 supervision of a deputy superintendent appointed by the State



4426 Superintendent of Public Education, who is subject to the approval
4427 by the State Board of Education. The Mississippi Recovery School
4428 District shall provide leadership and oversight of all school
4429 districts that are subject to district transformation status, as
4430 defined in Chapters 17 and 18, Title 37, Mississippi Code of 1972,
4431 and shall have all the authority granted under these two (2)
4432 chapters. The * * *~~Mississippi~~ State Department of Education,
4433 with the approval of the State Board of Education, shall develop
4434 policies for the operation and management of the Mississippi
4435 Recovery School District. The deputy state superintendent is
4436 responsible for the Mississippi Recovery School District and shall
4437 be authorized to oversee the administration of the Mississippi
4438 Recovery School District, oversee the interim superintendent
4439 assigned by the State Board of Education to a local school
4440 district, hear appeals that would normally be filed by students,
4441 parents or employees and heard by a local school board, which
4442 hearings on appeal shall be conducted in a prompt and timely
4443 manner in the school district from which the appeal originated in
4444 order to ensure the ability of appellants, other parties and
4445 witnesses to appeal without undue burden of travel costs or loss
4446 of time from work, and perform other related duties as assigned by
4447 the State Superintendent of Public Education. The deputy state
4448 superintendent is responsible for the Mississippi Recovery School
4449 District and shall determine, based on rigorous professional
4450 qualifications set by the State Board of Education, the



4451 appropriate individuals to be engaged to be interim
4452 superintendents and financial advisors, if applicable, of all
4453 school districts subject to district transformation status. After
4454 State Board of Education approval, these individuals shall be
4455 deemed independent contractors.

4456 (13) Upon the declaration of a state of emergency in a
4457 school district under subsection (12) of this section, the
4458 Commission on School Accreditation shall be responsible for public
4459 notice at least once a week for at least three (3) consecutive
4460 weeks in a newspaper published within the jurisdiction of the
4461 school district failing to meet accreditation standards, or if no
4462 newspaper is published therein, then in a newspaper having a
4463 general circulation therein. The size of the notice shall be no
4464 smaller than one-fourth (1/4) of a standard newspaper page and
4465 shall be printed in bold print. If an interim superintendent has
4466 been appointed for the school district, the notice shall begin as
4467 follows: "By authority of Section 37-17-6, Mississippi Code of
4468 1972, as amended, adopted by the Mississippi Legislature during
4469 the 1991 Regular Session, this school district (name of school
4470 district) is hereby placed under the jurisdiction of the State
4471 Department of Education acting through its appointed interim
4472 superintendent (name of interim superintendent)."

4473 The notice also shall include, in the discretion of the State
4474 Board of Education, any or all details relating to the school
4475 district's emergency status, including the declaration of a state



4476 of emergency in the school district and a description of the
4477 district's impairment deficiencies, conditions of any district
4478 transformation status and corrective actions recommended and being
4479 taken. Public notices issued under this section shall be subject
4480 to Section 13-3-31 and not contrary to other laws regarding
4481 newspaper publication.

4482 Upon termination of the state of emergency in a school
4483 district, the Commission on School Accreditation shall cause
4484 notice to be published in the school district in the same manner
4485 provided in this section, to include any or all details relating
4486 to the corrective action taken in the school district that
4487 resulted in the termination of the state of emergency.

4488 (14) The State Board of Education or the Commission on
4489 School Accreditation shall have the authority to require school
4490 districts to produce the necessary reports, correspondence,
4491 financial statements, and any other documents and information
4492 necessary to fulfill the requirements of this section.

4493 Nothing in this section shall be construed to grant any
4494 individual, corporation, board or interim superintendent the
4495 authority to levy taxes except in accordance with presently
4496 existing statutory provisions.

4497 (15) (a) Whenever the Governor declares a state of
4498 emergency in a school district in response to a request made under
4499 subsection (12) of this section, the State Board of Education, in
4500 its discretion, may assign an interim superintendent to the school



4501 district, or in its discretion, may contract with an appropriate
4502 private entity with experience in the academic, finance and other
4503 operational functions of schools and school districts, who will be
4504 responsible for the administration, management and operation of
4505 the school district, including, but not limited to, the following
4506 activities:

4507 (i) Approving or disapproving all financial
4508 obligations of the district, including, but not limited to, the
4509 employment, termination, nonrenewal and reassignment of all
4510 licensed and nonlicensed personnel, contractual agreements and
4511 purchase orders, and approving or disapproving all claim dockets
4512 and the issuance of checks; in approving or disapproving
4513 employment contracts of superintendents, assistant superintendents
4514 or principals, the interim superintendent shall not be required to
4515 comply with the time limitations prescribed in Sections 37-9-15
4516 and 37-9-105;

4517 (ii) Supervising the day-to-day activities of the
4518 district's staff, including reassigning the duties and
4519 responsibilities of personnel in a manner which, in the
4520 determination of the interim superintendent, will best suit the
4521 needs of the district;

4522 (iii) Reviewing the district's total financial
4523 obligations and operations and making recommendations to the
4524 district for cost savings, including, but not limited to,
4525 reassigning the duties and responsibilities of staff;



- 4526 (iv) Attending all meetings of the district's
4527 school board and administrative staff;
- 4528 (v) Approving or disapproving all athletic, band
4529 and other extracurricular activities and any matters related to
4530 those activities;
- 4531 (vi) Maintaining a detailed account of
4532 recommendations made to the district and actions taken in response
4533 to those recommendations;
- 4534 (vii) Reporting periodically to the State Board of
4535 Education on the progress or lack of progress being made in the
4536 district to improve the district's impairments during the state of
4537 emergency; and
- 4538 (viii) Appointing a parent advisory committee,
4539 comprised of parents of students in the school district that may
4540 make recommendations to the interim superintendent concerning the
4541 administration, management and operation of the school district.

4542 The cost of the salary of the interim superintendent and any
4543 other actual and necessary costs related to district
4544 transformation status paid by the State Department of Education
4545 shall be reimbursed by the local school district from funds other
4546 than * * *~~adequate education program~~ uniform per student funding
4547 formula funds. The department shall submit an itemized statement
4548 to the superintendent of the local school district for
4549 reimbursement purposes, and any unpaid balance may be withheld



4550 from the district's * * *~~adequate education program~~ uniform per
4551 student funding formula funds.

4552 At the time that the Governor, in accordance with the request
4553 of the State Board of Education, declares that the state of
4554 emergency no longer exists in a school district, the powers and
4555 responsibilities of the interim superintendent assigned to the
4556 district shall cease.

4557 (b) In order to provide loans to school districts under
4558 a state of emergency or in district transformation status that
4559 have impairments related to a lack of financial resources, the
4560 School District Emergency Assistance Fund is created as a special
4561 fund in the State Treasury into which monies may be transferred or
4562 appropriated by the Legislature from any available public
4563 education funds. Funds in the School District Emergency
4564 Assistance Fund up to a maximum balance of Three Million Dollars
4565 (\$3,000,000.00) annually shall not lapse but shall be available
4566 for expenditure in subsequent years subject to approval of the
4567 State Board of Education. Any amount in the fund in excess of
4568 Three Million Dollars (\$3,000,000.00) at the end of the fiscal
4569 year shall lapse into the State General Fund or the Education
4570 Enhancement Fund, depending on the source of the fund.

4571 The State Board of Education may loan monies from the School
4572 District Emergency Assistance Fund to a school district that is
4573 under a state of emergency or in district transformation status,
4574 in those amounts, as determined by the board, that are necessary



4575 to correct the district's impairments related to a lack of
4576 financial resources. The loans shall be evidenced by an agreement
4577 between the school district and the State Board of Education and
4578 shall be repayable in principal, without necessity of interest, to
4579 the School District Emergency Assistance Fund by the school
4580 district from any allowable funds that are available. The total
4581 amount loaned to the district shall be due and payable within five
4582 (5) years after the impairments related to a lack of financial
4583 resources are corrected. If a school district fails to make
4584 payments on the loan in accordance with the terms of the agreement
4585 between the district and the State Board of Education, the State
4586 Department of Education, in accordance with rules and regulations
4587 established by the State Board of Education, may withhold that
4588 district's * * *~~adequate education program~~ uniform per student
4589 funding formula funds in an amount and manner that will effectuate
4590 repayment consistent with the terms of the agreement; the funds
4591 withheld by the department shall be deposited into the School
4592 District Emergency Assistance Fund.

4593 The State Board of Education shall develop a protocol that
4594 will outline the performance standards and requisite timeline
4595 deemed necessary for extreme emergency measures. If the State
4596 Board of Education determines that an extreme emergency exists,
4597 simultaneous with the powers exercised in this subsection, it
4598 shall take immediate action against all parties responsible for
4599 the affected school districts having been determined to be in an



4600 extreme emergency. The action shall include, but not be limited
4601 to, initiating civil actions to recover funds and criminal actions
4602 to account for criminal activity. Any funds recovered by the
4603 State Auditor or the State Board of Education from the surety
4604 bonds of school officials or from any civil action brought under
4605 this subsection shall be applied toward the repayment of any loan
4606 made to a school district hereunder.

4607 (16) If a majority of the membership of the school board of
4608 any school district resigns from office, the State Board of
4609 Education shall be authorized to assign an interim superintendent,
4610 who shall be responsible for the administration, management and
4611 operation of the school district until the time as new board
4612 members are selected or the Governor declares a state of emergency
4613 in that school district under subsection (12), whichever occurs
4614 first. In that case, the State Board of Education, acting through
4615 the interim superintendent, shall have all powers which were held
4616 by the previously existing school board, and may take any action
4617 as prescribed in Section 37-17-13 and/or one or more of the
4618 actions authorized in this section.

4619 (17) (a) If the Governor declares a state of emergency in a
4620 school district, the State Board of Education may take all such
4621 action pertaining to that school district as is authorized under
4622 subsection (12) or (15) of this section, including the appointment
4623 of an interim superintendent. The State Board of Education shall
4624 also have the authority to issue a written request with



4625 documentation to the Governor asking that the office of the
4626 superintendent of the school district be subject to recall. If
4627 the Governor declares that the office of the superintendent of the
4628 school district is subject to recall, the local school board or
4629 the county election commission, as the case may be, shall take the
4630 following action:

4631 (i) If the office of superintendent is an elected
4632 office, in those years in which there is no general election, the
4633 name shall be submitted by the State Board of Education to the
4634 county election commission, and the county election commission
4635 shall submit the question at a special election to the voters
4636 eligible to vote for the office of superintendent within the
4637 county, and the special election shall be held within sixty (60)
4638 days from notification by the State Board of Education. The
4639 ballot shall read substantially as follows:

4640 "Shall County Superintendent of Education _____ (here the
4641 name of the superintendent shall be inserted) of the _____
4642 (here the title of the school district shall be inserted) be
4643 retained in office? Yes _____ No _____"

4644 If a majority of those voting on the question votes against
4645 retaining the superintendent in office, a vacancy shall exist
4646 which shall be filled in the manner provided by law; otherwise,
4647 the superintendent shall remain in office for the term of that
4648 office, and at the expiration of the term shall be eligible for
4649 qualification and election to another term or terms.



4650 (ii) If the office of superintendent is an
4651 appointive office, the name of the superintendent shall be
4652 submitted by the president of the local school board at the next
4653 regular meeting of the school board for retention in office or
4654 dismissal from office. If a majority of the school board voting
4655 on the question vote against retaining the superintendent in
4656 office, a vacancy shall exist which shall be filled as provided by
4657 law, otherwise the superintendent shall remain in office for the
4658 duration of his employment contract.

4659 (b) The State Board of Education may issue a written
4660 request with documentation to the Governor asking that the
4661 membership of the school board of the school district shall be
4662 subject to recall. Whenever the Governor declares that the
4663 membership of the school board is subject to recall, the county
4664 election commission or the local governing authorities, as the
4665 case may be, shall take the following action:

4666 (i) If the members of the local school board are
4667 elected to office, in those years in which the specific member's
4668 office is not up for election, the name of the school board member
4669 shall be submitted by the State Board of Education to the county
4670 election commission, and the county election commission at a
4671 special election shall submit the question to the voters eligible
4672 to vote for the particular member's office within the county or
4673 school district, as the case may be, and the special election
4674 shall be held within sixty (60) days from notification by the



4675 State Board of Education. The ballot shall read substantially as
4676 follows:

4677 "Members of the _____ (here the title of the school
4678 district shall be inserted) School Board who are not up for
4679 election this year are subject to recall because of the school
4680 district's failure to meet critical accountability standards as
4681 defined in the letter of notification to the Governor from the
4682 State Board of Education. Shall the member of the school board
4683 representing this area, _____ (here the name of the school
4684 board member holding the office shall be inserted), be retained in
4685 office? Yes _____ No _____"

4686 If a majority of those voting on the question vote against
4687 retaining the member of the school board in office, a vacancy in
4688 that board member's office shall exist, which shall be filled in
4689 the manner provided by law; otherwise, the school board member
4690 shall remain in office for the term of that office, and at the
4691 expiration of the term of office, the member shall be eligible for
4692 qualification and election to another term or terms of office.
4693 However, if a majority of the school board members are recalled in
4694 the special election, the Governor shall authorize the board of
4695 supervisors of the county in which the school district is situated
4696 to appoint members to fill the offices of the members recalled.
4697 The board of supervisors shall make those appointments in the
4698 manner provided by law for filling vacancies on the school board,



4699 and the appointed members shall serve until the office is filled
4700 at the next regular special election or general election.

4701 (ii) If the local school board is an appointed
4702 school board, the name of all school board members shall be
4703 submitted as a collective board by the president of the municipal
4704 or county governing authority, as the case may be, at the next
4705 regular meeting of the governing authority for retention in office
4706 or dismissal from office. If a majority of the governing
4707 authority voting on the question vote against retaining the board
4708 in office, a vacancy shall exist in each school board member's
4709 office, which shall be filled as provided by law; otherwise, the
4710 members of the appointed school board shall remain in office for
4711 the duration of their term of appointment, and those members may
4712 be reappointed.

4713 (iii) If the local school board is comprised of
4714 both elected and appointed members, the elected members shall be
4715 subject to recall in the manner provided in subparagraph (i) of
4716 this paragraph (b), and the appointed members shall be subject to
4717 recall in the manner provided in subparagraph (ii).

4718 (18) * * *~~Beginning with the school district audits conducted~~
4719 ~~for the 1997-1998 fiscal year,~~ The State Board of Education,
4720 acting through the Commission on School Accreditation, shall
4721 require each school district to comply with standards established
4722 by the State Department of Audit for the verification of fixed



4723 assets and the auditing of fixed assets records as a minimum
4724 requirement for accreditation.

4725 (19) * * *~~Before December 1, 1999, the State Board of~~
4726 ~~Education shall recommend a program to the Education Committees of~~
4727 ~~the House of Representatives and the Senate for identifying and~~
4728 ~~rewarding public schools that improve or are high performing. The~~
4729 ~~program shall be described by the board in a written report, which~~
4730 ~~shall include criteria and a process through which improving~~
4731 ~~schools and high-performing schools will be identified and~~
4732 ~~rewarded.~~ [Deleted]

4733 The State Superintendent of Public Education and the State
4734 Board of Education also shall develop a comprehensive
4735 accountability plan to ensure that local school boards,
4736 superintendents, principals and teachers are held accountable for
4737 student achievement. * * *~~A written report on the accountability~~
4738 ~~plan shall be submitted to the Education Committees of both houses~~
4739 ~~of the Legislature before December 1, 1999, with any necessary~~
4740 ~~legislative recommendations.~~

4741 (20) Before January 1, 2008, the State Board of Education
4742 shall evaluate and submit a recommendation to the Education
4743 Committees of the House of Representatives and the Senate on
4744 inclusion of graduation rate and dropout rate in the school level
4745 accountability system.

4746 (21) If a local school district is determined as failing and
4747 placed into district transformation status for reasons authorized



4748 by the provisions of this section, the interim superintendent
4749 appointed to the district shall, within forty-five (45) days after
4750 being appointed, present a detailed and structured corrective
4751 action plan to move the local school district out of district
4752 transformation status to the deputy superintendent. A copy of the
4753 interim superintendent's corrective action plan shall also be
4754 filed with the State Board of Education.

4755 **SECTION 61.** Section 37-17-17, Mississippi Code of 1972, is
4756 amended as follows:

4757 37-17-17. (1) There is created the Mississippi Achievement
4758 School District for the purpose of transforming persistently
4759 failing public schools and districts throughout the state into
4760 quality educational institutions. The Mississippi Achievement
4761 School District shall be a statewide school district, separate and
4762 distinct from all other school districts but not confined to any
4763 specified geographic boundaries, and may be comprised of any
4764 public schools or school districts in the state which, during two
4765 (2) consecutive school years, are designated an "F" school or
4766 district by the State Board of Education under the accountability
4767 rating system or which have been persistently failing and
4768 chronically underperforming.

4769 (2) The Mississippi Achievement School District shall be
4770 governed by the State Board of Education.



4771 (3) The State Board of Education shall obtain suitable
4772 office space to serve as the administrative office of the school
4773 district.

4774 (4) The State Board of Education shall select an individual
4775 to serve as superintendent of the Mississippi Achievement School
4776 District. The superintendent must be deemed by the board to be
4777 highly qualified with a demonstrable track record for producing
4778 results in a context relevant to that of Mississippi Achievement
4779 School District schools. The superintendent of the Mississippi
4780 Achievement School District shall exercise powers and duties that
4781 would afford significant autonomy but are bound by the governance
4782 of the State Board of Education.

4783 (5) (a) Each public school or district in the state which,
4784 during each of two (2) consecutive school years or during two (2)
4785 of three (3) consecutive school years, receives an "F" designation
4786 by the State Board of Education under the accountability rating
4787 system or has been persistently failing as defined by the State
4788 Board of Education may be absorbed into and become a part of the
4789 Mississippi Achievement School District. All eligible public
4790 schools and districts shall be prioritized by the Mississippi
4791 Achievement School District according to criteria set by the
4792 Mississippi Achievement School District and publicized prior to
4793 the annual release of accountability rating data. The Mississippi
4794 Achievement School District shall takeover only the number of
4795 schools and districts for which it has the capacity to serve. The



4796 transfer of the school's/district's governance from the local
4797 school district to the Mississippi Achievement School District
4798 shall take effect upon the approval of the State Board of
4799 Education unless, in the sole determination of the Mississippi
4800 Achievement School District, the transition may be more smoothly
4801 accomplished through a gradual transfer of control. If the
4802 Mississippi Achievement School District elects not to assume
4803 complete control of a school or district immediately after that
4804 school receives an "F" designation during each of two (2)
4805 consecutive school years or during two (2) of the three (3)
4806 consecutive school years, the State Board of Education shall
4807 prescribe the process and timetable by which the school or
4808 district shall be absorbed; however, in no event may the transfer
4809 of the school or district to the Mississippi Achievement School
4810 District be completed later than the beginning of the school year
4811 next succeeding the year during which the school or district
4812 receives the "F" designation. School districts that are eligible
4813 to be absorbed by the Achievement School District, but are not
4814 absorbed due to the capacity of the Achievement School District,
4815 shall develop and implement a district improvement plan with
4816 prescriptive guidance and support from the Mississippi Department
4817 of Education, with the goal of helping the district improve
4818 student achievement. Failure of the school board, superintendent
4819 and school district staff to implement the plan with fidelity and
4820 participate in the activities provided as support by the



4821 department shall result in the school district retaining its
4822 eligibility for the Mississippi Achievement School District.

4823 (b) The State Board of Education shall adopt rules and
4824 regulations governing the operation of the Mississippi Achievement
4825 School District.

4826 (c) Designations assigned to schools or districts under
4827 the accountability rating system by the State Board of Education
4828 before the 2015-2016 school year may not be considered in
4829 determining whether a particular school or district is subject to
4830 being absorbed by the Mississippi Achievement School District.
4831 During the 2017-2018 school year, any school or district receiving
4832 an "F" designation after also being designated an "F" school or
4833 district in the 2015-2016 and 2016-2017 school years may be
4834 absorbed immediately by the Mississippi Achievement School
4835 District, upon approval of the State Board of Education.

4836 (d) The school district from which an "F" school or
4837 district is being absorbed must cooperate fully with the
4838 Mississippi Achievement School District and the State Board of
4839 Education in order to provide as smooth a transition as possible
4840 in the school's/district's governance and operations for the
4841 students enrolled in the school or district. Upon completion of
4842 the transfer of a school or district to the Mississippi
4843 Achievement School District, the school or district shall be
4844 governed by the rules, regulations, policies and procedures
4845 established by the State Board of Education specifically for the



4846 Mississippi Achievement School District, and the school or
4847 district shall no longer be under the purview of the school board
4848 of the local school district. In the event of the transfer of
4849 governance and operations of a school district, the State Board of
4850 Education shall abolish the district as prescribed in Section
4851 37-17-13.

4852 (e) Upon the transfer of the school or school district
4853 to the Mississippi Achievement School District, the individual
4854 appointed by the State Board of Education to serve as
4855 superintendent for the Mississippi Achievement School District
4856 shall be responsible for the administration, management and
4857 operation of the school or school district, including the
4858 following activities: (i) approving or denying all financial
4859 obligations of the school or school district; (ii) approving or
4860 denying the employment, termination, nonrenewal and reassignment
4861 of all licensed and nonlicensed personnel; (iii) approving or
4862 denying contractual agreements and purchase orders; (iv)
4863 approving or denying all claim dockets and the issuance of checks;
4864 (v) supervising the day-to-day activities of the school or school
4865 district's staff in a manner which in the determination of the
4866 Mississippi Achievement School District will best suit the needs
4867 of the school or school district; (vi) approving or denying all
4868 athletic, band and other extracurricular activities and any
4869 matters related to those activities; (vii) honoring any reasonable
4870 financial commitment of the district being absorbed; and (viii)



4871 reporting periodically to the State Board of Education on the
4872 progress or lack of progress being made in the school or school
4873 district to improve the school or school district's impairments.

4874 (f) Upon attaining and maintaining a school or district
4875 accountability rating of "C" or better under the State Department
4876 of Education's accountability rating system for five (5)
4877 consecutive years, the State Board of Education may decide to
4878 revert the absorbed school or district back to local governance,
4879 provided the school or school(s) in question are not conversion
4880 charter schools. "Local governance" may include a traditional
4881 school board model of governance or other new form of governance
4882 such as mayoral control, or other type of governance. The State
4883 Board of Education shall determine the best form of local
4884 governance and school board composition after soliciting the input
4885 of local citizens and shall outline a process for establishing the
4886 type of governance selected. The manner and timeline for
4887 reverting a school or district back to local control shall be at
4888 the discretion of the State School Board, but in no case shall it
4889 exceed five (5) years.

4890 (6) The Superintendent of the Mississippi Achievement School
4891 District shall hire those persons to be employed as principals,
4892 teachers and noninstructional personnel in schools or districts
4893 absorbed into the Mississippi Achievement School District. Only
4894 highly qualified individuals having a demonstrable record of
4895 success may be selected by the superintendent for such positions



4896 in the Mississippi Achievement School District. The
4897 superintendent may choose to continue the employment of any person
4898 employed in an "F" rated school when the school or district is
4899 absorbed into the Mississippi Achievement School District;
4900 alternatively, the superintendent may elect not to offer continued
4901 employment to a person formerly employed at a school or district
4902 that is absorbed into the Mississippi Achievement School District.
4903 Any persons employed by the Mississippi Achievement School
4904 District shall not be subject to Sections 37-9-101 through
4905 37-9-113.

4906 (7) (a) The Mississippi Achievement School District may use
4907 a school building and all facilities and property that is a part
4908 of a school and recognized as part of the facilities or assets of
4909 the school before it is absorbed into the Mississippi Achievement
4910 School District. In addition, the Mississippi Achievement School
4911 District shall have access to those additional facilities that
4912 typically were available to that school or district, its students,
4913 faculty and staff before its absorption by the Mississippi
4914 Achievement School District. Use of facilities by a school or
4915 district in the Mississippi Achievement School District must be
4916 unrestricted and free of charge. However, the Mississippi
4917 Achievement School District shall be responsible for providing
4918 routine maintenance and repairs necessary to maintain the
4919 facilities in as good a condition as when the right of use was
4920 acquired by the Mississippi Achievement School District. The



4921 Mississippi Achievement School District shall be responsible for
4922 paying all utilities at the facilities used for the absorbed
4923 school. Any fixtures, improvements and tangible assets added to a
4924 school building or facility by the Mississippi Achievement School
4925 District must remain at the school or district building or
4926 facility if the school or district is returned to local
4927 governance.

4928 (b) The State Board of Education shall include in the
4929 rules and regulations adopted pursuant to subsection (5) of this
4930 section specific provisions addressing the rights and
4931 responsibilities of the Mississippi Achievement School District
4932 relating to the real and personal property of a school or district
4933 that is absorbed into the Mississippi Achievement School District.

4934 (8) (a) The Mississippi Achievement School District shall
4935 certify annually to the State Board of Education in which a
4936 Mississippi Achievement School District school or district is
4937 located the number of students residing in the school district
4938 which are enrolled in that school or district.

4939 (b) Whenever an increase in funding is requested by the
4940 school board for the support of schools within a particular school
4941 district absorbed into the Mississippi Achievement School
4942 District, the State Board of Education and the superintendent for
4943 the Mississippi Achievement School District shall hold a public
4944 meeting in the local municipality having jurisdiction of the
4945 absorbed school district to allow input of local residents on the



4946 matter, and subsequent to the conclusion of such meeting, the
4947 board of the Mississippi Achievement School District shall submit
4948 its request for ad valorem increase in dollars to the local
4949 governing authority having jurisdiction over the absorbed school
4950 district for approval of the request for increase in ad valorem
4951 tax effort. In a district in which a school or schools but not
4952 the entire district is absorbed into the Mississippi Achievement
4953 School District, the local school district shall pay directly to
4954 the Mississippi Achievement School District an amount for each
4955 student enrolled in that school equal to the ad valorem tax
4956 receipts and in-lieu payments received per pupil for the support
4957 of the local school district in which the student resides. The
4958 pro rata ad valorem receipts and in-lieu receipts to be
4959 transferred to the Mississippi Achievement School District shall
4960 include all levies for the support of the local school district
4961 under Sections 37-57-1 (local contribution to the * * *~~education~~
4962 ~~funding program~~ uniform per student funding formula) and 37-57-105
4963 (school district operational levy) and may not include any taxes
4964 levied for the retirement of the local school district's bonded
4965 indebtedness or short-term notes or any taxes levied for the
4966 support of vocational-technical education programs, unless the
4967 school or schools absorbed include a high school at which
4968 vocational-technical education programs are offered. In no event
4969 may the payment exceed the pro rata amount of the local ad valorem
4970 payment to the * * *~~education funding program~~ uniform per student



4971 funding formula under Section 37-57-1 for the school district in
4972 which the student resides. Payments made under this section by a
4973 school district to the Mississippi Achievement School District
4974 must be made before the expiration of three (3) business days
4975 after the funds are distributed to the local school district by
4976 the tax collector.

4977 (c) If an entire school district is absorbed into the
4978 Mississippi Achievement School District, the tax collector shall
4979 pay the amounts as described in paragraph (b) of this subsection,
4980 with the exception that all funds should transfer, including taxes
4981 levied for the retirement of the local school district's bonded
4982 indebtedness or short-term notes and any taxes levied for the
4983 support of vocational-technical education programs. The
4984 Mississippi Achievement School District shall pay funds raised to
4985 retire the district's debts to the appropriate creditors on behalf
4986 of the former district.

4987 (9) (a) The State Department of Education shall make
4988 payments to the Mississippi Achievement School District for each
4989 student in * * * ~~average daily membership~~ enrollment at a
4990 Mississippi Achievement School District school equal to the state
4991 share of the * * * ~~education funding program~~ uniform per student
4992 funding formula payments for each student in * * * ~~average daily~~
4993 attendance enrollment at the local school district or former local
4994 school district in which that school is located. In calculating
4995 the local contribution for purposes of determining the state share



4996 of the * * *~~education funding program~~ uniform per student funding
4997 formula payments, the department shall deduct the pro rata local
4998 contribution of the school district or former school district in
4999 which the student resides * * *, ~~to be determined as provided in~~
5000 ~~Section 37-151-7(2) (a).~~

5001 (b) Payments made pursuant to this subsection by the
5002 State Department of Education must be made at the same time and in
5003 the same manner as * * *~~education funding program~~ uniform per
5004 student funding formula payments are made to all other school
5005 districts under Sections 37-151-101 and 37-151-103. Amounts
5006 payable to the Mississippi Achievement School District must be
5007 determined by the State Department of Education in the same manner
5008 that such amounts are calculated for all other school districts
5009 under the * * *~~education funding program~~ uniform per student
5010 funding formula.

5011 (10) The Mississippi Achievement School District shall be
5012 considered a local educational agency for the same purposes and to
5013 the same extent that all other school districts in the state are
5014 deemed local educational agencies under applicable federal laws.

5015 (11) The Mississippi Achievement School District may receive
5016 donations or grants from any public or private source, including
5017 any federal funding that may be available to the school district
5018 or individual schools within the Mississippi Achievement School
5019 District.



5020 (12) The Legislature may appropriate sufficient funding to
 5021 the State Department of Education for the 2017 fiscal year for the
 5022 specific purpose of funding the start-up, operational and any
 5023 other required costs of the Mississippi Achievement School
 5024 District during the 2017-2018 school year.

5025 **SECTION 62.** Section 37-19-7, Mississippi Code of 1972, is
 5026 amended as follows:

5027 37-19-7. (1) * * *~~The allowance in the Mississippi Adequate~~
 5028 ~~Education Program for~~ Teachers' salaries in each county and
 5029 separate school district shall be determined and paid in
 5030 accordance with the scale for teachers' salaries as provided in
 5031 this subsection. For teachers holding the following types of
 5032 licenses or the equivalent as determined by the State Board of
 5033 Education, and the following number of years of teaching
 5034 experience, the scale shall be as follows:

5035 * * *~~2014-2015 MINIMUM SALARY SCHEDULE~~

5036 — Years

5037	Exp.	AAAA	AAA	AA	A
5038	0	38,108.00	36,944.00	35,780.00	33,390.00
5039	1	38,108.00	36,944.00	35,780.00	33,390.00
5040	2	38,108.00	36,944.00	35,780.00	33,390.00
5041	3	38,902.00	37,671.00	36,440.00	33,885.00
5042	4	39,696.00	38,398.00	37,100.00	34,380.00
5043	5	40,490.00	39,125.00	37,760.00	34,875.00
5044	6	41,284.00	39,852.00	38,420.00	35,370.00



5045	7	42,078.00	40,579.00	39,080.00	35,865.00
5046	8	42,872.00	41,306.00	39,740.00	36,360.00
5047	9	43,666.00	42,033.00	40,400.00	36,855.00
5048	10	44,460.00	42,760.00	41,060.00	37,350.00
5049	11	45,254.00	43,487.00	41,720.00	37,845.00
5050	12	46,048.00	44,214.00	42,380.00	38,340.00
5051	13	46,842.00	44,941.00	43,040.00	38,835.00
5052	14	47,636.00	45,668.00	43,700.00	39,330.00
5053	15	48,430.00	46,395.00	44,360.00	39,825.00
5054	16	49,224.00	47,122.00	45,020.00	40,320.00
5055	17	50,018.00	47,849.00	45,680.00	40,815.00
5056	18	50,812.00	48,576.00	46,340.00	41,310.00
5057	19	51,606.00	49,303.00	47,000.00	41,805.00
5058	20	52,400.00	50,030.00	47,660.00	42,300.00
5059	21	53,194.00	50,757.00	48,320.00	42,795.00
5060	22	53,988.00	51,484.00	48,980.00	43,290.00
5061	23	54,782.00	52,211.00	49,640.00	43,785.00
5062	24	55,576.00	52,938.00	50,300.00	44,280.00
5063	25	58,430.00	55,725.00	53,020.00	46,835.00
5064	26	59,224.00	56,452.00	53,680.00	47,330.00
5065	27	60,018.00	57,179.00	54,340.00	47,825.00
5066	28	60,812.00	57,906.00	55,000.00	48,320.00
5067	29	61,606.00	58,633.00	55,660.00	48,815.00
5068	30	62,400.00	59,360.00	56,320.00	49,310.00
5069	31	63,194.00	60,087.00	56,980.00	49,805.00



5070	32	63,988.00	60,814.00	57,640.00	50,300.00
5071	33	64,782.00	61,541.00	58,300.00	50,795.00
5072	34	65,576.00	62,268.00	58,960.00	51,290.00
5073	35				
5074	& above	66,370.00	62,995.00	59,620.00	51,785.00

2015-2016 AND SUBSEQUENT SCHOOL YEARS MINIMUM SALARY SCHEDULE

5076 Years

5077	Exp.	AAAA	AAA	AA	A
5078	0	39,108.00	37,944.00	36,780.00	34,390.00
5079	1	39,108.00	37,944.00	36,780.00	34,390.00
5080	2	39,108.00	37,944.00	36,780.00	34,390.00
5081	3	39,902.00	38,671.00	37,440.00	34,885.00
5082	4	40,696.00	39,398.00	38,100.00	35,380.00
5083	5	41,490.00	40,125.00	38,760.00	35,875.00
5084	6	42,284.00	40,852.00	39,420.00	36,370.00
5085	7	43,078.00	41,579.00	40,080.00	36,865.00
5086	8	43,872.00	42,306.00	40,740.00	37,360.00
5087	9	44,666.00	43,033.00	41,400.00	37,855.00
5088	10	45,460.00	43,760.00	42,060.00	38,350.00
5089	11	46,254.00	44,487.00	42,720.00	38,845.00
5090	12	47,048.00	45,214.00	43,380.00	39,340.00
5091	13	47,842.00	45,941.00	44,040.00	39,835.00
5092	14	48,636.00	46,668.00	44,700.00	40,330.00
5093	15	49,430.00	47,395.00	45,360.00	40,825.00
5094	16	50,224.00	48,122.00	46,020.00	41,320.00



5095	17	51,018.00	48,849.00	46,680.00	41,815.00
5096	18	51,812.00	49,576.00	47,340.00	42,310.00
5097	19	52,606.00	50,303.00	48,000.00	42,805.00
5098	20	53,400.00	51,030.00	48,660.00	43,300.00
5099	21	54,194.00	51,757.00	49,320.00	43,795.00
5100	22	54,988.00	52,484.00	49,980.00	44,290.00
5101	23	55,782.00	53,211.00	50,640.00	44,785.00
5102	24	56,576.00	53,938.00	51,300.00	45,280.00
5103	25	59,430.00	56,725.00	54,020.00	47,835.00
5104	26	60,224.00	57,452.00	54,680.00	48,330.00
5105	27	61,018.00	58,179.00	55,340.00	48,825.00
5106	28	61,812.00	58,906.00	56,000.00	49,320.00
5107	29	62,606.00	59,633.00	56,660.00	49,815.00
5108	30	63,400.00	60,360.00	57,320.00	50,310.00
5109	31	64,194.00	61,087.00	57,980.00	50,805.00
5110	32	64,988.00	61,814.00	58,640.00	51,300.00
5111	33	65,782.00	62,541.00	59,300.00	51,795.00
5112	34	66,576.00	63,268.00	59,960.00	52,290.00
5113	35				
5114	& above	67,370.00	63,995.00	60,620.00	52,785.00

5115 It is the intent of the Legislature that any state funds made
5116 available for salaries of licensed personnel in excess of the
5117 funds paid for such salaries for the 1986-1987 school year shall
5118 be paid to licensed personnel pursuant to a personnel appraisal
5119 and compensation system implemented by the State Board of



5120 Education. The State Board of Education shall have the authority
5121 to adopt and amend rules and regulations as are necessary to
5122 establish, administer and maintain the system.

5123 All teachers employed on a full-time basis shall be paid a
5124 minimum salary in accordance with the above scale. However, no
5125 school district shall receive any funds under this section for any
5126 school year during which the local supplement paid to any
5127 individual teacher shall have been reduced to a sum less than that
5128 paid to that individual teacher for performing the same duties
5129 from local supplement during the immediately preceding school
5130 year. The amount actually spent for the purposes of group health
5131 and/or life insurance shall be considered as a part of the
5132 aggregate amount of local supplement but shall not be considered a
5133 part of the amount of individual local supplement.

5134 The level of professional training of each teacher to be used
5135 in establishing the salary * * * ~~allotment~~ for the * * * ~~teachers~~
5136 teacher for each year shall be determined by the type of valid
5137 teacher's license issued to * * * ~~those teachers~~ that teacher on or
5138 before October 1 of the current school year. * * * ~~Provided,~~
5139 However, * * * ~~that~~ school districts are authorized, in their
5140 discretion, to negotiate the salary levels applicable
5141 to * * * ~~certificated~~ licensed employees who are receiving
5142 retirement benefits from the retirement system of another
5143 state * * * ~~, and the annual experience increment provided above in~~



5144 ~~Section 37-19-7 shall not be applicable to any such retired~~
5145 ~~certificated employee.~~

5146 (2) (a) The following employees shall receive an annual
5147 salary supplement in the amount of Six Thousand Dollars
5148 (\$6,000.00), plus fringe benefits, in addition to any other
5149 compensation to which the employee may be entitled:

5150 (i) Any licensed teacher who has met the
5151 requirements and acquired a Master Teacher certificate from the
5152 National Board for Professional Teaching Standards and who is
5153 employed by a local school board or the State Board of Education
5154 as a teacher and not as an administrator. Such teacher shall
5155 submit documentation to the State Department of Education that the
5156 certificate was received prior to October 15 in order to be
5157 eligible for the full salary supplement in the current school
5158 year, or the teacher shall submit such documentation to the State
5159 Department of Education prior to February 15 in order to be
5160 eligible for a prorated salary supplement beginning with the
5161 second term of the school year.

5162 (ii) A licensed nurse who has met the requirements
5163 and acquired a certificate from the National Board for
5164 Certification of School Nurses, Inc., and who is employed by a
5165 local school board or the State Board of Education as a school
5166 nurse and not as an administrator. The licensed school nurse
5167 shall submit documentation to the State Department of Education
5168 that the certificate was received before October 15 in order to be



5169 eligible for the full salary supplement in the current school
5170 year, or the licensed school nurse shall submit the documentation
5171 to the State Department of Education before February 15 in order
5172 to be eligible for a prorated salary supplement beginning with the
5173 second term of the school year. Provided, however, that the total
5174 number of licensed school nurses eligible for a salary supplement
5175 under this subparagraph (ii) shall not exceed thirty-five (35).

5176 (iii) Any licensed school counselor who has met
5177 the requirements and acquired a National Certified School
5178 Counselor (NCSC) endorsement from the National Board of Certified
5179 Counselors and who is employed by a local school board or the
5180 State Board of Education as a counselor and not as an
5181 administrator. Such licensed school counselor shall submit
5182 documentation to the State Department of Education that the
5183 endorsement was received prior to October 15 in order to be
5184 eligible for the full salary supplement in the current school
5185 year, or the licensed school counselor shall submit such
5186 documentation to the State Department of Education prior to
5187 February 15 in order to be eligible for a prorated salary
5188 supplement beginning with the second term of the school year.
5189 However, any school counselor who started the National Board for
5190 Professional Teaching Standards process for school counselors
5191 between June 1, 2003, and June 30, 2004, and completes the
5192 requirements and acquires the Master Teacher certificate shall be
5193 entitled to the master teacher supplement, and those counselors



5194 who complete the process shall be entitled to a one-time
5195 reimbursement for the actual cost of the process as outlined in
5196 paragraph (b) of this subsection.

5197 (iv) Any licensed speech-language pathologist and
5198 audiologist who has met the requirements and acquired a
5199 Certificate of Clinical Competence from the American
5200 Speech-Language-Hearing Association and any certified academic
5201 language therapist (CALT) who has met the certification
5202 requirements of the Academic Language Therapy Association and who
5203 is employed by a local school board or is employed by a state
5204 agency under the State Personnel Board. The licensed
5205 speech-language pathologist and audiologist and certified academic
5206 language therapist shall submit documentation to the State
5207 Department of Education that the certificate or endorsement was
5208 received before October 15 in order to be eligible for the full
5209 salary supplement in the current school year, or the licensed
5210 speech-language pathologist and audiologist and certified academic
5211 language therapist shall submit the documentation to the State
5212 Department of Education before February 15 in order to be eligible
5213 for a prorated salary supplement beginning with the second term of
5214 the school year. However, the total number of certified academic
5215 language therapists eligible for a salary supplement under this
5216 paragraph (iv) shall not exceed twenty (20).

5217 (b) An employee shall be reimbursed for the actual cost
5218 of completing each component of acquiring the certificate or



5219 endorsement, excluding any costs incurred for postgraduate
5220 courses, not to exceed Five Hundred Dollars (\$500.00) for each
5221 component, not to exceed four (4) components, for a teacher,
5222 school counselor or speech-language pathologist and audiologist,
5223 regardless of whether or not the process resulted in the award of
5224 the certificate or endorsement. A local school district or any
5225 private individual or entity may pay the cost of completing the
5226 process of acquiring the certificate or endorsement for any
5227 employee of the school district described under paragraph (a), and
5228 the State Department of Education shall reimburse the school
5229 district for such cost, regardless of whether or not the process
5230 resulted in the award of the certificate or endorsement. If a
5231 private individual or entity has paid the cost of completing the
5232 process of acquiring the certificate or endorsement for an
5233 employee, the local school district may agree to directly
5234 reimburse the individual or entity for such cost on behalf of the
5235 employee.

5236 (c) All salary supplements, fringe benefits and process
5237 reimbursement authorized under this subsection shall be paid
5238 directly by the State Department of Education to the local school
5239 district and shall be in addition to its * * *~~minimum education~~
5240 program uniform per student funding formula allotments and not a
5241 part thereof in accordance with regulations promulgated by the
5242 State Board of Education. Local school districts shall not reduce
5243 the local supplement paid to any employee receiving such salary



5244 supplement, and the employee shall receive any local supplement to
5245 which employees with similar training and experience otherwise are
5246 entitled. However, an educational employee shall receive the
5247 salary supplement in the amount of Six Thousand Dollars
5248 (\$6,000.00) for only one (1) of the qualifying certifications
5249 authorized under paragraph (a) of this subsection. No school
5250 district shall provide more than one (1) annual salary supplement
5251 under the provisions of this subsection to any one individual
5252 employee holding multiple qualifying national certifications.

5253 (d) If an employee for whom such cost has been paid, in
5254 full or in part, by a local school district or private individual
5255 or entity fails to complete the certification or endorsement
5256 process, the employee shall be liable to the school district or
5257 individual or entity for all amounts paid by the school district
5258 or individual or entity on behalf of that employee toward his or
5259 her certificate or endorsement.

5260 (3) The following employees shall receive an annual salary
5261 supplement in the amount of Four Thousand Dollars (\$4,000.00),
5262 plus fringe benefits, in addition to any other compensation to
5263 which the employee may be entitled:

5264 Effective July 1, 2016, if funds are available for that
5265 purpose, any licensed teacher who has met the requirements and
5266 acquired a Master Teacher Certificate from the National Board for
5267 Professional Teaching Standards and who is employed in a public
5268 school district located in one (1) of the following counties:



5269 Claiborne, Adams, Jefferson, Wilkinson, Amite, Bolivar, Coahoma,
5270 Leflore, Quitman, Sharkey, Issaquena, Sunflower and Washington.

5271 The salary supplement awarded under the provisions of this
5272 subsection (3) shall be in addition to the salary supplement
5273 awarded under the provisions of subsection (2) of this section.

5274 Teachers who meet the qualifications for a salary supplement
5275 under this subsection (3) who are assigned for less than one (1)
5276 full year or less than full time for the school year shall receive
5277 the salary supplement in a prorated manner, with the portion of
5278 the teacher's assignment to the critical geographic area to be
5279 determined as of June 15th of the school year.

5280 (4) (a) This subsection shall be known and may be cited as
5281 the "Mississippi Performance-Based Pay (MPBP)" plan. In addition
5282 to the minimum base pay described in this section, only * * *~~after~~
5283 ~~full funding of MAEP and~~ if funds are available for that purpose,
5284 the State of Mississippi may provide monies from state funds to
5285 school districts for the purposes of rewarding * * *~~certified~~
5286 licensed teachers, administrators and nonlicensed personnel at
5287 individual schools showing improvement in student test scores.
5288 The MPBP plan shall be developed by the State Department of
5289 Education based on the following criteria:

5290 (i) It is the express intent of this legislation
5291 that the MPBP plan shall utilize only existing standards of
5292 accreditation and assessment as established by the State Board of
5293 Education.



5294 (ii) To ensure that all of Mississippi's teachers,
5295 administrators and nonlicensed personnel at all schools have equal
5296 access to the monies set aside in this section, the MPBP program
5297 shall be designed to calculate each school's performance as
5298 determined by the school's increase in scores from the prior
5299 school year. The MPBP program shall be based on a standardized
5300 scores rating where all levels of schools can be judged in a
5301 statistically fair and reasonable way upon implementation. At the
5302 end of each year, after all student achievement scores have been
5303 standardized, the State Department of Education shall implement
5304 the MPBP plan.

5305 (iii) To ensure all teachers cooperate in the
5306 spirit of teamwork, individual schools shall submit a plan to the
5307 local school district to be approved before the beginning of each
5308 school year * * *~~beginning July 1, 2008~~. The plan shall include,
5309 but not be limited to, how all teachers, regardless of subject
5310 area, and administrators will be responsible for improving student
5311 achievement for their individual school.

5312 (b) The State Board of Education shall develop the
5313 processes and procedures for designating schools eligible to
5314 participate in the MPBP. State assessment results, growth in
5315 student achievement at individual schools and other measures
5316 deemed appropriate in designating successful student achievement
5317 shall be used in establishing MPBP criteria. The State Board of



5318 Education shall develop the MPBP policies * * *~~and procedures and~~
5319 ~~report to the Legislature and Governor by December 1, 2006.~~

5320 (5) (a) * * *~~Beginning in the 2008-2009 school year,~~ If
5321 funds are available for that purpose, each school in Mississippi
5322 shall have mentor teachers, as defined by Sections 37-9-201
5323 through 37-9-213, who shall receive additional base compensation
5324 provided for by the State Legislature in the amount of One
5325 Thousand Dollars (\$1,000.00) per each beginning teacher that is
5326 being mentored. The additional state compensation shall be
5327 limited to those mentor teachers that provide mentoring services
5328 to beginning teachers. For the purposes of such funding, a
5329 beginning teacher shall be defined as any teacher in any school in
5330 Mississippi that has less than one (1) year of classroom
5331 experience teaching in a public school. For the purposes of such
5332 funding, no full-time academic teacher shall mentor more than two
5333 (2) beginning teachers.

5334 (b) To be eligible for this state funding, the
5335 individual school must have a classroom management program
5336 approved by the local school board.

5337 (6) Effective with the 2014-2015 school year, the school
5338 districts participating in the Pilot Performance-Based
5339 Compensation System pursuant to Section 37-19-9 may award
5340 additional teacher and administrator pay based thereon.

5341 **SECTION 63.** Section 37-21-6, Mississippi Code of 1972, is
5342 amended as follows:



5343 37-21-6. The Mississippi Early Childhood Education Program
5344 shall be the kindergarten program implemented by local school
5345 districts * * *~~under the minimum education program.~~

5346 **SECTION 64.** Section 37-21-7, Mississippi Code of 1972, is
5347 amended as follows:

5348 37-21-7. (1) This section shall be referred to as the
5349 "Mississippi Elementary Schools Assistant Teacher Program," the
5350 purpose of which shall be to provide an early childhood education
5351 program that assists in the instruction of basic skills. The
5352 State Board of Education is authorized, empowered and directed to
5353 implement a statewide system of assistant teachers in kindergarten
5354 classes and in the first, second and third grades. The assistant
5355 teacher shall assist pupils in actual instruction under the strict
5356 supervision of a licensed teacher.

5357 (2) (a) Except as otherwise authorized under subsection
5358 (7), each school district shall employ the total number of
5359 assistant teachers funded under subsection (6) of this section.
5360 The superintendent of each district shall assign the assistant
5361 teachers to the kindergarten, first-, second- and third-grade
5362 classes in the district in a manner that will promote the maximum
5363 efficiency, as determined by the superintendent, in the
5364 instruction of skills such as verbal and linguistic skills,
5365 logical and mathematical skills, and social skills.

5366 (b) If a licensed teacher to whom an assistant teacher
5367 has been assigned is required to be absent from the classroom, the



5368 assistant teacher may assume responsibility for the classroom in
5369 lieu of a substitute teacher. However, no assistant teacher shall
5370 assume sole responsibility of the classroom for more than three
5371 (3) consecutive school days. Further, in no event shall any
5372 assistant teacher be assigned to serve as a substitute teacher for
5373 any teacher other than the licensed teacher to whom that assistant
5374 teacher has been assigned.

5375 (3) Assistant teachers shall have, at a minimum, a high
5376 school diploma or a High School Equivalency Diploma equivalent,
5377 and shall show demonstratable proficiency in reading and writing
5378 skills. The State Department of Education shall develop a testing
5379 procedure for assistant teacher applicants to be used in all
5380 school districts in the state.

5381 (4) (a) In order to receive funding, each school district
5382 shall:

5383 (i) Submit a plan on the implementation of a
5384 reading improvement program to the State Department of Education;
5385 and

5386 (ii) Develop a plan of educational accountability
5387 and assessment of performance, including pretests and posttests,
5388 for reading in Grades 1 through 6.

5389 (b) Additionally, each school district shall:

5390 (i) Provide annually a mandatory preservice
5391 orientation session, using an existing in-school service day, for
5392 administrators and teachers on the effective use of assistant



5393 teachers as part of a team in the classroom setting and on the
5394 role of assistant teachers, with emphasis on program goals;

5395 (ii) Hold periodic workshops for administrators
5396 and teachers on the effective use and supervision of assistant
5397 teachers;

5398 (iii) Provide training annually on specific
5399 instructional skills for assistant teachers;

5400 (iv) Annually evaluate their program in accordance
5401 with their educational accountability and assessment of
5402 performance plan; and

5403 (v) Designate the necessary personnel to supervise
5404 and report on their program.

5405 (5) The State Department of Education shall:

5406 (a) Develop and assist in the implementation of a
5407 statewide uniform training module, subject to the availability of
5408 funds specifically appropriated therefor by the Legislature, which
5409 shall be used in all school districts for training administrators,
5410 teachers and assistant teachers. The module shall provide for the
5411 consolidated training of each assistant teacher and teacher to
5412 whom the assistant teacher is assigned, working together as a
5413 team, and shall require further periodic training for
5414 administrators, teachers and assistant teachers regarding the role
5415 of assistant teachers;

5416 (b) Annually evaluate the program on the district and
5417 state level. Subject to the availability of funds specifically



5418 appropriated therefor by the Legislature, the department shall
5419 develop: (i) uniform evaluation reports, to be performed by the
5420 principal or assistant principal, to collect data for the annual
5421 overall program evaluation conducted by the department; or (ii) a
5422 program evaluation model that, at a minimum, addresses process
5423 evaluation; and

5424 (c) Promulgate rules, regulations and such other
5425 standards deemed necessary to effectuate the purposes of this
5426 section. Noncompliance with the provisions of this section and
5427 any rules, regulations or standards adopted by the department may
5428 result in a violation of compulsory accreditation standards as
5429 established by the State Board of Education and the Commission on
5430 School Accreditation.

5431 (6) * * *~~In addition to other funds allotted under the~~
5432 ~~Minimum Education or Adequate Education Program, each school~~
5433 ~~district shall be allotted sufficient funding for the purpose of~~
5434 ~~employing assistant teachers.~~ No assistant teacher shall be paid
5435 less than the amount he or she received in the prior school year.
5436 No school district shall receive any funds under this section for
5437 any school year during which the aggregate amount of the local
5438 contribution to the salaries of assistant teachers by the district
5439 shall have been reduced below such amount for the previous year.

5440 For the 2007-2008 school year and school years thereafter,
5441 the minimum salary for assistant teachers shall be Twelve Thousand
5442 Five Hundred Dollars (\$12,500.00).



5443 In addition, for each one percent (1%) that the Sine Die
5444 General Fund Revenue Estimate Growth exceeds five percent (5%) in
5445 fiscal year 2006, as certified by the Legislative Budget Office to
5446 the State Board of Education and subject to the specific
5447 appropriation therefor by the Legislature, the State Board of
5448 Education shall revise the salary scale in the appropriate year to
5449 provide an additional one percent (1%) across_the_board increase
5450 in the base salaries for assistant teachers. The State Board of
5451 Education shall revise the salaries prescribed above for assistant
5452 teachers to conform to any adjustments made in prior fiscal years
5453 due to revenue growth over and above five percent (5%). The
5454 assistant teachers shall not be restricted to working only in the
5455 grades for which the funds were allotted, but may be assigned to
5456 other classes as provided in subsection (2)(a) of this section.

5457 (7) (a) As an alternative to employing assistant teachers,
5458 any school district may use the allotment provided under
5459 subsection (6) of this section for the purpose of employing
5460 licensed teachers for kindergarten, first-, second- and
5461 third-grade classes; however, no school district shall be
5462 authorized to use the allotment for assistant teachers for the
5463 purpose of employing licensed teachers unless the district has
5464 established that the employment of licensed teachers using such
5465 funds will reduce the teacher:student ratio in the kindergarten,
5466 first-, second- and third-grade classes. All state funds for



5467 assistant teachers shall be applied to reducing teacher:student
5468 ratio in Grades K-3.

5469 It is the intent of the Legislature that no school district
5470 shall dismiss any assistant teacher for the purpose of using the
5471 assistant teacher allotment to employ licensed teachers. School
5472 districts may rely only upon normal attrition to reduce the number
5473 of assistant teachers employed in that district.

5474 (b) Districts meeting the highest levels of
5475 accreditation standards, as defined by the State Board of
5476 Education, shall be exempted from the provisions of subsection (4)
5477 of this section.

5478 **SECTION 65.** Section 37-22-5, Mississippi Code of 1972, is
5479 amended as follows:

5480 37-22-5. There is * * *~~herein~~ created an Emergency Fund Loss
5481 Assistance Program to provide temporary grants to eligible school
5482 districts. The purpose of the program shall be to provide relief
5483 to school districts suffering losses of financial assistance under
5484 federal programs, such as the IMPACT Program, designed to serve
5485 the educational needs of children of government employees and
5486 Choctaw Indian children. Any school district which has sustained
5487 losses in direct payments from the federal government for the
5488 purpose of educating the children of federal government employees
5489 and Choctaw Indian children living on United States government
5490 owned reservation land shall be entitled to an Emergency Fund Loss
5491 Assistance Grant, in the amount of the reduction of the grant



5492 funds received from the federal government from prior years. This
5493 grant shall be limited to losses resulting from reductions in the
5494 level of federal funding allocated to school districts from prior
5495 years and not from reductions resulting from a loss of students
5496 served by the school districts. Losses incurred prior to July 1,
5497 1987, shall not be considered for purposes of determining the
5498 amount of the grant. There is hereby established an Emergency
5499 Fund Loss Assistance Fund in the State Treasury which shall be
5500 used to distribute the emergency grants to school districts.
5501 Expenditures from this fund shall not exceed One Million Dollars
5502 (\$1,000,000.00) in any fiscal year. If the total of all grant
5503 entitlements from local school districts exceeds such sum, then
5504 the grants to the school districts shall be prorated accordingly.

5505 * * *~~The State Treasurer shall transfer funds from this program~~
5506 ~~in the same manner that funds are transferred from the Minimum~~
5507 ~~Education Program Fund, as provided in Section 37-19-47.~~

5508 **SECTION 66.** Section 37-23-1, Mississippi Code of 1972, is
5509 amended as follows:

5510 37-23-1. The purpose of Sections 37-23-1 through 37-23-159
5511 is to mandate free appropriate public educational services and
5512 equipment for exceptional children in the age range three (3)
5513 through twenty (20) for whom the regular school programs are not
5514 adequate and to provide, on a permissive basis, a free appropriate
5515 public education, as a part of the state's early intervention
5516 system in accordance with regulations developed in collaboration



5517 with the agency designated as "lead agency" under Part C of the
5518 Individuals with Disabilities Education Act. The portion of the
5519 regulations developed in collaboration with the lead agency which
5520 are necessary to implement the programs under the authority of the
5521 State Board of Education shall be presented to the State Board of
5522 Education for adoption. This specifically includes, but shall not
5523 be limited to, provision for day schools for the deaf and blind of
5524 an age under six (6) years, where early training is in accordance
5525 with the most advanced and best approved scientific methods of
5526 instruction, always taking into consideration the best interests
5527 of the child and his improvement at a time during which he is most
5528 susceptible of improvement. Educational programs to exceptional
5529 children under the age of three (3) years shall be eligible
5530 for * * *~~adequate education program~~ uniform per student funding
5531 formula funds.

5532 All references in the laws of this state to the "Individuals
5533 with Disabilities Education Act" or to the "IDEA" shall be
5534 construed to include any subsequent amendments to that act.

5535 The educational programs and services provided for
5536 exceptional children in Sections 37-23-1 through 37-23-15,
5537 37-23-31 through 37-23-35, 37-23-61 through 37-23-75 and 37-23-77
5538 shall be designed to provide individualized appropriate special
5539 education and related services that enable a child to reach his or
5540 her appropriate and uniquely designed goals for success. The
5541 State Board of Education shall establish an accountability system



5542 for special education programs and students with disabilities.
5543 The system shall establish accountability standards for services
5544 provided to improve the educational skills designed to prepare
5545 children for life after their years in school. These standards
5546 shall be a part of the accreditation system and shall be
5547 implemented before July 1, 1996.

5548 The State Department of Education shall establish goals for
5549 the performance of children with disabilities that will promote
5550 the purpose of IDEA and are consistent, to the maximum extent
5551 appropriate, with other goals and standards for children
5552 established by the State Department of Education. Performance
5553 indicators used to assess progress toward achieving those goals
5554 that, at a minimum, address the performance of children with
5555 disabilities on assessments, drop-out rates, and graduation rates
5556 shall be developed. Every two (2) years, the progress toward
5557 meeting the established performance goals shall be reported to the
5558 public.

5559 **SECTION 67.** Section 37-23-15, Mississippi Code of 1972, is
5560 amended as follows:

5561 37-23-15. (1) The State Department of Education, in
5562 accordance with Sections 37-23-1 through 37-23-75, and any
5563 additional authority granted in this chapter, shall:

5564 (a) Adopt pilot programs under which certain students
5565 enrolled or enrolling in public schools in this state shall be
5566 tested for dyslexia and related disorders as may be necessary.



5567 The pilot programs shall provide that upon the request of a
5568 parent, student, school nurse, classroom teacher or other school
5569 personnel who has reason to believe that a student has a need to
5570 be tested for dyslexia, such student shall be reviewed for
5571 appropriate services. However, a student shall not be tested for
5572 dyslexia whose parent or guardian objects thereto on grounds that
5573 such testing conflicts with his conscientiously held religious
5574 beliefs.

5575 (b) In accordance with the pilot programs adopted by
5576 the State Department of Education, such school boards shall
5577 provide remediation in an appropriate multi-sensory, systematic
5578 language-based regular education program or programs, as
5579 determined by the school district, such as the Texas Scottish Rite
5580 Hospital Dyslexia Training Program, pertinent to the child's
5581 physical and educational disorders or the sensory area in need of
5582 remediation for those students who do not qualify for special
5583 education services.

5584 (c) The State Department of Education, by not later
5585 than January 1, 1997, shall make recommendations to the school
5586 boards designated for the pilot programs for the delivery of
5587 services to students who are identified as dyslexic.

5588 (d) For the purposes of this section:

5589 (i) "Dyslexia" means a language processing
5590 disorder which may be manifested by difficulty processing
5591 expressive or receptive, oral or written language despite adequate



5592 intelligence, educational exposure and cultural opportunity.
5593 Specific manifestations may occur in one or more areas, including
5594 difficulty with the alphabet, reading comprehension, writing and
5595 spelling.

5596 (ii) "Related disorders" shall include disorders
5597 similar to or related to dyslexia such as developmental auditory
5598 imperception, dysphasia, specific developmental dyslexia,
5599 dyspraxia, developmental dysgraphia and developmental spelling
5600 disability.

5601 (e) Local school districts designated for the pilot
5602 programs may utilize any source of funds other than * * *~~minimum~~
5603 program uniform per student funding formula funds to provide any
5604 services under this section.

5605 (f) Nothing in this section shall be construed to
5606 require any school district to implement this section unless the
5607 local school board, by resolution spread on its minutes,
5608 voluntarily agrees to comply with this section and any regulations
5609 promulgated under this section. Any local school board may
5610 withdraw from participation in the program authorized under this
5611 section by providing written notice of its determination to
5612 withdraw to the State Department of Education no later than June 1
5613 of the preceding fiscal year.

5614 (2) State funding for the pilot programs for testing
5615 students for dyslexia shall be subject to the availability of
5616 funds specifically appropriated therefor by the Legislature.



5617 (3) The State Department of Education shall prepare a report
5618 for the 1999 Regular Session of the Legislature to be submitted to
5619 the Chairmen of the Education Committees of the Senate and House
5620 of Representatives not later than November 1, 1998, with
5621 recommendations as to the effectiveness of the pilot programs for
5622 students with dyslexia and whether or not the pilot programs
5623 should be expanded or discontinued.

5624 **SECTION 68.** Section 37-23-69, Mississippi Code of 1972, is
5625 amended as follows:

5626 37-23-69. The State Department of Education may determine
5627 and pay the amount of the financial assistance to be made
5628 available to each applicant, and see that all applicants and the
5629 programs for them meet the requirements of the program for
5630 exceptional children. No financial assistance shall exceed the
5631 obligation actually incurred by the applicant for educational
5632 costs, which shall include special education and related services
5633 as defined by the Mississippi Department of Education Policies and
5634 Procedures Regarding Children with Disabilities under the federal
5635 Individuals with Disabilities Education Act (IDEA). Within the
5636 amount of available state funds * * * ~~appropriated~~ for that
5637 purpose, each such applicant may receive assistance according to
5638 the following allowances:

5639 (a) If the applicant chooses to attend a private
5640 school, a parochial school or a speech, hearing and/or language
5641 clinic having an appropriate program for the applicant, and if the



5642 school or clinic meets federal and state regulations, then the
5643 educational costs reimbursement will be one hundred percent (100%)
5644 of the first Six Hundred Dollars (\$600.00) in educational costs
5645 charged by the school or clinic; or, if the applicant is under six
5646 (6) years of age, and no program appropriate for the child exists
5647 in the public schools of his domicile, then the reimbursement
5648 shall be one hundred percent (100%) of the first Six Hundred
5649 Dollars (\$600.00) in educational costs charged by the school or
5650 clinic, and fifty percent (50%) of the next Eight Hundred Dollars
5651 (\$800.00) in educational costs charged by the school or clinic;

5652 (b) A public school district shall be reimbursed for
5653 the educational costs of an applicant up to an annual maximum
5654 based on a * * *~~multiple of the base student cost as determined~~
5655 ~~under the Mississippi Adequate Education Program (MAEP) or other~~
5656 cost factor * * *~~as~~ determined by the State Board of Education if
5657 the following conditions are met: (i) an applicant in the age
5658 range six (6) through twenty (20) requests the public school
5659 district where he resides to provide an education for him and the
5660 nature of the applicant's educational problem is such that,
5661 according to best educational practices, it cannot be met in the
5662 public school district where the child resides; (ii) the public
5663 school district decides to provide the applicant a free
5664 appropriate education by placing him in a private school, a
5665 parochial school or a speech, hearing and/or language clinic
5666 having an appropriate program for the applicant; (iii) the program



5667 meets federal and state regulations; and (iv) the applicant is
5668 approved for financial assistance by a State Level Review Board
5669 established by the State Board of Education. The Review Board
5670 will act on financial assistance requests within five (5) working
5671 days of receipt. Nothing in this paragraph shall prevent two (2)
5672 or more public school districts from forming a cooperative to meet
5673 the needs of low incidence exceptional children, nor shall the
5674 public school be relieved of its responsibility to provide an
5675 education for all children. If state monies are not sufficient to
5676 fund all applicants, there will be a ratable reduction for all
5677 recipients receiving state funds under this section. School
5678 districts may pay additional educational costs from available
5679 federal, state and local funds.

5680 If an exceptional child, as defined in Section 37-23-3, is
5681 placed in a therapeutic or other group home licensed or approved
5682 by the state that has no educational program associated with it,
5683 the local school district in which the home is located shall offer
5684 an appropriate educational program to that child.

5685 At any time that the Individualized Education Program (IEP)
5686 Committee in the district where the home is located determines
5687 that an exceptional child, as defined in Section 37-23-3, residing
5688 in that home can no longer be provided a free appropriate public
5689 education in that school district, and the State Department of
5690 Education agrees with that decision, then the State Department of
5691 Education shall recommend to the Department of Human Services



5692 placement of the child by the Department of Human Services, which
5693 shall take appropriate action. The placement of the exceptional
5694 child in the facility shall be at no cost to the local school
5695 district. Funds available under Sections 37-23-61 through
5696 37-23-77, as well as any available federal funds, may be used to
5697 provide the educational costs of the placement. If the
5698 exceptional child is under the guardianship of the Department of
5699 Human Services or another state agency, the State Department of
5700 Education shall pay only for the educational costs of that
5701 placement, and the other agency shall be responsible for the room,
5702 board and any other costs. The special education and related
5703 services provided to the child shall be in compliance with State
5704 Department of Education and any related federal regulations. The
5705 State Board of Education may promulgate regulations that are
5706 necessary to implement this section; and

5707 (c) If an appropriate local or regional system of care,
5708 including a free appropriate public education, is available for
5709 exceptional children who are currently being served in
5710 out-of-district or Department of Human Services placements under
5711 Section 37-23-69(b) or 37-23-77, then the state funds from the
5712 State Department of Education that would have been used for those
5713 placements may be paid into a pool of funds with funds from other
5714 state agencies to be used for the implementation of the
5715 individualized plans of care for those children. If there are
5716 sufficient funds to serve additional exceptional children because



5717 of cost savings as a result of serving these students at home
5718 and/or matching the pooled funds with federal dollars, the funds
5719 may be used to implement individualized plans of care for those
5720 additional exceptional children. Each local or regional provider
5721 of services included in the individualized plans of care shall
5722 comply with all appropriate state and federal regulations. The
5723 State Board of Education may promulgate regulations that are
5724 necessary to implement this section.

5725 The State Department of Education may also provide for the
5726 payment of that financial assistance in installments and for
5727 proration of that financial assistance in the case of children
5728 attending a school or clinic for less than a full school session
5729 and, if available funds are insufficient, may allocate the
5730 available funds among the qualified applicants and local school
5731 districts by reducing the maximum assistance provided for in this
5732 section.

5733 Any monies provided an applicant under Sections 37-23-61
5734 through 37-23-75 shall be applied by the receiving educational
5735 institution as a reduction in the amount of the educational costs
5736 paid by the applicant, and the total educational costs paid by the
5737 applicant shall not exceed the total educational costs paid by any
5738 other child in similar circumstances enrolled in the same program
5739 in that institution. However, this limitation shall not prohibit
5740 the waiving of all or part of the educational costs for a limited
5741 number of children based upon demonstrated financial need, and the



5742 State Department of Education may adopt and enforce reasonable
5743 rules and regulations to carry out the intent of these provisions.

5744 **SECTION 69.** Section 37-23-109, Mississippi Code of 1972, is
5745 amended as follows:

5746 37-23-109. Any child development center created under the
5747 provisions of Sections 37-23-91 through 37-23-111 shall be
5748 entitled to receive all contributions and benefits allowed to the
5749 other school districts from the federal and state governments
5750 including, but not limited to, contributions on the basis of
5751 the * * * ~~average daily attendance~~ enrollment per child, school
5752 textbooks and school lunch program.

5753 **SECTION 70.** Section 37-23-179, Mississippi Code of 1972, is
5754 amended as follows:

5755 37-23-179. (1) The board shall specifically promulgate
5756 rules, regulations and guidelines which establish model programs
5757 of gifted education and also establish minimum criteria for gifted
5758 education programs. In providing programs of gifted education,
5759 the local district may use the model programs prepared by the
5760 board or may itself develop programs of gifted education which,
5761 prior to being implemented, shall be approved by the board,
5762 provided, that no such plan or program shall be approved or
5763 continued unless it meets the minimum criteria established by the
5764 board.

5765 (2) There is hereby created within the department an office
5766 for gifted education which shall be staffed by such professional,



5767 support and clerical personnel as may be necessary to implement
5768 the provisions of Sections 37-23-171 through 37-23-181.

5769 (3) All local school districts may have programs of gifted
5770 education for intellectually, creatively and/or artistically
5771 gifted students in Grades 2 through 12 and for academically gifted
5772 students in Grades 9 through 12 approved by the board. Beginning
5773 with the 1993-1994 school year, all local school districts shall
5774 have programs of gifted education for intellectually gifted
5775 students in Grade 2, subject to the approval of the State Board of
5776 Education and the availability of funds appropriated therefor by
5777 line-item. Beginning with the 1994-1995 school year, all local
5778 school districts shall have programs of gifted education for
5779 intellectually gifted students in Grades 2 and 3, subject to the
5780 approval of the State Board of Education. Beginning with the
5781 1995-1996 school year, all local school districts shall have
5782 programs of gifted education for intellectually gifted students in
5783 Grades 2, 3 and 4 subject to the approval of the State Board of
5784 Education. Beginning with the 1996-1997 school year, all local
5785 school districts shall have programs of gifted education for
5786 intellectually gifted students in Grades 2, 3, 4 and 5, subject to
5787 the approval of the State Board of Education. Beginning with the
5788 1997-1998 school year, all local school districts shall have
5789 programs of gifted education for intellectually gifted students in
5790 Grades 2, 3, 4, 5 and 6, subject to the approval of the State
5791 Board of Education. * * *~~The programs shall be funded as a part of~~



5792 ~~the exceptional child programs in accordance with Section~~
5793 ~~37-19-5(3).~~ Each local school district shall include as a part of
5794 its five-year plan a description of any proposed gifted education
5795 programs of the district. * * *~~State funded teacher units for~~
5796 ~~gifted education programs for fiscal year 1994 and thereafter~~
5797 ~~shall be at least the number funded for gifted education programs~~
5798 ~~for fiscal year 1993 and any additional numbers that may be funded~~
5799 ~~by appropriation of the Legislature for those programs.~~
5800 ~~Additional programs above the number authorized statewide and~~
5801 ~~expansion of programs using state funds shall be allowed only in~~
5802 ~~years in which the funding for gifted education teacher units~~
5803 ~~exceeds the number funded for fiscal year 1993. In the Minimum~~
5804 ~~Education Program appropriation bill each year, there shall be a~~
5805 ~~line item specifying the number of special education teacher units~~
5806 ~~that are to be used for gifted education programs.~~

5807 **SECTION 71.** Section 37-27-55, Mississippi Code of 1972, is
5808 amended as follows:

5809 37-27-55. When any pupils shall attend any agricultural high
5810 school or community or junior college under the provisions of
5811 Section 37-27-51, such pupils shall be reported and accounted for
5812 the allocation of * * *~~minimum education program~~ uniform per
5813 student funding formula funds and building funds just as though
5814 such pupils were attending the regular schools of the district in
5815 which they reside. For this purpose reports shall be made to the
5816 board of trustees of the school district involved by the



5817 agricultural high school or community or junior college of the
5818 number of children in * * * ~~average daily attendance~~ enrollment,
5819 and the * * * ~~average daily attendance~~ enrollment of such pupils
5820 shall thereupon be included in reports made to the county or
5821 school district under the provisions of Chapters 19 and 47 of this
5822 title. The allocation of * * * ~~minimum education program~~ uniform
5823 per student funding formula funds and state public school building
5824 funds shall be made for such children just as though such children
5825 were attending the regular schools of the district. However,
5826 all * * * ~~minimum education program~~ uniform per student funding
5827 formula funds which accrue to any district as a result of the
5828 pupils who are in attendance at such agricultural high school or
5829 community or junior college * * * ~~, except amounts allotted for~~
5830 ~~transportation purposes,~~ shall be paid by the board of trustees of
5831 the municipal separate school district or the county board of
5832 education, as the case may be, to the agricultural high school or
5833 community or junior college at which the pupils are in attendance,
5834 and shall be expended by said agricultural high school or
5835 community or junior college for the instruction of said
5836 pupils * * * ~~and for the purposes for which the funds were~~
5837 ~~originally allotted.~~ Funds allotted to the school district for
5838 building purposes under Chapter 47 of this title, shall, however,
5839 be retained by the school district entitled thereto. The term
5840 "school district" as used in Sections 37-27-51 through 37-27-59
5841 shall be defined as including all public school districts in this



5842 state and also all agricultural high schools not located on the
5843 campus of a community or junior college.

5844 **SECTION 72.** Section 37-27-57, Mississippi Code of 1972, is
5845 amended as follows:

5846 37-27-57. Any additional or supplemental expenses incurred
5847 by the agricultural high school or community or junior college in
5848 the instruction of such pupils above that defrayed by * * *~~minimum~~
5849 education uniform per student funding formula funds as provided in
5850 Section 37-27-55, shall be paid either from the amounts received
5851 from the state appropriation for the support of agricultural high
5852 schools or from the tax levy for the support of such agricultural
5853 high school or community or junior college or from any other funds
5854 which such agricultural high school or community or junior college
5855 may have available for such purpose.

5856 **SECTION 73.** Section 37-28-5, Mississippi Code of 1972, is
5857 amended as follows:

5858 37-28-5. As used in this chapter, the following words and
5859 phrases have the meanings ascribed in this section unless the
5860 context clearly indicates otherwise:

5861 (a) "Applicant" means any person or group that develops
5862 and submits an application for a charter school to the authorizer.

5863 (b) "Application" means a proposal from an applicant to
5864 the authorizer to enter into a charter contract whereby the
5865 proposed school obtains charter school status.



5866 (c) "Authorizer" means the Mississippi Charter School
5867 Authorizer Board established under Section 37-28-7 to review
5868 applications, decide whether to approve or reject applications,
5869 enter into charter contracts with applicants, oversee charter
5870 schools, and decide whether to renew, not renew, or revoke charter
5871 contracts.

5872 (d) "Charter contract" means a fixed-term, renewable
5873 contract between a charter school and the authorizer which
5874 outlines the roles, powers, responsibilities and performance
5875 expectations for each party to the contract.

5876 (e) "Charter school" means a public school that is
5877 established and operating under the terms of charter contract
5878 between the school's governing board and the authorizer. The term
5879 "charter school" includes a conversion charter school and start-up
5880 charter school.

5881 (f) "Conversion charter school" means a charter school
5882 that existed as a noncharter public school before becoming a
5883 charter school.

5884 (g) "Education service provider" means a charter
5885 management organization, school design provider or any other
5886 partner entity with which a charter school intends to contract for
5887 educational design, implementation or comprehensive management.

5888 (h) "Governing board" means the independent board of a
5889 charter school which is party to the charter contract with the



5890 authorizer and whose members have been elected or selected
5891 pursuant to the school's application.

5892 (i) "Noncharter public school" means a public school
5893 that is under the direct management, governance and control of a
5894 school board or the state.

5895 (j) "Parent" means a parent, guardian or other person
5896 or entity having legal custody of a child.

5897 (k) "School board" means a school board exercising
5898 management and control over a local school district and the
5899 schools of that district pursuant to the State Constitution and
5900 state statutes.

5901 (l) "School district" means a governmental entity that
5902 establishes and supervises one or more public schools within its
5903 geographical limits pursuant to state statutes.

5904 (m) "Start-up charter school" means a charter school
5905 that did not exist as a noncharter public school before becoming a
5906 charter school.

5907 (n) "Student" means any child who is eligible for
5908 attendance in a public school in the state.

5909 (o) "Underserved students" means students participating
5910 in the federal free lunch program * * * ~~who qualify for at-risk~~
5911 ~~student funding under the Mississippi Adequate Education Program~~
5912 and students who are identified as having special educational
5913 needs.



5914 **SECTION 74.** Section 37-28-53, Mississippi Code of 1972, is
5915 amended as follows:

5916 37-28-53. (1) Each charter school shall certify annually to
5917 the State Department of Education its student enrollment * * *~~7~~
5918 ~~average daily attendance~~ and student participation in the national
5919 school lunch program, special education, vocational education,
5920 gifted education, alternative school program and federal programs
5921 in the same manner as school districts.

5922 (2) Each charter school shall certify annually to the school
5923 board of the school district in which the charter school is
5924 located the number of enrolled charter school students residing in
5925 the school district.

5926 **SECTION 75.** Section 37-28-55, Mississippi Code of 1972, is
5927 amended as follows:

5928 37-28-55. (1) (a) The State Department of Education shall
5929 make payments to charter schools for each student in * * *~~average~~
5930 ~~daily attendance~~ enrollment at the charter school equal to the
5931 state share of the * * *~~adequate education program~~ uniform per
5932 student funding formula payments for each student in * * *~~average~~
5933 ~~daily attendance~~ enrollment at the school district in which the
5934 charter school is located. In calculating the local contribution
5935 for purposes of determining the state share of the * * *~~adequate~~
5936 ~~education program~~ uniform per student funding formula payments,
5937 the department shall deduct the pro rata local contribution of the



5938 school district in which the student resides * * *, ~~to be~~
5939 ~~determined as provided in Section 37-151-7(2) (a).~~

5940 (b) Payments made pursuant to this subsection by the
5941 State Department of Education must be made at the same time and in
5942 the same manner as * * * ~~adequate education program~~ uniform per
5943 student funding formula payments are made to school districts
5944 under Sections 37-151-101 and 37-151-103. Amounts payable to a
5945 charter school must be determined by the State Department of
5946 Education. Amounts payable to a charter school over its charter
5947 term must be based on the enrollment projections set forth over
5948 the term of the charter contract. Such projections must be * * *
5949 ~~reconciled with the average daily attendance using months two (2)~~
5950 ~~and three (3) ADA~~ audited by the State Auditor in the same manner
5951 and during the same months as student enrollment is audited under
5952 Section 37-151-221(2) for the current year for which * * * ~~adequate~~
5953 ~~education program~~ uniform per student funding formula funds are
5954 being appropriated and any necessary adjustments must be made to
5955 payments during the school's following year of operation.

5956 (2) For students attending a charter school located in the
5957 school district in which the student resides, the school district
5958 in which a charter school is located shall pay directly to the
5959 charter school an amount for each student enrolled in the charter
5960 school equal to the ad valorem tax receipts and in-lieu payments
5961 received per pupil for the support of the local school district in
5962 which the student resides. The pro rata ad valorem receipts and



5963 in-lieu receipts to be transferred to the charter school shall
5964 include all levies for the support of the local school district
5965 under Sections 37-57-1 (local contribution to the * * *adequate
5966 ~~education program~~ uniform per student funding formula) and
5967 37-57-105 (school district operational levy) and may not include
5968 any taxes levied for the retirement of the local school district's
5969 bonded indebtedness or short-term notes or any taxes levied for
5970 the support of vocational-technical education programs. The
5971 amount of funds payable to the charter school by the school
5972 district must be based on the previous year's enrollment data and
5973 ad valorem receipts and in-lieu receipts of the local school
5974 district in which the student resides. The pro rata amount must
5975 be calculated by dividing the local school district's months one
5976 (1) through nine (9) * * *~~average daily membership~~ student
5977 enrollment into the total amount of ad valorem receipts and
5978 in-lieu receipts, as reported to the State Department of Education
5979 by the local school district. The local school district shall pay
5980 an amount equal to this pro rata amount multiplied by the number
5981 of students enrolled in the charter school, based on the charter
5982 school's end of first month enrollment for the current school
5983 year. The amount must be paid by the school district to the
5984 charter school before January 16 of the current fiscal year. If
5985 the local school district does not pay the required amount to the
5986 charter school before January 16, the State Department of
5987 Education shall reduce the local school district's January



5988 transfer of * * *~~Mississippi Adequate Education Program~~
5989 Mississippi Uniform Per Student Funding Formula funds by the
5990 amount owed to the charter school and shall redirect that amount
5991 to the charter school. Any such payments made under this
5992 subsection (2) by the State Department of Education to a charter
5993 school must be made at the same time and in the same manner
5994 as * * *~~adequate education program~~ uniform per student funding
5995 formula payments are made to school districts under Sections
5996 37-151-101 and 37-151-103.

5997 (3) For students attending a charter school located in a
5998 school district in which the student does not reside, the State
5999 Department of Education shall pay to the charter school in which
6000 the student is enrolled an amount as follows: the pro rata ad
6001 valorem receipts and in-lieu payments per pupil for the support of
6002 the local school district in which the student resides under
6003 Sections 37-57-1 (local contribution to the * * *~~adequate~~
6004 ~~education program~~ uniform per student funding formula) and
6005 37-57-105 (school district operational levy), however, not
6006 including any taxes levied for the retirement of the local school
6007 district's bonded indebtedness or short-term notes or any taxes
6008 levied for the support of vocational-technical education programs.
6009 The amount of funds payable to the charter school by the school
6010 district must be based on the previous year's enrollment data and
6011 ad valorem receipts and in-lieu receipts of the local school
6012 district in which the student resides. The pro rata amount must



6013 be calculated by dividing the local school district's months one
6014 (1) through nine (9) * * * ~~average daily membership~~ student
6015 enrollment into the total amount of ad valorem receipts and
6016 in-lieu receipts, as reported to the State Department of Education
6017 by the transferor local school district. The payable amount shall
6018 be equal to this pro rata amount multiplied by the number of
6019 students enrolled in the charter school, based on the charter
6020 school's end of first month enrollment for the current school
6021 year. The State Department of Education shall reduce the school
6022 district's January transfer of * * * ~~Mississippi Adequate Education~~
6023 ~~Program~~ Mississippi Uniform Per Student Funding Formula funds by
6024 the amount owed to the charter school and shall redirect that
6025 amount to the charter school. Any such payments made under this
6026 subsection (3) by the State Department of Education to a charter
6027 school must be made at the same time and in the same manner
6028 as * * * ~~adequate education program~~ uniform per student funding
6029 formula payments are made to school districts under Sections
6030 37-151-101 and 37-151-103.

6031 (4) (a) The State Department of Education shall direct the
6032 proportionate share of monies generated under federal and state
6033 categorical aid programs, including special education, vocational,
6034 gifted and alternative school programs, to charter schools serving
6035 students eligible for such aid. The department shall ensure that
6036 charter schools with rapidly expanding enrollments are treated
6037 equitably in the calculation and disbursement of all federal and



6038 state categorical aid program dollars. Each charter school that
6039 serves students who may be eligible to receive services provided
6040 through such programs shall comply with all reporting requirements
6041 to receive the aid.

6042 (b) A charter school shall pay to a local school
6043 district any federal or state aid attributable to a student with a
6044 disability attending the charter school in proportion to the level
6045 of services for that student which the local school district
6046 provides directly or indirectly.

6047 (c) Subject to the approval of the authorizer, a
6048 charter school and a local school district may negotiate and enter
6049 into a contract for the provision of and payment for special
6050 education services, including, but not necessarily limited to, a
6051 reasonable reserve not to exceed five percent (5%) of the local
6052 school district's total budget for providing special education
6053 services. The reserve may be used by the local school district
6054 only to offset excess costs of providing services to students with
6055 disabilities enrolled in the charter school.

6056 (5) * * * ~~(a) The State Department of Education shall~~
6057 ~~disburse state transportation funding to a charter school on the~~
6058 ~~same basis and in the same manner as it is paid to school~~
6059 ~~districts under the adequate education program.~~

6060 ~~(b)~~ A charter school may enter into a contract with a school
6061 district or private provider to provide transportation to the
6062 school's students.



6063 **SECTION 76.** Section 37-29-1, Mississippi Code of 1972, is
6064 amended as follows:

6065 37-29-1. (1) The creation, establishment, maintenance and
6066 operation of community colleges is authorized. Community colleges
6067 may admit students if they have earned one (1) unit less than the
6068 number of units required for high school graduation established by
6069 State Board of Education policy or have earned a High School
6070 Equivalency Diploma in courses correlated to those of senior
6071 colleges or professional schools. Subject to the provisions of
6072 Section 75-76-34, they shall offer, without limitation, education
6073 and training preparatory for occupations such as agriculture,
6074 industry of all kinds, business, homemaking and for other
6075 occupations on the semiprofessional and vocational-technical
6076 level. They may offer courses and services to students regardless
6077 of their previous educational attainment or further academic
6078 plans.

6079 (2) The boards of trustees of the community college
6080 districts are authorized to establish an early admission program
6081 under which applicants having a minimum ACT composite score of
6082 twenty-six (26) or the equivalent SAT score may be admitted as
6083 full-time college students if the principal or guidance counselor
6084 of the student recommends in writing that it is in the best
6085 educational interest of the student. Such recommendation shall
6086 also state that the student's age will not keep him from being a
6087 successful full-time college student. Students admitted in the



6088 early admission program shall not be counted for * * *adequate
6089 ~~education program funding~~ uniform per student funding formula
6090 purposes in the * * *~~average daily attendance~~ enrollment of the
6091 school district in which they reside, and transportation required
6092 by a student to participate in the early admission program shall
6093 be the responsibility of the parents or legal guardians of the
6094 student. Grades and college credits earned by students admitted
6095 to the early admission program shall be recorded on the college
6096 transcript at the community college where the student attends
6097 classes, and may be released to another institution or used for
6098 college graduation requirements only after the student has
6099 successfully completed one (1) full semester of course work.

6100 (3) The community colleges shall provide, through courses or
6101 other acceptable educational measures, the general education
6102 necessary to individuals and groups which will tend to make them
6103 capable of living satisfactory lives consistent with the ideals of
6104 a democratic society.

6105 **SECTION 77.** Section 37-29-272, Mississippi Code of 1972, is
6106 amended as follows:

6107 37-29-272. The board of trustees of any community college
6108 district in the state maintaining and operating an agricultural
6109 high school on July 1, 1994, is hereby authorized to transfer the
6110 control, maintenance and operation of said agricultural high
6111 school, including the transfer of title to all real and personal
6112 property used for agricultural high school purposes, to the county



6113 board of education of the county in which the school is located.
6114 Upon the acceptance by the county board of education and before an
6115 order authorizing such transfer shall be entered, the board of
6116 trustees of the community college district and the county board of
6117 education in which such school is located shall by joint
6118 resolution agree in writing on the terms of such transfer, the
6119 extent of the rights of use and occupancy of the school and
6120 grounds, and the control, management, preservation and
6121 responsibility of transportation of students to such premises, to
6122 be spread upon the minutes of each governing authority. Upon such
6123 transfer, the county board of education may abolish the
6124 agricultural high school as a distinct school, and merge its
6125 activities, programs and students into the regular high school
6126 curricula of the school district. When a community college has
6127 transferred operation of an agricultural high school as provided
6128 herein, the pupils attending such school shall be reported,
6129 accounted for allocation of * * *~~minimum education program~~ uniform
6130 per student funding formula funds and entitled to school
6131 transportation as though such pupils were attending the schools of
6132 the school district in which they reside, as provided in Sections
6133 37-27-53 and 37-27-55, Mississippi Code of 1972. When any
6134 agricultural high school is transferred by the board of trustees
6135 of a community college to the county board of education as
6136 provided in this section, all laws relating to agricultural high
6137 school tax levies for the support or retirement of bonded



6138 indebtedness for agricultural high schools shall continue in full
6139 force and effect for the transferring community college district
6140 until current obligations on all bonded indebtednesses related to
6141 agriculture high schools have been satisfied and retired.

6142 **SECTION 78.** Section 37-29-303, Mississippi Code of 1972, is
6143 amended as follows:

6144 37-29-303. As used in Sections 37-29-301 through 37-29-305,
6145 the following terms shall be defined as provided in this section:

6146 (a) "Full-time equivalent (FTE) enrollment" means the
6147 process by which the Southern Regional Education Board (SREB)
6148 calculates FTE by taking total undergraduate semester credit hours
6149 divided by thirty (30); total undergraduate quarter hours divided
6150 by forty-five (45); total graduate semester credit hours divided
6151 by twenty-four (24); and total graduate quarter hours divided by
6152 thirty-six (36).

6153 (b) "State funds" means all funds appropriated by the
6154 Legislature including funds from the State General Fund, Education
6155 Enhancement Fund, Budget Contingency Fund and Health Care
6156 Expendable Fund.

6157 (c) "E & G operations" means education and general
6158 expenses of the colleges and universities.

6159 (d) * * * ~~"Average daily attendance (ADA)" means the~~
6160 ~~figure that results when the total aggregate attendance during the~~
6161 ~~period or months counted is divided by the number of days during~~
6162 ~~the period or months counted upon which both teachers and pupils~~



6163 ~~are in regular attendance for scheduled classroom instruction,~~
6164 ~~less the average daily attendance for self-contained special~~
6165 ~~education classes and, before full implementation of the~~
6166 ~~Mississippi Adequate Education Program, the State Department of~~
6167 ~~Education shall deduct the average attendance of the alternative~~
6168 ~~school program provided for in Section 37-19-22~~ "Student
6169 enrollment" has the same meaning as ascribed to that term under
6170 Section 37-151-203.

6171 **SECTION 79.** Section 37-31-13, Mississippi Code of 1972, is
6172 amended as follows:

6173 37-31-13. (1) Any appropriation that may be made under the
6174 provisions of Sections 37-31-1 through 37-31-15 shall be used by
6175 the board for the promotion of vocational education as provided
6176 for in the "Smith-Hughes Act" and for the purpose set forth in
6177 Sections 37-31-1 through 37-31-15. The state appropriation shall
6178 not be used for payments to high schools which are now receiving
6179 other state funds, except in lieu of not more than one-half (1/2)
6180 the amount that may be due such high schools from federal funds.
6181 Only such portion of the state appropriation shall be used as may
6182 be absolutely necessary to carry out the provisions of Sections
6183 37-31-1 through 37-31-15, and to meet the federal requirements.
6184 Except as provided in subsection (2) of this section, the state
6185 appropriation shall not be used for payments to high schools for
6186 conducting vocational programs for more than ten (10) months in
6187 any school year, and only funds other than * * *~~adequate education~~



6188 ~~program~~ uniform per student funding formula funds may be expended
6189 for such purpose.

6190 (2) Subject to annual approval by the State Board of
6191 Education, extended contracts for vocational agriculture education
6192 services and other related vocational education services which
6193 contribute to economic development may be conducted by local
6194 school districts, and state appropriations may be used for
6195 payments to school districts providing such services. The board
6196 of trustees of each school district shall determine whether any
6197 proposed services contribute to the economic development of the
6198 area. Local districts may apply to the Division of Vocational and
6199 Technical Education of the State Department of Education for any
6200 state funds available for these extended contracts. The State
6201 Board of Education shall establish the application process and the
6202 selection criteria for this program. The number of state funded
6203 extended contracts approved by the State Board of Education will
6204 be determined by the availability of funds specified for this
6205 purpose. The State Board of Education's decision shall be final.
6206 Payments under this subsection shall only be available to those
6207 high schools whose teachers of vocational programs are responsible
6208 for the following programs of instruction during those months
6209 between the academic years: (a) supervision and instruction of
6210 students in agricultural or other vocational experience programs;
6211 (b) group and individual instruction of farmers and
6212 agribusinessmen; (c) supervision of student members of youth



6213 groups who are involved in leadership training or other activity
6214 required by state or federal law; or (d) any program of vocational
6215 agriculture or other vocational-related services established by
6216 the Division of Vocational and Technical Education of the State
6217 Department of Education that contribute to the economic
6218 development of the geographic area.

6219 **SECTION 80.** Section 37-31-75, Mississippi Code of 1972, is
6220 amended as follows:

6221 37-31-75. The various counties, municipalities, school
6222 districts and junior college districts which may become parties to
6223 any agreement authorized by Sections 37-31-71 through 37-31-79 are
6224 authorized to appropriate and expend any and all funds which may
6225 be required to carry out the terms of the agreement from any funds
6226 available to any party to the agreement not otherwise appropriated
6227 without limitation as to the source of the funds,
6228 including * * *~~minimum foundation program~~ uniform per student
6229 funding formula funds, sixteenth section funds, funds received
6230 from the federal government or other sources by way of grant,
6231 donation or otherwise, and funds which may be available to any
6232 such party through the Department of Education or any other agency
6233 of the state, regardless of the party to the agreement designated
6234 by the agreement to be primarily responsible for the construction
6235 or operation of the regional education center and regardless of
6236 the limitation on the expenditure of any funds imposed by any
6237 other statute. However, no funds whose use was originally limited



6238 to the construction of capital improvements shall be utilized for
6239 the purpose of defraying the administrative or operating costs of
6240 any regional education center. Any one or more of the parties to
6241 an agreement may be designated as the fiscal agent or contracting
6242 party in carrying out any of the purposes of the agreement, and
6243 any and all funds authorized to be spent by any of the parties may
6244 be paid over to the fiscal agent or contracting party for
6245 disbursement by the fiscal agent or contracting party.
6246 Disbursements shall be made and contracted for under the laws and
6247 regulations applicable to the fiscal or disbursing agent, except
6248 to the extent they may be extended or modified by the provisions
6249 of Sections 37-31-71 through 37-31-79. All of the parties to the
6250 agreement may issue bonds, negotiable notes or other evidences of
6251 indebtedness for the purpose of providing funds for the
6252 acquisition of land and for the construction of buildings and
6253 permanent improvements under the terms of the agreement under any
6254 existing laws authorizing the issuance or sale of bonds,
6255 negotiable notes or other evidences of indebtedness to provide
6256 funds for any capital improvement.

6257 **SECTION 81.** Section 37-35-3, Mississippi Code of 1972, is
6258 amended as follows:

6259 37-35-3. (1) The board of trustees of any school district,
6260 including any community or junior college, may establish and
6261 maintain classes for adults, including general educational
6262 development classes, under the regulations authorized in this



6263 chapter and pursuant to the standards prescribed in subsection
6264 (3). The property and facilities of the public school districts
6265 may be used for this purpose where such use does not conflict with
6266 uses already established.

6267 (2) The trustees of any school district desiring to
6268 establish such program may request the taxing authority of the
6269 district to levy additional ad valorem taxes for the support of
6270 this program. The board of supervisors, in the case of a county
6271 school district, a special municipal separate school district, or
6272 a community or junior college district, and the governing
6273 authority of any municipality, in the case of a municipal separate
6274 school district, is authorized, in its discretion, to levy a tax
6275 not exceeding one (1) mill upon all the taxable property of the
6276 district for the support of this program. The tax shall be in
6277 addition to all other taxes authorized by law to be levied. In
6278 addition to the funds realized from any such levy, the board of
6279 trustees of any school district is authorized to use any surplus
6280 funds that it may have or that may be made available to it from
6281 local sources to supplement this program.

6282 (3) (a) Any student participating in an approved High
6283 School Equivalency Diploma Option program administered by a local
6284 school district or a local school district with an approved
6285 contractual agreement with a community or junior college or other
6286 local entity shall not be considered a dropout. Students in such
6287 a program administered by a local school district shall be



6288 considered as enrolled within the school district of origin for
6289 the purpose of enrollment for * * *~~minimum program funding~~ the
6290 uniform per student funding formula only. Such students shall not
6291 be considered as enrolled in the regular school program for
6292 academic or programmatic purposes.

6293 (b) Students participating in an approved High School
6294 Equivalency Diploma Option program shall have an individual career
6295 plan developed at the time of placement to insure that the
6296 student's academic and job skill needs will be met. The
6297 Individual Career Plan will address, but is not limited to, the
6298 following:

6299 (i) Academic and instructional needs of the
6300 student;

6301 (ii) Job readiness needs of the student; and

6302 (iii) Work experience program options available
6303 for the student.

6304 (c) Students participating in an approved High School
6305 Equivalency Diploma Option program may participate in existing job
6306 and skills development programs or in similar programs developed
6307 in conjunction with the High School Equivalency Diploma Option
6308 program and the vocational director.

6309 (d) High School Equivalency Diploma Option programs may
6310 be operated by local school districts or may be operated by two
6311 (2) or more adjacent school districts, pursuant to a contract
6312 approved by the State Board of Education. When two (2) or more



6313 school districts contract to operate a High School Equivalency
6314 Diploma Option program, the school board of a district designated
6315 to be the lead district shall serve as the governing board of the
6316 High School Equivalency Diploma Option program. Transportation
6317 for students placed in the High School Equivalency Diploma Option
6318 program shall be the responsibility of the school district of
6319 origin. The expense of establishing, maintaining and operating
6320 such High School Equivalency Diploma Option programs may be paid
6321 from funds made available to the school district through
6322 contributions, * * *~~minimum program~~ uniform per student funding
6323 formula funds or from local district maintenance funds.

6324 (e) The State Department of Education will develop
6325 procedures and criteria for placement of a student in the High
6326 School Equivalency Diploma Option programs. Students placed in
6327 High School Equivalency Diploma Option programs shall have
6328 parental approval for such placement and must meet the following
6329 criteria:

6330 (i) The student must be at least sixteen (16)
6331 years of age;

6332 (ii) The student must be at least one (1) full
6333 grade level behind his or her ninth grade cohort or must have
6334 acquired less than four (4) Carnegie units;

6335 (iii) The student must have taken every
6336 opportunity to continue to participate in coursework leading to a
6337 diploma; and



6338 (iv) The student must be certified to be eligible
6339 to participate in the GED course by the school district
6340 superintendent, based on the developed criteria.

6341 (f) Students participating in an approved High School
6342 Equivalency Diploma Option program, who are enrolled in subject
6343 area courses through January 31 in a school with a traditional
6344 class schedule or who are enrolled in subject area courses through
6345 October 31 or through March 31 in a school on a block schedule,
6346 shall be required to take the end-of-course subject area tests for
6347 those courses in which they are enrolled.

6348 **SECTION 82.** Section 37-37-3, Mississippi Code of 1972, is
6349 amended as follows:

6350 37-37-3. In addition to all auditors and other employees now
6351 or hereafter provided by law, the State Auditor may appoint and
6352 employ examiners in the Department of Audit. The examiners shall
6353 make such audits as may be necessary to determine the correctness
6354 and accuracy of all reports made to the State Department of
6355 Education by any school district or school official concerning the
6356 number of educable students in any school district, the number of
6357 students enrolled in any school district, the number of students
6358 in * * *~~average daily attendance~~ enrollment in any school
6359 district, and the number of students being transported or entitled
6360 to transportation to any of the public schools of this state.

6361 **SECTION 83.** Section 37-41-7, Mississippi Code of 1972, is
6362 amended as follows:



6363 37-41-7. The local school board is hereby authorized,
6364 empowered and directed to lay out all transportation routes and
6365 provide transportation for all school children who are entitled to
6366 transportation within their respective counties and school
6367 districts.

6368 Any school district may, in the discretion of the school
6369 board, expend funds from any funds available to the school
6370 district other than * * *~~minimum education program~~ uniform per
6371 student funding formula funds, including the amounts derived from
6372 district tax levies, sixteenth section funds, and all other
6373 available funds, for the purpose of supplementing funds available
6374 to the school board for paying transportation costs * * *~~7~~ not
6375 covered by * * *~~minimum education program~~ uniform per student
6376 funding formula funds.

6377 **SECTION 84.** Section 37-45-49, Mississippi Code of 1972, is
6378 amended as follows:

6379 37-45-49. Any cost or fees provided by this chapter to be
6380 paid by any county board of education or board of trustees of a
6381 municipal separate school district may be paid by the county board
6382 of education from the administrative fund provided by Section
6383 37-19-31, or from any school funds of the district other
6384 than * * *~~minimum foundation program~~ uniform per student funding
6385 formula funds, and by the municipal separate school district from
6386 the maintenance funds of the district, other than * * *~~minimum~~
6387 ~~foundation program~~ uniform per student funding formula funds. Any



6388 fees or costs provided by this chapter to be paid by
6389 the * * *~~commission~~ department may be paid from the funds
6390 appropriated for its operation.

6391 **SECTION 85.** Section 37-47-9, Mississippi Code of 1972, is
6392 amended as follows:

6393 37-47-9. It is found and determined that the state should
6394 make an annual grant of Twenty-four Dollars (\$24.00) for each
6395 child in * * *~~average daily attendance~~ enrollment in the public
6396 schools of the various school districts of this state during each
6397 school year, and that such monies should be applied for the
6398 purpose of establishing and maintaining adequate physical
6399 facilities for the public school district and/or the payment of
6400 existing debt therefor.

6401 The grant to which each public school is entitled under the
6402 provisions of this section shall be credited to the school
6403 district of which such school is part. If any change is made in
6404 the operation or boundaries of any such school district, equitable
6405 reallocations shall be made by the * * *~~commission~~ department of
6406 all balances to the credit of such school district, and all debits
6407 charged against the districts affected by the change in the
6408 boundaries or system of operation. The obligation of the state to
6409 make remittance of the sums appropriated or otherwise provided to
6410 make the annual grants provided by this section shall be
6411 subordinate to the pledge made to secure the state school bonds
6412 authorized under this chapter and the sinking fund created for



6413 their retirement. The grants shall be computed annually as soon
6414 as practicable after the end of the school year, and shall be
6415 based on the * * *~~average daily attendance~~ student enrollment for
6416 such school year in all of the public schools operated by each
6417 school district as determined by the State Department of
6418 Education.

6419 **SECTION 86.** Section 37-47-17, Mississippi Code of 1972, is
6420 amended as follows:

6421 37-47-17. Applications for the expenditure of funds to the
6422 credit of any school district in the state public school building
6423 fund shall originate with the school board of the school district
6424 entitled to such funds. Before any funds to the credit of a
6425 school district shall be expended for capital improvements or the
6426 retirement of outstanding bonded indebtedness, the school board of
6427 such school district shall prepare and submit an application in
6428 such form as may be prescribed by the * * *~~commission~~ department.
6429 There shall be included with such application a statement in which
6430 there is set forth the student enrollment * * *~~and average daily~~
6431 ~~attendance~~ in the schools of the district divided as to schools
6432 and grades, the number of teachers employed, the facilities in
6433 use, the facilities to be provided with the funds to be expended,
6434 the outstanding school indebtedness, and such other information as
6435 the * * *~~commission~~ department may require. Such application and
6436 statement shall be submitted directly to the * * *~~commission~~
6437 department and approved or disapproved by it. The decision of



6438 the * * *commission department shall be final, unless an appeal to
6439 the chancery court shall be taken in the manner provided by law.
6440 In the event any application shall be disapproved by
6441 the * * *commission department, the school board submitting same
6442 shall be notified of such disapproval, which notice of disapproval
6443 shall be accompanied by a statement of the reason or reasons for
6444 such disapproval.

6445 The * * *commission department shall approve only those
6446 applications which are found to be proper under the provisions of
6447 this chapter and the applicable rules and regulations of
6448 the * * *commission department. When an application is approved
6449 for the expenditure of funds for capital improvements, the
6450 contract for the construction of such capital improvements shall
6451 be entered into and awarded by the school board of the school
6452 district in the manner provided in this chapter; however, the
6453 contract for construction of a secondary vocational and technical
6454 training center for exclusive use and operation by a school
6455 district may be entered into and awarded by the board of trustees
6456 of a * * *junior community college district where a grant of
6457 federal funds by the Appalachian Commission has been made to the
6458 board of trustees of such * * *junior community college district
6459 to assist in financing construction of such secondary vocational
6460 and technical training facility for such school district.

6461 **SECTION 87.** Section 37-47-25, Mississippi Code of 1972, is
6462 amended as follows:



6463 37-47-25. Whenever the State Department of Education shall
6464 determine that any school district is in need of capital
6465 improvements to an extent in excess of that which may be financed
6466 by the credit then due such school district by the department, the
6467 department shall be empowered to advance or lend said school
6468 district such sums as in the opinion of the department are
6469 necessary to be expended for capital improvements by said school
6470 district. Such loans or advances shall be evidenced by
6471 appropriate agreements, and shall be repayable in principal by the
6472 school district from the annual grants to which the school
6473 district shall become entitled and from such other funds as may be
6474 available. Such loans or advances shall not constitute a debt of
6475 the school district within the meaning of any provision or
6476 limitation of the Constitution or statutes of the State of
6477 Mississippi. The department shall not advance or lend to any
6478 school district any sum in excess of seventy-five percent (75%) of
6479 the estimated sum which will accrue to the said school district on
6480 account of grants to be made to the said school district within
6481 the twenty (20) years next following the date of the loan or
6482 advance. In determining the maximum allowable advance or loan,
6483 the department shall assume that the * * *~~average daily~~
6484 attendance student enrollment in the schools of the school
6485 district for the past preceding scholastic year as confirmed by
6486 the audit of * * *~~average daily attendance~~ student enrollment



6487 made by the State Department of Audit will continue for the period
6488 during which the loan is to be repaid.

6489 **SECTION 88.** Section 37-47-33, Mississippi Code of 1972, is
6490 amended as follows:

6491 37-47-33. For the purpose of: (a) providing funds to enable
6492 the State Board of Education to make loans or advances to school
6493 districts as provided by Section 37-47-25 * * *7; and for the
6494 purpose of (b) providing funds for the payment and redemption of
6495 certificates of credit issued to school districts under Section
6496 37-47-23, when such funds are not otherwise available * * *7; or
6497 for the purpose of (c) providing funds in an amount not exceeding
6498 Twenty Million Dollars (\$20,000,000.00) for the payment of
6499 allocations of Mississippi Adequate Education Program funds to
6500 school districts for capital expenditures approved by the State
6501 Board of Education which have not been pledged for debt by the
6502 school district, when such funds are not otherwise
6503 available * * *7; or for any of such purposes, the State Bond
6504 Commission is authorized and empowered to issue state school bonds
6505 under the conditions prescribed in this chapter. The aggregate
6506 principal amount of such bonds outstanding at any one (1) time,
6507 after deducting the amount of the sinking fund provided for the
6508 retirement of bonds issued for such purposes, shall never exceed
6509 the sum of One Hundred Million Dollars (\$100,000,000.00). Within
6510 such limits, however, state school bonds may be issued from time
6511 to time under the conditions prescribed in this chapter. None of



6512 such bonds so issued shall have a maturity date later than July 1,
6513 2021.

6514 **SECTION 89.** Section 37-57-1, Mississippi Code of 1972, is
6515 amended as follows:

6516 37-57-1. (1) (a) The boards of supervisors of the counties
6517 shall levy and collect all taxes for and on behalf of all school
6518 districts which were within the county school system or designated
6519 as special municipal separate school districts prior to July 1,
6520 1986. Such taxes shall be collected by the county tax collector
6521 at the same time and in the same manner as county taxes are
6522 collected by him, and the same penalties for delinquency shall be
6523 applicable.

6524 The governing authorities of the municipalities shall levy
6525 and collect all taxes for and on behalf of all school districts
6526 which were designated as municipal separate school districts prior
6527 to July 1, 1986. Such taxes shall be collected by the municipal
6528 tax collector at the same time and in the same manner as municipal
6529 taxes are collected by him, and the same penalties for delinquency
6530 shall be applicable.

6531 Except as otherwise provided in Section 19-9-171, the county
6532 or municipal tax collector, as the case may be, shall pay such tax
6533 collections, except for taxes collected for the payment of the
6534 principal of and interest on school bonds or notes and except for
6535 taxes collected to defray collection costs, into the school
6536 depository and report to the school board of the appropriate



6537 school district at the same time and in the same manner as the tax
6538 collector makes his payments and reports of other taxes collected
6539 by him.

6540 Provided, however, the State Board of Education shall
6541 determine the appropriate levying authority for any school
6542 district created or reorganized after July 1, 1987.

6543 (b) For the purposes of this chapter and any other laws
6544 pertaining to taxes levied or bonds or notes issued for and on
6545 behalf of school districts, the term "levying authority" means the
6546 board of supervisors of the county or the governing authorities of
6547 the municipality, whichever levies taxes for and on behalf of the
6548 particular school district as provided in paragraphs (a) and (b)
6549 of this subsection.

6550 (2) The levying authority for the school district shall, at
6551 the same time and in the same manner as other taxes are levied by
6552 the levying authority, levy a tax of not less than twenty-eight
6553 (28) mills for the then current fiscal year, less the estimated
6554 amount of the yield of the School Ad Valorem Tax Reduction Fund
6555 grant to the school district as determined by the State Department
6556 of Education or twenty-seven percent (27%) of the * * *~~basic~~
6557 ~~adequate education program~~ uniform per student funding formula
6558 cost for such school district, whichever is a lesser amount, upon
6559 all of the taxable property of the school district * * *~~as~~
6560 ~~required under Section 37-151-7(2)(a)~~. However, in no case shall
6561 the minimum local ad valorem tax effort for any school district be



6562 equal to an amount that would require a millage rate exceeding
6563 fifty-five (55) mills in that school district. Provided, however,
6564 that if a levying authority is levying in excess of fifty-five
6565 (55) mills on July 1, 1997, the levying authority may levy an
6566 additional amount not exceeding three (3) mills in the aggregate
6567 for the period beginning July 1, 1997, and ending June 30, 2003,
6568 subject to the limitation on increased receipts from ad valorem
6569 taxes prescribed in Sections 37-57-105 and 37-57-107. Nothing in
6570 this subsection shall be construed to require any school district
6571 that is levying more than fifty-five (55) mills pursuant to
6572 Sections 37-57-1 and 37-57-105 to decrease its millage rate to
6573 fifty-five (55) mills or less. In making such levy, the levying
6574 authority shall levy an additional amount sufficient to cover
6575 anticipated delinquencies and costs of collection so that the net
6576 amount of money to be produced by such levy shall be equal to the
6577 amount which the school district is required to contribute as its
6578 said minimum local ad valorem tax effort. The tax so levied shall
6579 be collected by the tax collector at the same time and in the same
6580 manner as other ad valorem taxes are collected by him. The amount
6581 of taxes so collected as a result of such levy shall be paid into
6582 the district maintenance fund of the school district by the tax
6583 collector at the same time and in the same manner as reports and
6584 payments of other ad valorem taxes are made by said tax collector,
6585 except that the amount collected to defray costs of collection may
6586 be paid into the county general fund. The levying authority shall



6587 have the power and authority to direct and cause warrants to be
6588 issued against such fund for the purpose of refunding any amount
6589 of taxes erroneously or illegally paid into such fund where such
6590 refund has been approved in the manner provided by law.

6591 **SECTION 90.** Section 37-57-104, Mississippi Code of 1972, is
6592 amended as follows:

6593 37-57-104. (1) Each school board shall submit to the
6594 levying authority for the school district a certified copy of an
6595 order adopted by the school board requesting an ad valorem tax
6596 effort in dollars for the support of the school district. The
6597 copy of the order shall be submitted by the school board when the
6598 copies of the school district's budget are filed with the levying
6599 authority pursuant to Section 37-61-9. Upon receipt of the school
6600 board's order requesting the ad valorem tax effort in dollars, the
6601 levying authority shall determine the millage rate necessary to
6602 generate funds equal to the dollar amount requested by the school
6603 board. For the purpose of calculating this millage rate, any
6604 additional amount that is levied pursuant to Section 37-57-105(1)
6605 to cover anticipated delinquencies and costs of collection or any
6606 amount that may be levied for the payment of the principal and
6607 interest on school bonds or notes shall be excluded from the
6608 limitation of fifty-five (55) mills provided for in subsection (2)
6609 of this section.

6610 (2) (a) Except as otherwise provided under paragraph (b) or
6611 (c) of this subsection, if the millage rate necessary to generate



6612 funds equal to the dollar amount requested by the school board is
6613 greater than fifty-five (55) mills, and if this millage rate is
6614 higher than the millage then being levied pursuant to the school
6615 board's order requesting the ad valorem tax effort for the
6616 currently existing fiscal year, then the levying authority shall
6617 call a referendum on the question of exceeding, during the next
6618 fiscal year, the then existing millage rate being levied for
6619 school district purposes. The referendum shall be scheduled for
6620 not more than six (6) weeks after the date on which the levying
6621 authority receives the school board's order requesting the ad
6622 valorem tax effort.

6623 When a referendum has been called, notice of the referendum
6624 shall be published at least five (5) days per week, unless the
6625 only newspaper published in the school district is published less
6626 than five (5) days per week, for at least three (3) consecutive
6627 weeks, in at least one (1) newspaper published in the school
6628 district. The notice shall be no less than one-fourth (1/4) page
6629 in size, and the type used shall be no smaller than eighteen (18)
6630 point and surrounded by a one-fourth-inch solid black border. The
6631 notice may not be placed in that portion of the newspaper where
6632 legal notices and classified advertisements appear. The first
6633 publication of the notice shall be made not less than twenty-one
6634 (21) days before the date fixed for the referendum, and the last
6635 publication shall be made not more than seven (7) days before that
6636 date. If no newspaper is published in the school district, then



6637 the notice shall be published in a newspaper having a general
6638 circulation in the school district. The referendum shall be held,
6639 as far as is practicable, in the same manner as other referendums
6640 and elections are held in the county or municipality. At the
6641 referendum, all registered, qualified electors of the school
6642 district may vote. The ballots used at the referendum shall have
6643 printed thereon a brief statement of the amount and purpose of the
6644 increased tax levy and the words "FOR INCREASING THE MILLAGE
6645 LEVIED FOR SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY
6646 LEVIED) MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S
6647 ORDER) MILLS," and "AGAINST INCREASING THE MILLAGE LEVIED FOR
6648 SCHOOL DISTRICT PURPOSES FROM (MILLAGE RATE CURRENTLY LEVIED)
6649 MILLS TO (MILLAGE RATE REQUIRED UNDER SCHOOL BOARD'S ORDER)
6650 MILLS." The voter shall vote by placing a cross (X) or checkmark
6651 (✓) opposite his choice on the proposition.

6652 If a majority of the registered, qualified electors of the
6653 school district who vote in the referendum vote in favor of the
6654 question, then the ad valorem tax effort in dollars requested by
6655 the school board shall be approved. However, if a majority of the
6656 registered, qualified electors who vote in the referendum vote
6657 against the question, the millage rate levied by the levying
6658 authority shall not exceed the millage then being levied pursuant
6659 to the school board's order requesting the ad valorem tax effort
6660 for the then currently existing fiscal year.



6661 Nothing in this subsection shall be construed to require any
6662 school district that is levying more than fifty-five (55) mills
6663 pursuant to Sections 37-57-1 and 37-57-105 to decrease its millage
6664 rate to fifty-five (55) mills or less. Further, nothing in this
6665 subsection shall be construed to require a referendum in a school
6666 district where the requested ad valorem tax effort in dollars
6667 requires a millage rate of greater than fifty-five (55) mills but
6668 the requested dollar amount does not require any increase in the
6669 then existing millage rate. Further, nothing in this subsection
6670 shall be construed to require a referendum in a school district
6671 where, because of a decrease in the assessed valuation of the
6672 district, a millage rate of greater than fifty-five (55) mills is
6673 necessary to generate funds equal to the dollar amount generated
6674 by the ad valorem tax effort for the currently existing fiscal
6675 year.

6676 (b) Provided, however, that if a levying authority is
6677 levying in excess of fifty-five (55) mills on July 1, 1997, the
6678 levying authority may levy an additional amount not exceeding
6679 three (3) mills in the aggregate for the period beginning July 1,
6680 1997, and ending June 30, 2003, subject to the limitation on
6681 increased receipts from ad valorem taxes prescribed in Sections
6682 37-57-105 and 37-57-107.

6683 (c) If the levying authority for any school district
6684 lawfully has decreased the millage levied for school district
6685 purposes, but subsequently determines that there is a need to



6686 increase the millage rate due to a disaster in which the Governor
6687 has declared a disaster emergency or the President of the United
6688 States has declared an emergency or major disaster, then the
6689 levying authority may increase the millage levied for school
6690 district purposes up to an amount that does not exceed the millage
6691 rate in any one (1) of the immediately preceding ten (10) fiscal
6692 years without any referendum that otherwise would be required
6693 under this subsection.

6694 (3) If the millage rate necessary to generate funds equal to
6695 the dollar amount requested by the school board is equal to
6696 fifty-five (55) mills or less, but the dollar amount requested by
6697 the school board exceeds the next preceding fiscal year's ad
6698 valorem tax effort in dollars by more than four percent (4%), but
6699 not more than seven percent (7%) (as provided for under subsection
6700 (4) of this section), then the school board shall publish notice
6701 thereof at least five (5) days per week, unless the only newspaper
6702 published in the school district is published less than five (5)
6703 days per week, for at least three (3) consecutive weeks in a
6704 newspaper published in the school district. The notice shall be
6705 no less than one-fourth (1/4) page in size, and the type used
6706 shall be no smaller than eighteen (18) point and surrounded by a
6707 one-fourth-inch solid black border. The notice may not be placed
6708 in that portion of the newspaper where legal notices and
6709 classified advertisements appear. The first publication shall be
6710 made not less than fifteen (15) days before the final adoption of



6711 the budget by the school board. If no newspaper is published in
6712 the school district, then the notice shall be published in a
6713 newspaper having a general circulation in the school district. If
6714 at any time before the adoption of the budget a petition signed by
6715 not less than twenty percent (20%) or fifteen hundred (1500),
6716 whichever is less, of the registered, qualified electors of the
6717 school district is filed with the school board requesting that a
6718 referendum be called on the question of exceeding the next
6719 preceding fiscal year's ad valorem tax effort in dollars by more
6720 than four percent (4%), then the school board shall adopt, not
6721 later than the next regular meeting, a resolution calling a
6722 referendum to be held within the school district upon the
6723 question. The referendum shall be called and held, and notice
6724 thereof shall be given, in the same manner provided for in
6725 subsection (2) of this section. The ballot shall contain the
6726 language "FOR THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)" and
6727 "AGAINST THE SCHOOL TAX INCREASE OVER FOUR PERCENT (4%)." If a
6728 majority of the registered, qualified electors of the school
6729 district who vote in the referendum vote in favor of the question,
6730 then the increase requested by the school board shall be approved.
6731 For the purposes of this subsection, the revenue sources excluded
6732 from the increase limitation under Section 37-57-107 also shall be
6733 excluded from the limitation described in this subsection in the
6734 same manner as they are excluded under Section 37-57-107.
6735 Provided, however, that any increases requested by the school



6736 board as a result of the required local contribution to
6737 the * * *~~Mississippi Adequate Education Program~~ Mississippi
6738 Uniform Per Student Funding Formula, as certified to the local
6739 school district by the State Board of Education under
6740 Section * * *~~37-151-7(2)~~, ~~Mississippi Code of 1972~~ 37-151-227,
6741 shall not be subject to the four percent (4%) and/or seven percent
6742 (7%) tax increase limitations provided in this section.

6743 (4) If the millage rate necessary to generate funds equal to
6744 the dollar amount requested by the school board is equal to
6745 fifty-five (55) mills or less, but the dollar amount requested by
6746 the school board exceeds the seven percent (7%) increase
6747 limitation provided for in Section 37-57-107, the school board may
6748 exceed the seven percent (7%) increase limitation only after the
6749 school board has determined the need for additional revenues and
6750 three-fifths (3/5) of the registered, qualified electors voting in
6751 a referendum called by the levying authority have voted in favor
6752 of the increase. The notice and manner of holding the referendum
6753 shall be as prescribed in subsection (2) of this section for a
6754 referendum on the question of increasing the millage rate in
6755 school districts levying more than fifty-five (55) mills for
6756 school district purposes.

6757 (5) The aggregate receipts from ad valorem taxes levied for
6758 school district purposes pursuant to Sections 37-57-1 and
6759 37-57-105, excluding collection fees, additional revenue from the
6760 ad valorem tax on any newly constructed properties or any existing



6761 properties added to the tax rolls or any properties previously
6762 exempt which were not assessed in the next preceding year, and
6763 amounts received by school districts from the School Ad Valorem
6764 Tax Reduction Fund pursuant to Section 37-61-35, shall be subject
6765 to the increase limitation under this section and Section
6766 37-57-107.

6767 (6) The school board shall pay to the levying authority all
6768 costs that are incurred by the levying authority in the calling
6769 and holding of any election under this section.

6770 (7) The provisions of this section shall not be construed to
6771 affect in any manner the authority of school boards to levy
6772 millage for the following purposes:

6773 (a) The issuance of bonds, notes and certificates of
6774 indebtedness, as authorized in Sections 37-59-1 through 37-59-45
6775 and Sections 37-59-101 through 37-59-115;

6776 (b) The lease of property for school purposes, as
6777 authorized under the Emergency School Leasing Authority Act of
6778 1986 (Sections 37-7-351 through 37-7-359);

6779 (c) The lease or lease-purchase of school buildings, as
6780 authorized under Section 37-7-301;

6781 (d) The issuance of promissory notes in the event of a
6782 shortfall of ad valorem taxes and/or revenue from local sources,
6783 as authorized under Section 27-39-333; and

6784 (e) The construction of school buildings outside the
6785 school district, as authorized under Section 37-7-401.



6786 Any millage levied for the purposes specified in this
6787 subsection shall be excluded from the millage limitations
6788 established under this section.

6789 **SECTION 91.** Section 37-57-105, Mississippi Code of 1972, is
6790 amended as follows:

6791 37-57-105. (1) In addition to the taxes levied under
6792 Section 37-57-1, the levying authority for the school district, as
6793 defined in Section 37-57-1, upon receipt of a certified copy of an
6794 order adopted by the school board of the school district
6795 requesting an ad valorem tax effort in dollars for the support of
6796 the school district, shall, at the same time and in the same
6797 manner as other ad valorem taxes are levied, levy an annual ad
6798 valorem tax in the amount fixed in such order upon all of the
6799 taxable property of such school district, which shall not be less
6800 than the millage rate certified by the State Board of Education as
6801 the uniform minimum school district ad valorem tax levy for the
6802 support of the * * *~~adequate education program~~ uniform per student
6803 funding formula in such school district under Section 37-57-1.
6804 Provided, however, that any school district levying less than the
6805 uniform minimum school district ad valorem tax levy on July 1,
6806 1997, shall only be required to increase its local district
6807 maintenance levy in four (4) mill annual increments in order to
6808 attain such millage requirements. In making such levy, the
6809 levying authority shall levy an additional amount sufficient to
6810 cover anticipated delinquencies and costs of collection so that



6811 the net amount of money to be produced by such levy shall be equal
6812 to the amount which is requested by said school board. The
6813 proceeds of such tax levy, excluding levies for the payment of the
6814 principal of and interest on school bonds or notes and excluding
6815 levies for costs of collection, shall be placed in the school
6816 depository to the credit of the school district and shall be
6817 expended in the manner provided by law for the purpose of
6818 supplementing teachers' salaries, extending school terms,
6819 purchasing furniture, supplies and materials, and for all other
6820 lawful operating and incidental expenses of such school district,
6821 funds for which are not provided by * * *~~adequate education~~
6822 ~~program fund~~ uniform per student funding formula allotments.

6823 The monies authorized to be received by school districts from
6824 the School Ad Valorem Tax Reduction Fund pursuant to Section
6825 37-61-35 shall be included as ad valorem tax receipts. The
6826 levying authority for the school district, as defined in Section
6827 37-57-1, shall reduce the ad valorem tax levy for such school
6828 district in an amount equal to the amount distributed to such
6829 school district from the School Ad Valorem Tax Reduction Fund each
6830 calendar year pursuant to said Section 37-61-35. Such reduction
6831 shall not be less than the millage rate necessary to generate a
6832 reduction in ad valorem tax receipts equal to the funds
6833 distributed to such school district from the School Ad Valorem Tax
6834 Reduction Fund pursuant to Section 37-61-35. * * *~~Such reduction~~
6835 ~~shall not be deemed to be a reduction in the aggregate amount of~~



6836 ~~support from ad valorem taxation for purposes of Section 37-19-11.~~
6837 The millage levy certified by the State Board of Education as the
6838 uniform minimum ad valorem tax levy or the millage levy that would
6839 generate funds in an amount equal to a school district's district
6840 entitlement, as defined in Section 37-22-1(2)(e), shall be subject
6841 to the provisions of this paragraph.

6842 In any county where there is located a nuclear generating
6843 power plant on which a tax is assessed under Section 27-35-309(3),
6844 such required levy and revenue produced thereby may be reduced by
6845 the levying authority in an amount in proportion to a reduction in
6846 the base revenue of any such county from the previous year. Such
6847 reduction shall be allowed only if the reduction in base revenue
6848 equals or exceeds five percent (5%). "Base revenue" shall mean
6849 the revenue received by the county from the ad valorem tax levy
6850 plus the revenue received by the county from the tax assessed
6851 under Section 27-35-309(3) and authorized to be used for any
6852 purposes for which a county is authorized by law to levy an ad
6853 valorem tax. For purposes of determining if the reduction equals
6854 or exceeds five percent (5%), a levy of millage equal to the prior
6855 year's millage shall be hypothetically applied to the current
6856 year's ad valorem tax base to determine the amount of revenue to
6857 be generated from the ad valorem tax levy. For the purposes of
6858 this section and Section 37-57-107, the portion of the base
6859 revenue used for the support of any school district shall be
6860 deemed to be the aggregate receipts from ad valorem taxes for the



6861 support of any school district. This paragraph shall apply to
6862 taxes levied for the 1987 fiscal year and for each fiscal year
6863 thereafter. If the Mississippi Supreme Court or another court
6864 finally adjudicates that the tax levied under Section 27-35-309(3)
6865 is unconstitutional, then this paragraph shall stand repealed.

6866 (2) When the tax is levied upon the territory of any school
6867 district located in two (2) or more counties, the order of the
6868 school board requesting the levying of such tax shall be certified
6869 to the levying authority of each of the counties involved, and
6870 each of the levying authorities shall levy the tax in the manner
6871 specified herein. The taxes so levied shall be collected by the
6872 tax collector of the levying authority involved and remitted by
6873 the tax collector to the school depository of the home county to
6874 the credit of the school district involved as provided above,
6875 except that taxes for collection fees may be retained by the
6876 levying authority for deposit into its general fund.

6877 (3) The aggregate receipts from ad valorem taxes levied for
6878 school district purposes, excluding collection fees, pursuant to
6879 this section and Section 37-57-1 shall be subject to the increased
6880 limitation under Section 37-57-107; however, if the ad valorem tax
6881 effort in dollars requested by the school district for the fiscal
6882 year exceeds the next preceding fiscal year's ad valorem tax
6883 effort in dollars by more than four percent (4%) but not more than
6884 seven percent (7%), then the school board shall publish notice
6885 thereof once each week for at least three (3) consecutive weeks in



6886 a newspaper having general circulation in the school district
6887 involved, with the first publication thereof to be made not less
6888 than fifteen (15) days prior to the final adoption of the budget
6889 by the school board. If at any time prior to said adoption a
6890 petition signed by not less than twenty percent (20%) or fifteen
6891 hundred (1500), whichever is less, of the qualified electors of
6892 the school district involved shall be filed with the school board
6893 requesting that an election be called on the question of exceeding
6894 the next preceding fiscal year's ad valorem tax effort in dollars
6895 by more than four percent (4%) but not more than seven percent
6896 (7%), then the school board shall, not later than the next regular
6897 meeting, adopt a resolution calling an election to be held within
6898 such school district upon such question. The election shall be
6899 called and held, and notice thereof shall be given, in the same
6900 manner for elections upon the questions of the issuance of the
6901 bonds of school districts, and the results thereof shall be
6902 certified to the school board. The ballot shall contain the
6903 language "For the School Tax Increase Over Four Percent (4%)" and
6904 "Against the School Tax Increase Over Four Percent (4%)." If a
6905 majority of the qualified electors of the school district who
6906 voted in such election shall vote in favor of the question, then
6907 the stated increase requested by the school board shall be
6908 approved. For the purposes of this paragraph, the revenue sources
6909 excluded from the increased limitation under Section 37-57-107



6910 shall also be excluded from the limitation described herein in the
6911 same manner as they are excluded under Section 37-57-107.

6912 **SECTION 92.** Section 37-57-107, Mississippi Code of 1972, is
6913 amended as follows:

6914 37-57-107. (1) Beginning with the tax levy for the 1997
6915 fiscal year and for each fiscal year thereafter, the aggregate
6916 receipts from taxes levied for school district purposes pursuant
6917 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
6918 receipts from those sources during any one (1) of the immediately
6919 preceding three (3) fiscal years, as determined by the school
6920 board, plus an increase not to exceed seven percent (7%). For the
6921 purpose of this limitation, the term "aggregate receipts" when
6922 used in connection with the amount of funds generated in a
6923 preceding fiscal year shall not include excess receipts required
6924 by law to be deposited into a special account. However, the term
6925 "aggregate receipts" includes any receipts required by law to be
6926 paid to a charter school. The additional revenue from the ad
6927 valorem tax on any newly constructed properties or any existing
6928 properties added to the tax rolls or any properties previously
6929 exempt which were not assessed in the next preceding year may be
6930 excluded from the seven percent (7%) increase limitation set forth
6931 herein. Taxes levied for payment of principal of and interest on
6932 general obligation school bonds issued heretofore or hereafter
6933 shall be excluded from the seven percent (7%) increase limitation
6934 set forth herein. Any additional millage levied to fund any new



6935 program mandated by the Legislature shall be excluded from the
6936 limitation for the first year of the levy and included within such
6937 limitation in any year thereafter. For the purposes of this
6938 section, the term "new program" shall include, but shall not be
6939 limited to, (a) the Early Childhood Education Program required to
6940 commence with the 1986-1987 school year as provided by Section
6941 37-21-7 and any additional millage levied and the revenue
6942 generated therefrom, which is excluded from the limitation for the
6943 first year of the levy, to support the mandated Early Childhood
6944 Education Program shall be specified on the minutes of the school
6945 board and of the governing body making such tax levy; (b) any
6946 additional millage levied and the revenue generated therefrom,
6947 which shall be excluded from the limitation for the first year of
6948 the levy, for the purpose of generating additional local
6949 contribution funds required for the * * *adequate education
6950 ~~program for the 2003 fiscal year and for each fiscal year~~
6951 ~~thereafter under Section 37-151-7(2)~~ uniform per student funding
6952 formula; and (c) any additional millage levied and the revenue
6953 generated therefrom which shall be excluded from the limitation
6954 for the first year of the levy, for the purpose of support and
6955 maintenance of any agricultural high school which has been
6956 transferred to the control, operation and maintenance of the
6957 school board by the board of trustees of the community college
6958 district under provisions of Section 37-29-272.



6959 (2) The seven percent (7%) increase limitation prescribed in
6960 this section may be increased an additional amount only when the
6961 school board has determined the need for additional revenues and
6962 has held an election on the question of raising the limitation
6963 prescribed in this section. The limitation may be increased only
6964 if three-fifths (3/5) of those voting in the election shall vote
6965 for the proposed increase. The resolution, notice and manner of
6966 holding the election shall be as prescribed by law for the holding
6967 of elections for the issuance of bonds by the respective school
6968 boards. Revenues collected for the fiscal year in excess of the
6969 seven percent (7%) increase limitation pursuant to an election
6970 shall be included in the tax base for the purpose of determining
6971 aggregate receipts for which the seven percent (7%) increase
6972 limitation applies for subsequent fiscal years.

6973 (3) Except as otherwise provided for excess revenues
6974 generated pursuant to an election, if revenues collected as the
6975 result of the taxes levied for the fiscal year pursuant to this
6976 section and Section 37-57-1 exceed the increase limitation, then
6977 it shall be the mandatory duty of the school board of the school
6978 district to deposit such excess receipts over and above the
6979 increase limitation into a special account and credit it to the
6980 fund for which the levy was made. It will be the further duty of
6981 such board to hold said funds and invest the same as authorized by
6982 law. Such excess funds shall be calculated in the budgets for the
6983 school districts for the purpose for which such levies were made,



6984 for the succeeding fiscal year. Taxes imposed for the succeeding
6985 year shall be reduced by the amount of excess funds available.
6986 Under no circumstances shall such excess funds be expended during
6987 the fiscal year in which such excess funds are collected.

6988 (4) For the purposes of determining ad valorem tax receipts
6989 for a preceding fiscal year under this section, the term "fiscal
6990 year" means the fiscal year beginning October 1 and ending
6991 September 30.

6992 (5) Beginning with the 2013-2014 school year, each school
6993 district in which a charter school is located shall pay to the
6994 charter school an amount for each student enrolled in the charter
6995 school equal to the ad valorem taxes levied per pupil for the
6996 support of the school district in which the charter school is
6997 located. The pro rata ad valorem taxes to be transferred to the
6998 charter school must include all levies for the support of the
6999 school district under Sections 37-57-1 (local contribution to
7000 the * * *~~adequate education program~~ uniform per student funding
7001 formula) and 37-57-105 (school district operational levy) but may
7002 not include any taxes levied for the retirement of school district
7003 bonded indebtedness or short-term notes or any taxes levied for
7004 the support of vocational-technical education programs. Payments
7005 made pursuant to this subsection by a school district to a charter
7006 school must be made before the expiration of three (3) business
7007 days after the funds are distributed to the school district.



7008 **SECTION 93.** Section 37-61-3, Mississippi Code of 1972, is
7009 amended as follows:

7010 37-61-3. The * * *~~adequate education program~~ uniform per
7011 student funding formula allotments * * *~~of~~ to the public school
7012 districts and the funds derived from the supplemental school
7013 district tax levies authorized by law shall be used exclusively
7014 for the support, maintenance and operation of the schools in the
7015 manner provided by law for the fiscal years for which such funds
7016 were appropriated, collected or otherwise made available, and no
7017 part of said funds or allotments shall be used in paying any
7018 expenses incurred during any preceding fiscal year. However, this
7019 shall not be construed to prohibit the payment of expenses
7020 incurred during the fiscal year after the close of such fiscal
7021 year from amounts remaining on hand at the end of such fiscal
7022 year, provided that such expenses were properly payable from such
7023 amounts. Moreover, this shall not be construed to prohibit the
7024 payment of the salaries of superintendents, principals and
7025 teachers and other school employees whose salaries are payable in
7026 twelve (12) monthly installments after the close of the fiscal
7027 year from amounts on hand for such purpose at the end of the
7028 fiscal year.

7029 **SECTION 94.** Section 37-61-5, Mississippi Code of 1972, is
7030 amended as follows:

7031 37-61-5. If in any year there should remain a balance in
7032 the * * *~~minimum education program~~ uniform per student funding



7033 formula funds of any school district on June 30 which amount is
7034 not to be used or is not needed in the payment of expenses for the
7035 preceding fiscal year properly payable out of such * * *~~minimum~~
7036 ~~education program~~ uniform per student funding formula funds, then
7037 such balance on hand to the credit of such * * *~~minimum education~~
7038 uniform per student funding formula funds of the school district
7039 shall be carried forward as a part of such * * *~~minimum education~~
7040 ~~program~~ uniform per student funding formula funds for the next
7041 succeeding fiscal year. The proper pro rata part of the amount so
7042 carried forward, to be determined by the percentage which the
7043 state * * *~~minimum education program~~ uniform per student funding
7044 formula funds * * *~~paid into such fund~~ during the year bore to the
7045 entire amount * * *~~paid into such fund~~ of the school district's
7046 uniform per student funding formula funds, shall be charged
7047 against and deducted from the amount which the school district is
7048 allotted from state * * *~~minimum education program~~ uniform per
7049 student funding formula funds for the succeeding fiscal year, in a
7050 manner prescribed by the State Auditor. The remainder of the
7051 amount so carried forward may be deducted from the amount which
7052 the school district is required to produce as its local minimum ad
7053 valorem tax effort for the support of the * * *~~minimum education~~
7054 ~~program fund~~ uniform per student funding formula for the
7055 succeeding fiscal year * * *~~under the provisions of Chapter 19 of~~
7056 ~~this title. However, no balance of transportation funds on hand~~
7057 ~~at the end of any fiscal year shall be charged against or deducted~~



7058 ~~from the allotment of state funds to any school district for~~
7059 ~~minimum education program purposes for the next succeeding year.~~

7060 **SECTION 95.** Section 37-61-7, Mississippi Code of 1972, is
7061 amended as follows:

7062 37-61-7. If at the end of any fiscal year there should
7063 remain a balance in the school district fund of any school
7064 district which is not needed and is not to be used for paying the
7065 expenses properly payable out of such district fund for the
7066 preceding fiscal year, such balance shall be carried forward as a
7067 part of the school district fund for the next fiscal year and used
7068 and expended in the manner otherwise provided by law. Nothing in
7069 this section shall be construed as applying to
7070 balances * * *~~remaining in the minimum education program of~~
7071 uniform per student funding formula funds of a school district,
7072 and balances remaining in such funds shall be governed by Section
7073 37-61-5.

7074 **SECTION 96.** Section 37-61-19, Mississippi Code of 1972, is
7075 amended as follows:

7076 37-61-19. It shall be the duty of the superintendents of
7077 schools and the school boards of all school districts to limit the
7078 expenditure of school funds during the fiscal year to the
7079 resources available. It shall be unlawful for any school district
7080 to budget expenditures from a fund in excess of the resources
7081 available within that fund. Furthermore, it shall be unlawful for
7082 any contract to be entered into or any obligation incurred or



7083 expenditure made in excess of the resources available for such
7084 fiscal year. Any member of the school board, superintendent of
7085 schools, or other school official, who shall knowingly enter into
7086 any contract, incur any obligation, or make any expenditure in
7087 excess of the amount available for the fiscal year shall be
7088 personally liable for the amount of such excess. However, no
7089 school board member, superintendent or other school official shall
7090 be personally liable (a) in the event of any reduction
7091 in * * *~~adequate education program~~ uniform per student funding
7092 formula payments by action of the Governor acting through the
7093 Department of Finance and Administration, or (b) for claims,
7094 damages, awards or judgments, on account of any wrongful or
7095 tortious act or omission or breach of implied term or condition of
7096 any warranty or contract; provided, however, that the foregoing
7097 immunity provisions shall not be a defense in cases of fraud,
7098 criminal action or an intentional breach of fiduciary obligations
7099 imposed by statute.

7100 **SECTION 97.** Section 37-61-29, Mississippi Code of 1972, is
7101 amended as follows:

7102 37-61-29. The State Department of Audit is hereby authorized
7103 and empowered to post-audit and investigate the financial affairs
7104 and all transactions involving the school funds of the * * *~~county~~
7105 school district including the * * *~~minimum education program~~
7106 uniform per student funding formula funds and supplementary
7107 district school funds, and to make separate and special audits



7108 thereof, as now provided by Sections 7-7-201 through
7109 7-7-215 * * *,~~Mississippi Code of 1972.~~

7110 **SECTION 98.** Section 37-61-33, Mississippi Code of 1972, is
7111 amended as follows:

7112 37-61-33. (1) There is created within the State Treasury a
7113 special fund to be designated the "Education Enhancement Fund"
7114 into which shall be deposited all the revenues collected pursuant
7115 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

7116 (2) Of the amount deposited into the Education Enhancement
7117 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
7118 appropriated each fiscal year to the State Department of Education
7119 to be distributed to all school districts. Such money shall be
7120 distributed to all school districts in the proportion that
7121 the * * *~~average daily attendance~~ student enrollment of each
7122 school district bears to the * * *~~average daily attendance~~
7123 student enrollment of all school districts within the state for
7124 the following purposes:

7125 (a) Purchasing, erecting, repairing, equipping,
7126 remodeling and enlarging school buildings and related facilities,
7127 including gymnasiums, auditoriums, lunchrooms, vocational training
7128 buildings, libraries, teachers' homes, school barns,
7129 transportation vehicles (which shall include new and used
7130 transportation vehicles) and garages for transportation vehicles,
7131 and purchasing land therefor.



7132 (b) Establishing and equipping school athletic fields
7133 and necessary facilities connected therewith, and purchasing land
7134 therefor.

7135 (c) Providing necessary water, light, heating,
7136 air-conditioning and sewerage facilities for school buildings, and
7137 purchasing land therefor.

7138 (d) As a pledge to pay all or a portion of the debt
7139 service on debt issued by the school district under Sections
7140 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
7141 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
7142 and 37-41-81, or debt issued by boards of supervisors for
7143 agricultural high schools pursuant to Section 37-27-65, if such
7144 pledge is accomplished pursuant to a written contract or
7145 resolution approved and spread upon the minutes of an official
7146 meeting of the district's school board or board of supervisors.
7147 The annual grant to such district in any subsequent year during
7148 the term of the resolution or contract shall not be reduced below
7149 an amount equal to the district's grant amount for the year in
7150 which the contract or resolution was adopted. The intent of this
7151 provision is to allow school districts to irrevocably pledge a
7152 certain, constant stream of revenue as security for long-term
7153 obligations issued under the code sections enumerated in this
7154 paragraph or as otherwise allowed by law. It is the intent of the
7155 Legislature that the provisions of this paragraph shall be
7156 cumulative and supplemental to any existing funding programs or



7157 other authority conferred upon school districts or school boards.
7158 Debt of a district secured by a pledge of sales tax revenue
7159 pursuant to this paragraph shall not be subject to any debt
7160 limitation contained in the foregoing enumerated code sections.

7161 (3) The remainder of the money deposited into the Education
7162 Enhancement Fund shall be appropriated as follows:

7163 (a) To the State Department of Education as follows:

7164 (i) Sixteen and sixty-one one-hundredths percent
7165 (16.61%) to the cost of the * * *~~adequate education program~~
7166 uniform per student funding formula determined under * * *~~Section~~
7167 ~~37-151-7~~ Chapter 151, Title 37, Mississippi Code of 1972; of the
7168 funds generated by the percentage set forth in this section for
7169 the support of the * * *~~adequate education program~~ uniform per
7170 student funding formula, one and one hundred seventy-eight
7171 one-thousandths percent (1.178%) of the funds shall be
7172 appropriated to be used by the State Department of Education for
7173 the purchase of textbooks to be loaned under Sections 37-43-1
7174 through 37-43-59 to approved nonpublic schools, as described in
7175 Section 37-43-1. The funds to be distributed to each nonpublic
7176 school shall be in the proportion that the * * *~~average daily~~
7177 ~~attendance~~ student enrollment of each nonpublic school bears to
7178 the total * * *~~average daily attendance~~ student enrollment of all
7179 nonpublic schools;



7180 (ii) Seven and ninety-seven one-hundredths percent
7181 (7.97%) to assist the funding of transportation operations and
7182 maintenance * * * ~~pursuant to Section 37-19-23~~; and

7183 (iii) Nine and sixty-one one-hundredths percent
7184 (9.61%) for classroom supplies, instructional materials and
7185 equipment, including computers and computer software, to be
7186 distributed to all eligible teachers within the state through the
7187 use of procurement cards. Classroom supply funds shall not be
7188 expended for administrative purposes. On or before September 1 of
7189 each year, local school districts shall determine and submit to
7190 the State Department of Education the number of teachers eligible
7191 to receive an allocation for the current year. For purposes of
7192 this subparagraph, "teacher" means any employee of the school
7193 board of a school district, or the Mississippi School for the
7194 Arts, the Mississippi School for Math and Science, the Mississippi
7195 School for the Blind or the Mississippi School for the Deaf, who
7196 is required by law to obtain a teacher's license from the State
7197 Department of Education and who is assigned to an instructional
7198 area of work as defined by the department, but shall not include a
7199 federally funded teacher. It is the intent of the Legislature
7200 that all classroom teachers shall utilize these funds in a manner
7201 that addresses individual classroom needs and supports the overall
7202 goals of the school regarding supplies, instructional materials,
7203 equipment, computers or computer software under the provisions of
7204 this subparagraph, including the type, quantity and quality of



7205 such supplies, materials and equipment. Classroom supply funds
7206 allocated under this subparagraph shall supplement, not replace,
7207 other local and state funds available for the same purposes. The
7208 State Board of Education shall develop and promulgate rules and
7209 regulations for the administration of this subparagraph consistent
7210 with the above criteria, with particular emphasis on allowing the
7211 individual teachers to expend funds as they deem appropriate.
7212 Effective with the 2013-2014 school year, the local school board
7213 shall require each school to issue procurement cards provided by
7214 the Department of Finance and Administration under the provisions
7215 of Section 31-7-9(1)(c) for the use of teachers and necessary
7216 support personnel in making instructional supply fund expenditures
7217 under this section, consistent with the regulations of the
7218 Mississippi Department of Finance and Administration pursuant to
7219 Section 31-7-9. Such procurement cards shall be issued at the
7220 beginning of the school year and shall be issued in equal amounts
7221 per teacher determined by the total number of qualifying personnel
7222 and the current state appropriation for classroom supplies with
7223 the Education Enhancement Fund. Such cards will expire on a
7224 pre-determined date at the end of each school year. All
7225 unexpended amounts will be carried forward, combined with the
7226 following year's allocation of Education Enhancement Fund
7227 instructional supplies funds and reallocated for the following
7228 year;



7229 (b) Twenty-two and nine one-hundredths percent (22.09%)
7230 to the Board of Trustees of State Institutions of Higher Learning
7231 for the purpose of supporting institutions of higher learning; and

7232 (c) Fourteen and forty-one one-hundredths percent
7233 (14.41%) to the Mississippi Community College Board for the
7234 purpose of providing support to community and junior colleges.

7235 (4) The amount remaining in the Education Enhancement Fund
7236 after funds are distributed as provided in subsections (2) and (3)
7237 of this section shall be disbursed as follows:

7238 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
7239 be deposited into the Working Cash-Stabilization Reserve Fund
7240 created pursuant to Section 27-103-203(1), until the balance in
7241 such fund reaches the maximum balance of seven and one-half
7242 percent (7-1/2%) of the General Fund appropriations in the
7243 appropriate fiscal year. After the maximum balance in the Working
7244 Cash-Stabilization Reserve Fund is reached, such money shall
7245 remain in the Education Enhancement Fund to be appropriated in the
7246 manner provided for in paragraph (b) of this subsection.

7247 (b) The remainder shall be appropriated for other
7248 educational needs.

7249 (5) None of the funds appropriated pursuant to subsection
7250 (3) (a) of this section shall be used to reduce the state's General
7251 Fund appropriation * * *~~for the categories listed in an amount~~
7252 ~~below the following amounts:~~ pursuant to * * *~~(a) For~~ subsection



7253 (3) (a) (ii) of this section * * *~~7~~ in the amount of Thirty-six
7254 Million Seven Hundred Thousand Dollars (\$36,700,000.00) * * *~~7~~.

7255 * * * ~~————— (b) For the aggregate of minimum program~~
7256 ~~allotments in the 1997 fiscal year, formerly provided for in~~
7257 ~~Chapter 19, Title 37, Mississippi Code of 1972, as amended,~~
7258 ~~excluding those funds for transportation as provided for in~~
7259 ~~paragraph (a) of this subsection.~~

7260 (6) Any funds appropriated from the Education Enhancement
7261 Fund that are unexpended at the end of a fiscal year shall lapse
7262 into the Education Enhancement Fund, except as otherwise provided
7263 in subsection (3) (a) (iii) of this section.

7264 **SECTION 99.** Section 37-61-35, Mississippi Code of 1972, is
7265 amended as follows:

7266 37-61-35. There is hereby created a special fund in the
7267 State Treasury to be designated School Ad Valorem Tax Reduction
7268 Fund into which proceeds collected pursuant to Sections
7269 27-65-75(7) and 27-67-31(a) shall be deposited. Beginning with
7270 the 1994 state fiscal year, the entire amount of monies in such
7271 special fund shall be appropriated annually to the State
7272 Department of Education which shall distribute the appropriated
7273 amount to the various school districts in the proportion that
7274 the * * * ~~average daily attendance~~ student enrollment of each
7275 school district bears to the * * * ~~average daily attendance~~
7276 student enrollment of all school districts within the state. On or
7277 before June 1, 1993, and on or before June 1 of each succeeding



7278 year, the State Department of Education shall notify each school
7279 district of the amount to which such district is entitled pursuant
7280 to this section.

7281 **SECTION 100.** Section 37-61-37, Mississippi Code of 1972, is
7282 amended as follows:

7283 37-61-37. There is established in the State Treasury a fund
7284 known as the "Mississippi Public Education Support Fund"
7285 (hereinafter referred to as "fund"). The fund shall consist of
7286 monies required to be deposited therein under Section 27-19-56.34,
7287 and such other monies as the Legislature may authorize or direct
7288 to be deposited into the fund. Monies in the fund, upon
7289 appropriation by the Legislature, may be expended by the
7290 Mississippi Department of Education for classroom supplies,
7291 instructional materials and equipment, including computers and
7292 computer software, to be distributed to all school districts in
7293 the proportion that the * * * ~~average daily attendance~~ student
7294 enrollment of each school district bears to the * * * ~~average~~
7295 ~~daily attendance~~ student enrollment of all school districts within
7296 the state. Unexpended amounts remaining in the fund at the end of
7297 the fiscal year shall not lapse into the State General Fund, and
7298 any interest earned or investment earnings on amounts in the fund
7299 shall be deposited to the credit of the fund.

7300 **SECTION 101.** Section 37-131-7, Mississippi Code of 1972, is
7301 amended as follows:



7302 37-131-7. When any pupils shall attend any demonstration or
7303 practice school under the provisions of Section 37-131-3, such
7304 children shall be reported and accounted for the allocation
7305 of * * *~~minimum education program~~ uniform per student funding
7306 formula funds and state public school building funds just as
7307 though such children were attending the regular schools of the
7308 district in which they reside. For this purpose, reports shall be
7309 made to the school district involved by the demonstration or
7310 practice school of the number of pupils in * * *~~average daily~~
7311 ~~attendance~~ enrollment, and the * * *~~average daily attendance~~
7312 enrollment of such children shall thereupon be included in reports
7313 made to the State Board of Education * * *~~and the state~~
7314 ~~educational finance commission~~ by the * * *~~county or school~~
7315 ~~district~~ * * *~~under the provisions of Chapters 19 and 47 of this~~
7316 ~~title.~~

7317 Allocation of * * *~~minimum education program~~ uniform per
7318 student funding formula funds shall be made by the State Board of
7319 Education for such children just as though such children were
7320 attending the regular schools of the district. All * * *~~minimum~~
7321 ~~education program~~ uniform per student funding formula funds * * *,
7322 ~~except funds allocated for transportation costs,~~ which accrue to
7323 any district as a result of such children who are in attendance at
7324 a demonstration or practice school shall be paid by the board of
7325 trustees of the municipal separate school district or by the
7326 county board of education to the demonstration or practice school,



7327 and shall be used to defray the cost and expense of maintaining,
7328 operating and conducting such demonstration or practice school.

7329 All state public school building funds which accrue as a
7330 result of such children in attendance at a demonstration or
7331 practice school shall be credited directly to such demonstration
7332 or practice school, and all of the provisions of Chapter 47 of
7333 this title shall be fully applicable thereto.

7334 **SECTION 102.** Section 37-131-9, Mississippi Code of 1972, is
7335 amended as follows:

7336 37-131-9. In addition to the amounts paid to the
7337 demonstration or practice school from * * *~~minimum education~~
7338 program uniform per student funding formula funds, as provided in
7339 Section 37-131-7, the board of trustees of the school district
7340 involved may contract with the said demonstration or practice
7341 school for the payment of additional amounts thereto to defray
7342 expenses over and above those defrayed by * * *~~minimum education~~
7343 program uniform per student funding formula funds, which
7344 additional amounts shall be paid from any funds available to the
7345 school district other than * * *~~minimum education program uniform~~
7346 per student funding formula funds, whether produced by a
7347 supplemental district tax levy or otherwise.

7348 If the total funds paid to the demonstration or practice
7349 school by the school district are inadequate to defray the cost
7350 and expense of maintaining and operating such demonstration or
7351 practice school then the president or executive head of the



7352 institution may, subject to the approval of the Board of Trustees
7353 of State Institutions of Higher Learning, require the payment of
7354 additional fees or tuition in an amount to be fixed by the
7355 president or executive head of the institution, subject to the
7356 approval of the Board of Trustees of State Institutions of Higher
7357 Learning, which amount shall be paid by and collected from the
7358 student or his parents.

7359 Boards of trustees of school districts involved may designate
7360 an area within the jurisdiction of the board as an attendance
7361 center as provided by law, and may require students in such area
7362 to attend demonstration or practice schools, subject to a
7363 satisfactory contract between the school board and the president
7364 or executive head of the institution operating the demonstration
7365 or practice school. In such event, all fees and tuition must be
7366 borne by the school district and in no case shall the child or the
7367 parents of the child assigned to such demonstration or practice
7368 school be required to pay any fees or tuition.

7369 The president or executive head of the institution, subject
7370 to the approval of the Board of Trustees of State Institutions of
7371 Higher Learning, may also fix the amount of fees and tuition to be
7372 paid by students desiring to attend such demonstration or practice
7373 school in cases where there is no contract with the board of
7374 trustees of the school district in which the students reside
7375 therefor.



7376 All funds received by an institution, under the provisions of
7377 this section, shall be deposited in a special fund and shall be
7378 used and expended solely for the purpose of defraying and paying
7379 the cost and expense of operating, maintaining and conducting such
7380 teachers demonstration and practice school. Such funds may be
7381 supplemented by and used in connection with any other funds
7382 available to the institutions for such purpose whether made
7383 available by legislative appropriation or otherwise.

7384 **SECTION 103.** Section 37-131-11, Mississippi Code of 1972, is
7385 amended as follows:

7386 37-131-11. All demonstration or practice schools established
7387 under the provisions of Section 37-131-1 shall, as far as may be
7388 practicable, be subject to and governed by the same laws as other
7389 public schools of the State of Mississippi, and shall make all
7390 reports required by law to be made by public schools to the State
7391 Board of Education * * * ~~or the State Educational Finance~~
7392 ~~Commission~~ at the same time and in the same manner as such reports
7393 are made by other public schools. However, for the purpose of the
7394 allocation of * * * ~~minimum education program~~ uniform per student
7395 funding formula funds, the reports of children in * * * ~~average~~
7396 ~~daily attendance~~ enrollment shall be made to the school district
7397 involved by said demonstration or practice school, and a copy
7398 thereof shall be filed with the State Board of Education. The
7399 school district shall use said reports so filed with it in making
7400 its reports to the State Board of Education for the purpose of the



7401 allocation of * * *~~minimum education program~~ uniform per student
7402 funding formula funds but the * * *~~average daily attendance~~
7403 enrollment of the pupils attending such demonstration or practice
7404 school shall be segregated and separated in such reports from
7405 the * * *~~average daily attendance~~ student enrollment in the
7406 regular schools of the district.

7407 **SECTION 104.** Section 37-151-7.1, Mississippi Code of 1972,
7408 is amended as follows:

7409 37-151-7.1. (1) Before February 1 of each year, the tax
7410 assessor of each county shall file a report or reports with the
7411 State Department of Education which provide information essential
7412 to the department in determining the amount that each school
7413 district shall be required to provide toward the cost of
7414 the * * *~~Adequate Education Program Fund~~ Mississippi Uniform Per
7415 Student Funding Formula. A separate report must be filed for each
7416 school district or part of a school district situated in the
7417 county and must include the following information:

7418 (a) The total assessed valuation of nonexempt property
7419 for school purposes in the school district;

7420 (b) The assessed value of exempt property owned by
7421 homeowners aged sixty-five (65) or older or disabled, as defined
7422 in Section 27-33-67(2), in the school district;

7423 (c) The school district's tax loss from exemptions
7424 provided to applicants under the age of sixty-five (65) and not
7425 disabled, as defined in Section 27-33-67(1); and



7426 (d) The school district's homestead reimbursement
7427 revenues.

7428 (2) The State Department of Education shall prepare and make
7429 available to the tax assessor of each county a form for the
7430 reports required under this section.

7431 **SECTION 105.** Section 37-151-9, Mississippi Code of 1972, is
7432 amended as follows:

7433 37-151-9. (1) The State Board of Education and State
7434 Superintendent of Education shall establish within the State
7435 Department of Education a special unit at the division level
7436 called the Office of Educational Accountability. The Director of
7437 the Office of Educational Accountability shall hold a position
7438 comparable to a deputy superintendent and shall be appointed by
7439 the State Board of Education with the advice and consent of the
7440 Senate. He shall serve at the will and pleasure of the State
7441 Board of Education and may employ necessary professional,
7442 administrative and clerical staff. The Director of the Office of
7443 Educational Accountability shall provide all reports to the
7444 Legislature, Governor, Mississippi Commission on School
7445 Accreditation and State Board of Education and respond to any
7446 inquiries for information.

7447 (2) The Office of Educational Accountability is responsible
7448 for monitoring and reviewing programs developed under the
7449 Education Reform Act, the Mississippi Adequate Education Program
7450 Act of 1994, the Education Enhancement Fund, the Mississippi



7451 Uniform Per Student Funding Formula Act of 2018, and subsequent
7452 education initiatives, and shall provide information,
7453 recommendations and an annual assessment to the Legislature,
7454 Governor, Mississippi Commission on School Accreditation and the
7455 State Board of Education. * * *~~Commencing in 1995,~~ The annual
7456 assessment of education reform programs shall be performed by the
7457 Office of Educational Accountability by December 1 of each
7458 year. * * *~~The Office of Educational Accountability shall~~
7459 ~~specifically monitor the implementation of Level III accreditation~~
7460 ~~in all school districts, and shall make an assessment with~~
7461 ~~recommendations to the 1996 Regular Session of the Legislature.~~

7462 (3) In addition, the Office of Educational Accountability
7463 shall have the following specific duties and responsibilities:

7464 (a) Developing and maintaining a system of
7465 communication with school district personnel;

7466 (b) Provide opportunities for public comment on the
7467 current functions of the State Department of Education's programs,
7468 needed public education services and innovative suggestions; and

7469 (c) Assess both positive and negative impact on school
7470 districts of new education programs, including but not limited to
7471 The Mississippi Report Card and alternative school programs.

7472 **SECTION 106.** Section 37-151-10, Mississippi Code of 1972, is
7473 amended as follows:

7474 37-151-10. (1) There is established a Center for Education
7475 Analysis which shall be an advisory group attached to the Public



7476 Education Forum of Mississippi. The Center for Education Analysis
7477 shall create a structure to systematically collect, compile and
7478 coordinate data that can be disseminated to business, legislative
7479 and education entities for decision-making purposes relating to
7480 public education. The Center for Education Analysis may enter
7481 into a contractual agreement with the Public Education Forum of
7482 Mississippi in order to place the center within the administrative
7483 framework of the Public Education Forum under the following
7484 conditions:

7485 (a) All new programs authorized in this section are
7486 subject to the availability of funds specifically appropriated
7487 therefor by the Legislature from the Education Enhancement Fund to
7488 the Public Education Forum for the support and maintenance of the
7489 programs of the Center for Education Analysis.

7490 (b) The Public Education Forum will provide a business
7491 framework to coordinate its recommendations and reports with the
7492 programs of the Center for Education Analysis.

7493 (c) The Public Education Forum shall employ a director
7494 for the Center for Education Analysis with appropriate
7495 qualifications. Any public funds expended pursuant to this
7496 section shall be audited by the Mississippi Department of Audit.

7497 There is created in the State Treasury a special fund to be
7498 known as the "Center for Education Analysis Fund." Monies may be
7499 expended out of such funds pursuant to appropriation by the
7500 Legislature, to implement the public education analysis program



7501 established under the provisions of this section. Disbursements
7502 from such fund shall be made only upon requisition of the Director
7503 for the Center for Education Analysis.

7504 (2) The Center for Education Analysis established in
7505 subsection (1) shall develop and submit to the Legislature and the
7506 Governor an annual report on the implementation of
7507 the * * *~~Mississippi Adequate Education Program~~ uniform per
7508 student funding formula and the Interim School District Capital
7509 Expenditure Fund program. * * *~~The first report shall be submitted~~
7510 ~~on January 1, 1999, relating to implementation of the adequate~~
7511 ~~education program and interim capital expenditure program~~
7512 ~~activities during the preceding fiscal year, and shall be~~
7513 ~~submitted annually on January 1 of each subsequent year until~~
7514 ~~January 1, 2003, at which time~~ The report shall become a distinct
7515 part of the Mississippi Report Card describing * * *~~the one~~
7516 ~~hundred percent (100%)~~ implementation of the * * *~~Mississippi~~
7517 ~~Adequate Education Program~~ uniform per student funding formula.
7518 The annual report shall include the following:

7519 (a) A description of the amount of * * *~~Mississippi~~
7520 ~~Adequate Education Program~~ Mississippi Uniform Per Student Funding
7521 Formula funds available to each school district * * *~~during the~~
7522 ~~phase-in period compared to the amount of funds available upon~~
7523 ~~full implementation of the funding formula;~~

7524 (b) A description of each school district's capital
7525 expenditure plan, including:



7526 (i) A listing of the school district facilities to
7527 be constructed, purchased, repaired, renovated, remodeled or
7528 enlarged, with designation of the nature of each such project as
7529 new construction, retrofitting/renovation, or site work and/or
7530 preparation;

7531 (ii) For each completed capital improvement
7532 project and upon the completion of any approved capital
7533 expenditure plan, a listing by individual project of:

7534 (A) The total dimensions of each
7535 construction, renovation or site preparation project;

7536 (B) The total project cost in dollars;

7537 (C) The project cost per square foot of newly
7538 constructed space or, in the case of renovation, per square foot
7539 of the principal structure affected by such renovation;

7540 (D) The total cost of all furniture and
7541 equipment per project;

7542 (E) The total amount of nonconstruction fees
7543 per project;

7544 (F) The total of other costs associated with
7545 the project not otherwise included in items (A) through (E) above;
7546 and

7547 (G) The number of classrooms created and/or
7548 affected by the project;

7549 (iii) A listing of all school district State Aid
7550 Capital Improvement Bonds secured by Mississippi Adequate



7551 Education Program funds issued by school districts and the capital
7552 improvements funded through such bond issue;

7553 (iv) A description of any other local bond issue
7554 proceeds combined with such funds for capital improvement
7555 purposes; and

7556 (v) Any other appropriate information relating to
7557 capital improvements by school districts as determined by the
7558 State Board of Education;

7559 (c) An annual assessment of the impact of additional or
7560 less funding under the * * *~~Mississippi Adequate Education Program~~
7561 Mississippi Uniform Per Student Funding Formula on * * *~~such~~
7562 school districts with less than a * * *~~Level III accreditation~~ "C"
7563 designation under the state accreditation system; and

7564 (d) An annual assessment of the impact of teacher
7565 recruitment incentives on the employment of licensed teachers in
7566 critical teacher shortage geographic areas * * *,~~including, but~~
7567 ~~not limited to, all incentive programs authorized under House Bill~~
7568 ~~No. 609, 1998 Regular Session [Laws, 1998, Chapter 544].~~

7569 **SECTION 107.** Section 37-151-87, Mississippi Code of 1972, is
7570 amended as follows:

7571 37-151-87. No school district shall pay any teacher less
7572 than the state minimum salary. * * *~~Provided,~~ However, * * *~~that~~
7573 school districts are authorized to reduce the state minimum salary
7574 by a pro rata daily amount in order to comply with the school
7575 district employee furlough provisions of Section 37-7-308. From



7576 and after July 1, 2012, no school district shall receive any funds
7577 under the provisions of this chapter for any school year during
7578 which the aggregate amount of local supplement * * *~~as defined in~~
7579 ~~Section 37-151-5 shall have been~~ is reduced below such amount for
7580 the previous year. However, (a) where there has been a reduction
7581 in * * *~~adequate education program~~ uniform per student funding
7582 formula allocations for such district in such year, (b) where
7583 there has been a reduction in the amount of federal funds to such
7584 district below the previous year, or (c) where there has been a
7585 reduction in ad valorem taxes to such school district for the
7586 1986-1987 school year below the amount for the previous year due
7587 to the exemption of nuclear generating plants from ad valorem
7588 taxation pursuant to Section 27-35-309, * * *~~Mississippi Code of~~
7589 ~~1972,~~ the aggregate amount of local supplement in such district
7590 may be reduced in the discretion of the local school board without
7591 loss of funds under this chapter. No school district may receive
7592 any funds under the provisions of this chapter for any school year
7593 if the aggregate amount of support from ad valorem taxation shall
7594 be reduced during such school year below such amount for the
7595 previous year; however, where there is a loss in * * *~~adequate~~
7596 ~~education program~~ uniform per student funding formula allocations,
7597 or where there is or heretofore has been a decrease in the total
7598 assessed value of taxable property within a school district, the
7599 aggregate amount of such support may be reduced proportionately.
7600 Nothing herein contained shall prohibit any school district from



7601 adopting or continuing a program or plan whereby teachers are paid
7602 varying salaries according to the teaching ability, classroom
7603 performance and other similar standards.

7604 For purposes of this section, the term "local supplement"
7605 means the additional amount paid to an individual teacher over and
7606 above the salary schedule prescribed in Section 37-19-7 for the
7607 performance of regular teaching duties by that teacher.

7608 **SECTION 108.** Section 37-151-89, Mississippi Code of 1972, is
7609 amended as follows:

7610 37-151-89. The minimum base pay for all classroom teachers
7611 may be increased by the district from any funds available to
7612 it * * *~~;~~ and those districts which have not prior to July 1,
7613 1978, so increased said base pay, shall increase the minimum base
7614 pay for classroom teachers as fixed by this chapter and as
7615 authorized by any of the provisions of or standards set forth in
7616 this chapter.

7617 **SECTION 109.** Section 37-151-91, Mississippi Code of 1972, is
7618 amended as follows:

7619 37-151-91. The school boards of all school districts may
7620 establish salary schedules based on training, experience and other
7621 such factors as may be incorporated therein, including student
7622 progress and performance as developed by the State Board of
7623 Education, paying teachers greater amounts than the scale
7624 provided * * * ~~herein~~ in Section 37-19-7, but no teacher may be
7625 paid less than the amount based upon the minimum scale of pay



7626 provided in * * *~~the adequate education program as prescribed in~~
7627 Section 37-19-7, * * *~~Mississippi Code of 1972,~~ and all
7628 supplements paid from local funds shall be based upon the salary
7629 schedules so established. The school boards may call upon the
7630 State Department of Education for aid and assistance in
7631 formulating and establishing such salary schedules, and it shall
7632 be the duty of the State Department of Education, when so called
7633 upon, to render such aid and assistance. The amount actually paid
7634 to each teacher shall be based upon and determined by the type
7635 of * * *certificate license held by such teacher.

7636 **SECTION 110.** Section 37-151-93, Mississippi Code of 1972, is
7637 amended as follows:

7638 37-151-93. (1) Legally transferred students going from one
7639 school district to another shall be counted for * * *~~adequate~~
7640 ~~education program~~ uniform per student funding formula allotments
7641 by the school district wherein the pupils attend school * * *, ~~but~~
7642 ~~shall be counted for transportation allotment purposes in the~~
7643 ~~school district which furnishes or provides the transportation.~~
7644 The school boards of the school districts which approve the
7645 transfer of a student under the provisions of Section 37-15-31
7646 shall enter into an agreement and contract for the payment or
7647 nonpayment of any portion of their local maintenance funds which
7648 they deem fair and equitable in support of any transferred
7649 student. Except as provided in subsection (2) of this section,
7650 local maintenance funds shall be transferred only to the extent



7651 specified in the agreement and contract entered into by the
7652 affected school districts. The terms of any local maintenance
7653 fund payment transfer contract shall be spread upon the minutes of
7654 both of the affected school district school boards. The school
7655 district accepting any transfer students shall be authorized to
7656 accept tuition from such students under the provisions of Section
7657 37-15-31(1) and such agreement may remain in effect for any length
7658 of time designated in the contract. The terms of such student
7659 transfer contracts and the amounts of any tuition charged any
7660 transfer student shall be spread upon the minutes of both of the
7661 affected school boards. No school district accepting any transfer
7662 students under the provisions of Section 37-15-31(2), which
7663 provides for the transfer of certain school district employee
7664 dependents, shall be authorized to charge such transfer students
7665 any tuition fees.

7666 (2) Local maintenance funds shall be paid by the home school
7667 district to the transferee school district for students granted
7668 transfers under the provisions of Sections 37-15-29(3) and
7669 37-15-31(3), * * *~~Mississippi Code of 1972~~, not to exceed
7670 the * * *~~"base student cost"~~ student base amount, as defined in
7671 Section * * *~~37-151-5, Mississippi Code of 1972~~ 37-151-203,
7672 multiplied by the number of such legally transferred students.

7673 **SECTION 111.** Section 37-151-95, Mississippi Code of 1972, is
7674 amended as follows:



7675 37-151-95. * * *~~Adequate education program~~ Uniform per
7676 student funding formula funds shall * * *~~include~~ cover one hundred
7677 percent (100%) of the cost of the State and School Employees' Life
7678 and Health Insurance Plan created under Article 7, Chapter 15,
7679 Title 25, Mississippi Code of 1972, for all district employees who
7680 work no less than twenty (20) hours during each week and regular
7681 nonstudent school bus drivers employed by the district.

7682 Where the use of federal funding is allowable to defray, in
7683 full or in part, the cost of participation in the insurance plan
7684 by district employees who work no less than twenty (20) hours
7685 during each week and regular nonstudent school bus drivers, whose
7686 salaries are paid, in full or in part, by federal funds,
7687 the * * *~~allowance~~ use of uniform per student funding formula
7688 funds as required under this section shall be reduced to the
7689 extent of the federal funding. Where the use of federal funds is
7690 allowable but not available, it is the intent of the Legislature
7691 that school districts contribute the cost of participation for
7692 such employees from local funds, except that parent fees for child
7693 nutrition programs shall not be increased to cover such cost.

7694 The State Department of Education, in accordance with rules
7695 and regulations established by the State Board of Education, may
7696 withhold a school district's * * *~~adequate education program~~
7697 uniform per student funding formula funds for failure of the
7698 district to timely report student, fiscal and personnel data
7699 necessary to meet state and/or federal requirements. The rules



7700 and regulations promulgated by the State Board of Education shall
7701 require the withholding of * * * ~~adequate education program~~ uniform
7702 per student funding formula funds for those districts that fail to
7703 remit premiums, interest penalties and/or late charges under the
7704 State and School Employees' Life and Health Insurance Plan.
7705 Noncompliance with such rules and regulations shall result in a
7706 violation of compulsory accreditation standards as established by
7707 the State Board of Education and Commission on School
7708 Accreditation.

7709 **SECTION 112.** Section 37-151-97, Mississippi Code of 1972, is
7710 amended as follows:

7711 37-151-97. The State Department of Education shall develop
7712 an annual reporting process to inform the Legislature, local
7713 district personnel and the general public as to the ongoing and
7714 future plans for the state's educational programs. The annual
7715 reporting process will include those vital statistics that are
7716 commonly reported by schools and districts and that can provide
7717 clear demographic, strategic and educational information to
7718 constituencies such as, but not limited to, the following
7719 information:

7720 (a) Student enrollment * * * and attendance * * * and
7721 reported in the aggregate and specifically for each student
7722 population that is subject to weighting under the uniform per
7723 student funding formula, and drop-out and graduation data;

7724 (b) Overall student and district achievement;



7725 (c) Budget, administrative costs and other pertinent
7726 fiscal information, including:
7727 (i) The receipts and disbursements of all school
7728 funds handled by the board;
7729 (ii) Reports of expenditures for public schools,
7730 which, upon request must be made available on an individual
7731 district basis by the State Department of Education;
7732 1. Total Student Expenditures:
7733 a. Instruction (1000s);
7734 b. Other Student Instructional
7735 Expenditures (2100s, 2200s);
7736 2. General Administration (2300s and 2500s);
7737 3. School Administration (2400s);
7738 4. Other Expenditures (2600s, 2700s, 2800s,
7739 3100s, 3200s); and
7740 5. Nonoperational Expenditures (4000s, 5000s,
7741 6000s);
7742 (iii) The number of school districts, school
7743 teachers employed, school administrators employed, pupils taught
7744 and the attendance record of pupils therein;
7745 (iv) County and district levies for each school
7746 district and agricultural high school;
7747 (v) The condition of vocational education, a list
7748 of schools to which federal and state aid has been given, and a
7749 detailed statement of the expenditures of federal funds and the



7750 state funds that may be provided, and the ranking of subjects
7751 taught as compared with the state's needs.

7752 (d) Other as directed by the State Board of Education.

7753 Further, the reporting process will include an annual report
7754 developed specifically to relate the mission and goals of the
7755 State Board of Education, state superintendent and departments.
7756 This document will become the method through which the strategic
7757 planning and management process of the department is articulated
7758 to the public. It will explain and inform the public of the major
7759 initiatives of the department and clearly identify rationale for
7760 program development and/or elimination. The report will establish
7761 benchmarks, future plans and discuss the effectiveness of
7762 educational programs.

7763 In addition to the information specified herein, the State
7764 Board of Education shall have full and plenary authority and power
7765 to require the furnishing of such further, additional and
7766 supplementary information as it may deem necessary for the purpose
7767 of determining the cost of the * * *~~adequate education program~~
7768 uniform per student funding formula in such school district for
7769 the succeeding fiscal year, the amount of the * * *~~adequate~~
7770 ~~education program~~ uniform per student funding formula funds to be
7771 allotted to each school district for the succeeding fiscal year,
7772 and for any other purpose authorized by law or deemed necessary by
7773 said State Board of Education.



7774 It shall be the duty of the State Department of Education to
7775 prescribe the forms for the reports provided for in this section.

7776 **SECTION 113.** Section 37-151-99, Mississippi Code of 1972, is
7777 amended as follows:

7778 37-151-99. Based upon the information obtained pursuant to
7779 Section 37-151-97 and upon such other and further information as
7780 provided by law, the State Department of Education shall, on or
7781 before June 1 of each year, or as soon thereafter as is practical,
7782 furnish each school board the preliminary estimate of the amount
7783 each will receive from * * *~~the common school fund and~~
7784 the * * *~~adequate education program fund~~ uniform per student
7785 funding formula for the succeeding scholastic year, and at the
7786 same time shall furnish each such school board with a tentative
7787 estimate of the cost of the * * *~~adequate education program~~
7788 uniform per student funding formula in the school district for
7789 such succeeding fiscal year.

7790 **SECTION 114.** Section 37-151-101, Mississippi Code of 1972,
7791 is amended as follows:

7792 37-151-101. It shall be the duty of the State Department of
7793 Education to file with the State Treasurer and the State Fiscal
7794 Officer such data and information as may be required to enable the
7795 said State Treasurer and State Fiscal Officer to distribute
7796 the * * *~~common school funds and adequate education program~~
7797 uniform per student funding formula funds by electronic funds
7798 transfer to the several school districts and charter schools at



7799 the time required and provided under the provisions of this
7800 chapter. Such data and information so filed shall show in detail
7801 the amount of funds to which each school district and charter
7802 school is entitled * * *~~from such common school fund and adequate~~
7803 ~~education program fund~~ under the uniform per student funding
7804 formula. Such data and information so filed may be revised from
7805 time to time as necessitated by law. At the time provided by law,
7806 the State Treasurer and the State Fiscal Officer shall distribute
7807 to the several school districts and charter schools the amounts to
7808 which they are entitled * * *~~from the common school fund and the~~
7809 ~~adequate education program fund~~ under the uniform per student
7810 funding formula as provided by this chapter. Such distribution
7811 shall be made by electronic funds transfer to the depositories of
7812 the several school districts and charter schools designated in
7813 writing to the State Treasurer based upon the data and information
7814 supplied by the State Department of Education for such
7815 distribution. In such instances, the State Treasurer shall submit
7816 a request for an electronic funds transfer to the State Fiscal
7817 Officer, which shall set forth the purpose, amount and payees, and
7818 shall be in such form as may be approved by the State Fiscal
7819 Officer so as to provide the necessary information as would be
7820 required for a requisition and issuance of a warrant. A copy of
7821 the record of said electronic funds transfers shall be transmitted
7822 by the school district and charter school depositories to the
7823 Treasurer, who shall file duplicates with the State Fiscal



7824 Officer. The Treasurer and State Fiscal Officer shall jointly
7825 promulgate regulations for the utilization of electronic funds
7826 transfers to school districts and charter schools.

7827 **SECTION 115.** Section 37-151-103, Mississippi Code of 1972,
7828 is amended as follows:

7829 37-151-103. (1) Funds due each school district and charter
7830 school under * * *~~the terms of this chapter from the * * *~~Adequate
7831 Education Program Fund Mississippi Uniform Per Student Funding
7832 Formula shall be paid in the following manner: Two (2) business
7833 days prior to the last working day of each month there shall be
7834 paid to each school district and charter school, by electronic
7835 funds transfer, one-twelfth (1/12) of the funds to which the
7836 district or charter school is entitled from funds appropriated for
7837 the * * *~~Adequate Education Program Fund~~ Mississippi Uniform Per
7838 Student Funding Formula. However, in December those payments
7839 shall be made on December 15th or the next business day after that
7840 date. All school districts shall process a single monthly payroll
7841 for licensed employees and may process a single monthly or a
7842 semimonthly payroll for nonlicensed employees, in the discretion
7843 of the local school board, with electronic settlement of payroll
7844 checks secured through direct deposit of net pay for all school
7845 district employees. In addition, the State Department of
7846 Education may pay school districts and charter schools * * *~~from~~
7847 ~~the common school fund and~~ under the * * *~~Adequate Education~~
7848 Program Fund Mississippi Uniform Per Student Funding Formula on a



7849 date earlier than provided for by this section if it is determined
7850 that it is in the best interest of school districts and charter
7851 schools to do so.

7852 * * *~~Provided,~~ However, * * *~~that~~ if the cash balance in the
7853 State General Fund is not adequate on the due date to pay the
7854 amounts due to all school districts and charter schools in the
7855 state as determined by the State Superintendent of Public
7856 Education, the State Fiscal Officer shall not transfer said funds
7857 payable to any school district or districts or charter schools
7858 until money is available to pay the amount due to all districts
7859 and charter schools.

7860 * * *~~(2) Notwithstanding any provision of this chapter or any~~
7861 ~~other law requiring the number of children in average daily~~
7862 ~~attendance or the average daily attendance of transported children~~
7863 ~~to be determined on the basis of the preceding year, the State~~
7864 ~~Board of Education is hereby authorized and empowered to make~~
7865 ~~proper adjustments in allotments in cases where major changes in~~
7866 ~~the number of children in average daily attendance or the average~~
7867 ~~daily attendance of transported children occurs from one year to~~
7868 ~~another as a result of changes or alterations in the boundaries of~~
7869 ~~school districts, the sending of children from one county or~~
7870 ~~district to another upon a contract basis, the termination or~~
7871 ~~discontinuance of a contract for the sending of children from one~~
7872 ~~county or district to another, a change in or relocation of~~
7873 ~~attendance centers, or for any other reason which would result in~~



7874 ~~a major decrease or increase in the number of children in average~~
7875 ~~daily attendance or the average daily attendance of transported~~
7876 ~~children during the current school year as compared with the~~
7877 ~~preceding year.~~

7878 (* * *32) In the event of an inordinately large number of
7879 absentees in any school district or charter school as a result of
7880 epidemic, natural disaster, or any concerted activity discouraging
7881 school attendance, then in such event school attendance for the
7882 purposes of determining * * * ~~average daily attendance under~~
7883 student enrollment for the * * *adequate education program uniform
7884 per student funding formula shall be based upon the * * * ~~average~~
7885 ~~daily attendance~~ student enrollment for the preceding school year
7886 for such school district or charter school.

7887 **SECTION 116.** Section 37-151-105, Mississippi Code of 1972,
7888 is amended as follows:

7889 37-151-105. The State Board of Education shall have the
7890 authority to make such regulations not inconsistent with law which
7891 it deems necessary for the administration of this chapter. The
7892 State Board of Education, if it deems such practice necessary, may
7893 use reports of the first six (6) months of school for the purpose
7894 of determining * * * ~~average daily attendance and the number of~~
7895 ~~pupils transported for that year~~ student enrollment.

7896 **SECTION 117.** Section 37-151-107, Mississippi Code of 1972,
7897 is amended as follows:



7898 37-151-107. Any superintendent of education, member of the
7899 local school board of any school district, superintendent,
7900 principal, teacher, carrier, bus driver or member or employee of
7901 the State Department of Education or State Board of Education, or
7902 any other person, who shall willfully violate any of the
7903 provisions of this chapter, or who shall willfully make any false
7904 report, list or record, or who shall willfully make use of any
7905 false report, list or record, concerning the number of school
7906 children in * * *~~average daily attendance or the number of~~
7907 ~~children being transported or entitled to be transported in any~~
7908 ~~county or school district,~~ enrollment shall be guilty of a
7909 misdemeanor and upon conviction shall be punished by imprisonment
7910 in the county jail for a period not to exceed sixty (60) days or
7911 by a fine of not less than One Hundred Dollars (\$100.00), nor more
7912 than Three Hundred Dollars (\$300.00), or by both such fine and
7913 imprisonment, in the discretion of the court. In addition, any
7914 such person shall be civilly liable for all amounts of public
7915 funds which are illegally, unlawfully or wrongfully expended or
7916 paid out by virtue of or pursuant to such false report, list or
7917 record, and upon conviction or adjudication of civil liability
7918 hereunder, such person shall forfeit his license to teach for a
7919 period of three (3) years, if such person is the holder of such a
7920 license. Any suit to recover such funds illegally, unlawfully or
7921 wrongfully expended or paid out may be brought in the name of the
7922 State of Mississippi by the Attorney General or the proper



7923 district attorney or county attorney, and, in the event such suit
7924 be brought against a person who is under bond, the sureties upon
7925 such bond shall likewise be liable for such amount illegally,
7926 unlawfully or wrongfully expended or paid out.

7927 **SECTION 118.** Section 37-173-9, Mississippi Code of 1972, is
7928 amended as follows:

7929 37-173-9. (1) (a) The parent or legal guardian is not
7930 required to accept the offer of enrolling in another public school
7931 in lieu of requesting a Mississippi Dyslexia Therapy Scholarship
7932 to a nonpublic school. However, if the parent or legal guardian
7933 chooses the public school option, the student may continue
7934 attending a public school chosen by the parent or legal guardian
7935 until the student completes Grade 12.

7936 (b) If the parent or legal guardian chooses a public
7937 school within the district, the school district shall provide
7938 transportation to the public school selected by the parent or
7939 legal guardian. However, if the parent or legal guardian chooses
7940 a public school in another district, the parent or legal guardian
7941 is responsible to provide transportation to the school of choice.

7942 (2) Each local school district shall make an initial
7943 determination of whether a student diagnosed with dyslexia
7944 qualifies under the Individuals with Disabilities Education Act
7945 (IDEA) to receive services and funding under the provisions of the
7946 IDEA before proceeding to the development of a 504 Plan for each
7947 dyslexic student eligible for educational services or equipment,



7948 or both, under Sections 37-23-1 through 37-23-157. If a student's
7949 diagnosis of dyslexia results in a determination that the
7950 disability is not a disability which would qualify the student as
7951 eligible under the IDEA, then in developing the written 504 Plan
7952 for each dyslexia student, there shall be a presumption that
7953 proficiency in spelling, reading and writing are essential for the
7954 student to achieve appropriate educational progress. Each local
7955 school district shall develop interventions and strategies to
7956 address the needs of those students diagnosed with dyslexia which
7957 provide the necessary accommodations to enable the student to
7958 achieve appropriate educational progress. The interventions and
7959 strategies developed shall include, but not be limited to, the use
7960 of the 3-Tier Instructional Model and the utilization of
7961 provisions of the IDEA and Section 504 to address those needs.

7962 Furthermore, these provisions do not prohibit a parent or
7963 legal guardian of a student diagnosed with dyslexia, at any time,
7964 from choosing the option of a Mississippi Dyslexia Therapy
7965 Scholarship which would allow the student to attend another public
7966 school or nonpublic special purpose school.

7967 (3) If the parent or legal guardian chooses the nonpublic
7968 school option and the student is accepted by the nonpublic school
7969 pending the availability of a space for the student, the parent or
7970 legal guardian of the student must notify the department thirty
7971 (30) days before the first scholarship payment and before entering
7972 the nonpublic school in order to be eligible for the scholarship



7973 when a space becomes available for the student in the nonpublic
7974 school.

7975 (4) The parent or legal guardian of a student may choose, as
7976 an alternative, to enroll the student in and transport the student
7977 to a public school in an adjacent school district which has
7978 available space and has a program with dyslexia services that
7979 provide daily dyslexia therapy sessions delivered by a department
7980 licensed dyslexia therapist, and that school district shall accept
7981 the student and report the student for purposes of the district's
7982 funding under the Mississippi * * *~~Adequate Education Program~~
7983 Uniform Per Student Funding Formula.

7984 **SECTION 119.** Section 37-173-13, Mississippi Code of 1972, is
7985 amended as follows:

7986 37-173-13. (1) The maximum scholarship granted per eligible
7987 student with dyslexia shall be an amount equivalent to
7988 the * * *~~Mississippi Adequate Education Program base student cost~~
7989 student base amount under the Mississippi Uniform Per Student
7990 Funding Formula.

7991 (2) (a) The nonpublic school under this program shall
7992 report to the Mississippi Department of Education the number of
7993 students with dyslexia who are enrolled in nonpublic schools on
7994 the Mississippi Dyslexia Therapy Scholarships as of September 30
7995 of each year in order to determine funding for the subsequent
7996 year. Funds may not be transferred from any funding provided to



7997 the Mississippi School for the Deaf and the Blind for program
7998 participants who are eligible under Section 37-173-5.

7999 (b) The Mississippi Department of Education will
8000 disburse payments to nonpublic schools under this program in
8001 twelve (12) substantially equal installments. The initial payment
8002 shall be made after department verification of admission
8003 acceptance, and subsequent payments shall be made upon
8004 verification of continued enrollment and attendance at the
8005 nonpublic school.

8006 **SECTION 120.** Section 37-175-13, Mississippi Code of 1972, is
8007 amended as follows:

8008 37-175-13. (1) The maximum scholarship granted per eligible
8009 student with speech-language impairment shall be an amount
8010 equivalent to the * * *~~Mississippi Adequate Education Program base~~
8011 ~~student cost~~ student base amount under the Mississippi Uniform Per
8012 Student Funding Formula.

8013 (2) (a) Any nonpublic school under this program shall
8014 report to the State Department of Education the number of students
8015 with speech-language impairment who are enrolled in nonpublic
8016 schools on the Mississippi Speech-Language Therapy Scholarships as
8017 of September 30 of each year in order to determine funding for the
8018 subsequent year. Funds may not be transferred from any funding
8019 provided to the Mississippi School for the Deaf and the Blind for
8020 program participants who are eligible under Section 37-175-5.



8021 (b) The State Department of Education shall make
8022 payments to nonpublic schools for each student at the nonpublic
8023 school equal to the state share of the * * *~~adequate education~~
8024 ~~program~~ uniform per student funding formula payments for each
8025 student in * * *~~average daily attendance~~ enrollment at the school
8026 district from which the student transferred. In calculating the
8027 local contribution for purposes of determining the state share of
8028 the * * *~~adequate education program~~ uniform per student funding
8029 formula payments, the department shall deduct the pro rata local
8030 contribution of the school district in which the student resides,
8031 to be determined as provided in Section * * *~~37-151-7(2)(a)~~
8032 37-151-227(1).

8033 (c) Payments made pursuant to this subsection by the
8034 State Department of Education must be made at the same time and in
8035 the same manner as * * *~~adequate education program~~ uniform per
8036 student funding formula payments are made to school districts
8037 under Sections 37-151-101 and 37-151-103. Amounts payable to a
8038 nonpublic school must be determined by the State Department of
8039 Education.

8040 (3) If the parent opts to remove a child from a public
8041 school to a nonpublic special purpose school and to receive a
8042 scholarship under this chapter, then transportation shall be
8043 provided at the parent's or guardian's expense.

8044 **SECTION 121.** Section 37-179-3, Mississippi Code of 1972, is
8045 amended as follows:



8046 37-179-3. (1) A district which is an applicant to be
8047 designated as a district of innovation under Section 37-179-1
8048 shall:

8049 (a) Establish goals and performance targets for the
8050 district of innovation proposal, which may include:

8051 (i) Reducing achievement gaps among groups of
8052 public school students by expanding learning experiences for
8053 students who are identified as academically low-achieving;

8054 (ii) Increasing pupil learning through the
8055 implementation of high, rigorous standards for pupil performance;

8056 (iii) Increasing the participation of students in
8057 various curriculum components and instructional components within
8058 selected schools to enhance at each grade level;

8059 (iv) Increasing the number of students who are
8060 college and career-ready;

8061 (v) Motivating students at different grade levels
8062 by offering more curriculum choices and student learning
8063 opportunities to parents and students within the district;

8064 (b) Identify changes needed in the district and schools
8065 to lead to better prepared students for success in life and work;

8066 (c) Have a district wide plan of innovation that
8067 describes and justifies which schools and innovative practices
8068 will be incorporated;



8069 (d) Provide documentation of community, educator,
8070 parental, and the local board's support of the proposed
8071 innovations;

8072 (e) Provide detailed information regarding the
8073 rationale of requests for waivers from Title 37, Mississippi Code
8074 of 1972, which relate to the elementary and secondary education of
8075 public school students, and administrative regulations, and
8076 exemptions for selected schools regarding waivers of local school
8077 board policies;

8078 (f) Document the fiscal and human resources the board
8079 will provide throughout the term of the implementation of the
8080 innovations within its plan; and

8081 (g) Provide other materials as required by the
8082 department in compliance with the board's administrative
8083 regulations and application procedures.

8084 (2) The district and all schools participating in a
8085 district's innovation plan shall:

8086 (a) Ensure the same health, safety, civil rights, and
8087 disability rights requirements as are applied to all public
8088 schools;

8089 (b) Ensure students meet compulsory attendance
8090 requirements under Sections 37-13-91 and 37-13-92;

8091 (c) Ensure that high school course offerings meet or
8092 exceed the minimum required under Sections 37-16-7 and 37-3-49,



8093 for high school graduation or meet early graduation requirements
8094 that may be enacted by the Mississippi Legislature;

8095 (d) Ensure the student performance standards meet or
8096 exceed those adopted by the State Board of Education as required
8097 by Sections 37-3-49, 37-16-3 and 37-17-6, including compliance
8098 with the statewide assessment system specified in Chapter 16,
8099 Title 37, Mississippi Code of 1972;

8100 (e) Adhere to the same financial audits, audit
8101 procedures, and audit requirements as are applied under Section
8102 7-7-211(e);

8103 (f) Require state and criminal background checks for
8104 staff and volunteers as required of all public school employees
8105 and volunteers within the public schools and specified in Section
8106 37-9-17;

8107 (g) Comply with open records and open meeting
8108 requirements under Sections 25-41-1 et seq. and 25-61-1 et seq.;

8109 (h) Comply with purchasing requirements and limitations
8110 under Chapter 39, Title 37, Mississippi Code of 1972;

8111 (i) Provide overall instructional time that is
8112 equivalent to or greater than that required under Sections 37-1-11
8113 and 37-13-67, but which may include on-site instruction, distance
8114 learning, online courses, and work-based learning on
8115 nontraditional school days or hours; and

8116 (j) Provide data to the department as deemed necessary
8117 to generate school and district reports.



8118 (3) (a) Only schools that choose to be designated as
8119 schools of innovation shall be included in a district's
8120 application;

8121 (b) As used in this paragraph, "eligible employees"
8122 means employees that are regularly employed at the school and
8123 those employees whose primary job duties will be affected by the
8124 plan; and

8125 (c) Notwithstanding the provisions of paragraph (a) of
8126 this subsection, a local school board may require a school that
8127 has been identified as a persistently low-achieving school under
8128 provisions of Section 37-17-6 to participate in the district's
8129 plan of innovation.

8130 (4) Notwithstanding any statutes to the contrary, the board
8131 may approve the requests of districts of innovation to:

8132 (a) Use capital outlay funds for operational costs;

8133 (b) Hire persons for classified positions in
8134 nontraditional school and district assignments who have bachelors
8135 and advanced degrees from postsecondary education institutions
8136 accredited by a regional accrediting association (Southern
8137 Association of Colleges and Schools) or by an organization
8138 affiliated with the National Commission on Accrediting;

8139 (c) Employ teachers on extended employment contracts or
8140 extra duty contracts and compensate them on a salary schedule
8141 other than the single salary schedule;



8142 (d) Extend the school days as is appropriate within the
8143 district with compensation for the employees as determined
8144 locally;

8145 (e) Establish alternative education programs and
8146 services that are delivered in nontraditional hours and which may
8147 be jointly provided in cooperation with another school district or
8148 consortia of districts;

8149 (f) Establish online classes within the district for
8150 delivering alternative classes in a blended environment to meet
8151 high school graduation requirements;

8152 (g) Use a flexible school calendar;

8153 (h) Convert existing schools into schools of
8154 innovation; and

8155 (i) Modify the formula under * * *~~Section 37-151-7~~
8156 Chapter 151, Title 37, Mississippi Code of 1972, for
8157 distributing * * *~~support education~~ uniform per student funding
8158 formula funds for students in * * *~~average daily attendance~~
8159 enrollment in nontraditional programming time, including
8160 alternative programs and virtual programs. Funds granted to a
8161 district shall not exceed those that would have otherwise been
8162 distributed based on * * *~~average daily attendance~~ student
8163 enrollment during regular instructional days.

8164 **SECTION 122.** Section 37-181-7, Mississippi Code of 1972, is
8165 amended as follows:



8166 37-181-7. (1) The ESA program created in this chapter shall
8167 be limited to five hundred (500) students in the school year
8168 2015-2016, with new enrollment limited to five hundred (500)
8169 additional students each year thereafter. Subject to
8170 appropriation from the General Fund, each student's ESA shall be
8171 funded at Six Thousand Five Hundred Dollars (\$6,500.00) for school
8172 year 2015-2016. For each subsequent year, this amount shall
8173 increase or decrease by the same proportion as the * * *~~base~~
8174 ~~student cost~~ student base amount under Section * * *~~37-151-7(1)(b)~~
8175 37-151-207 is increased or decreased.

8176 (2) Subject to appropriation, eligible students shall be
8177 approved for participation in the program as follows:

8178 (a) Until participation in the program reaches fifty
8179 percent (50%) of the annual enrollment limits in subsection (1) of
8180 this section, students shall be approved on a first-come,
8181 first-served basis, with applications being reviewed on a rolling
8182 basis;

8183 (b) After participation reaches fifty percent (50%) of
8184 the annual enrollment limits in subsection (1) of this section,
8185 the department shall set annual application deadlines for the
8186 remaining number of available ESAs and begin to maintain a waiting
8187 list of eligible students. If the number of eligible students who
8188 apply for the program exceeds the remaining number of ESAs
8189 available, the department shall fill the available spaces using a



8190 random selection process that gives preference to students with an
8191 active Individualized Education Program (IEP); and

8192 (c) Participating students who remain eligible for the
8193 program are automatically approved for participation for the
8194 following year and are not subject to the random selection
8195 process.

8196 (3) No funds for an ESA may be expended from
8197 the * * *~~Mississippi Adequate Education Program~~ Mississippi
8198 Uniform Per Student Funding Formula, nor shall any school district
8199 be required to provide funding for an ESA.

8200 **SECTION 123.** Section 41-79-5, Mississippi Code of 1972, is
8201 amended as follows:

8202 41-79-5. (1) There is hereby established within the State
8203 Department of Health a school nurse intervention program,
8204 available to all public school districts in the state.

8205 (2) By the school year 1998-1999, each public school
8206 district shall have employed a school nurse, to be known as a
8207 Health Service Coordinator, pursuant to the school nurse
8208 intervention program prescribed under this section. The school
8209 nurse intervention program shall offer any of the following
8210 specific preventive services, and other additional services
8211 appropriate to each grade level and the age and maturity of the
8212 pupils:



8213 (a) Reproductive health education and referral to
8214 prevent teen pregnancy and sexually transmitted diseases, which
8215 education shall include abstinence;

8216 (b) Child abuse and neglect identification;

8217 (c) Hearing and vision screening to detect problems
8218 which can lead to serious sensory losses and behavioral and
8219 academic problems;

8220 (d) Alcohol, tobacco and drug abuse education to reduce
8221 abuse of these substances;

8222 (e) Scoliosis screening to detect this condition so
8223 that costly and painful surgery and lifelong disability can be
8224 prevented;

8225 (f) Coordination of services for handicapped children
8226 to ensure that these children receive appropriate medical
8227 assistance and are able to remain in public school;

8228 (g) Nutrition education and counseling to prevent
8229 obesity and/or other eating disorders which may lead to
8230 life-threatening conditions, for example, hypertension;

8231 (h) Early detection and treatment of head lice to
8232 prevent the spread of the parasite and to reduce absenteeism;

8233 (i) Emergency treatment of injury and illness to
8234 include controlling bleeding, managing fractures, bruises or
8235 contusions and cardiopulmonary resuscitation (CPR);

8236 (j) Applying appropriate theory as the basis for
8237 decision making in nursing practice;



8238 (k) Establishing and maintaining a comprehensive school
8239 health program;

8240 (l) Developing individualized health plans;

8241 (m) Assessing, planning, implementing and evaluating
8242 programs and other school health activities, in collaboration with
8243 other professionals;

8244 (n) Providing health education to assist students,
8245 families and groups to achieve optimal levels of wellness;

8246 (o) Participating in peer review and other means of
8247 evaluation to assure quality of nursing care provided for students
8248 and assuming responsibility for continuing education and
8249 professional development for self while contributing to the
8250 professional growth of others;

8251 (p) Participating with other key members of the
8252 community responsible for assessing, planning, implementing and
8253 evaluating school health services and community services that
8254 include the broad continuum or promotion of primary, secondary and
8255 tertiary prevention; and

8256 (q) Contributing to nursing and school health through
8257 innovations in theory and practice and participation in research.

8258 (3) Public school nurses shall be specifically prohibited
8259 from providing abortion counseling to any student or referring any
8260 student to abortion counseling or abortion clinics. Any violation
8261 of this subsection shall disqualify the school district employing



8262 such public school nurse from receiving any state administered
8263 funds under this section.

8264 (4) Repealed.

8265 (5) Beginning with the 1997-1998 school year, to the extent
8266 that federal or state funds are available therefor and pursuant to
8267 appropriation therefor by the Legislature, in addition to the
8268 school nurse intervention program funds administered under
8269 subsection (4), the State Department of Health shall establish and
8270 implement a Prevention of Teen Pregnancy Pilot Program to be
8271 located in the public school districts with the highest numbers of
8272 teen pregnancies. The Teen Pregnancy Pilot Program shall provide
8273 the following education services directly through public school
8274 nurses in the pilot school districts: health education sessions
8275 in local schools, where contracted for or invited to provide,
8276 which target issues including reproductive health, teen pregnancy
8277 prevention and sexually transmitted diseases, including syphilis,
8278 HIV and AIDS. When these services are provided by a school nurse,
8279 training and counseling on abstinence shall be included.

8280 (6) In addition to the school nurse intervention program
8281 funds administered under subsection (4) and the Teen Pregnancy
8282 Pilot Program funds administered under subsection (5), to the
8283 extent that federal or state funds are available therefor and
8284 pursuant to appropriation therefor by the Legislature, the State
8285 Department of Health shall establish and implement an Abstinence
8286 Education Pilot Program to provide abstinence education,



8287 mentoring, counseling and adult supervision to promote abstinence
8288 from sexual activity, with a focus on those groups which are most
8289 likely to bear children out of wedlock. Such abstinence education
8290 services shall be provided by the State Department of Health
8291 through its clinics, public health nurses, school nurses and
8292 through contracts with rural and community health centers in order
8293 to reach a larger number of targeted clients. For purposes of
8294 this subsection, the term "abstinence education" means an
8295 educational or motivational program which:

8296 (a) Has as its exclusive purpose, teaching the social,
8297 psychological and health gains to be realized by abstaining from
8298 sexual activity;

8299 (b) Teaches abstinence from sexual activity outside
8300 marriage as the expected standard for all school-age children;

8301 (c) Teaches that abstinence from sexual activity is the
8302 only certain way to avoid out-of-wedlock pregnancy, sexually
8303 transmitted diseases and other associated health problems;

8304 (d) Teaches that a mutually faithful monogamous
8305 relationship in context of marriage is the expected standard of
8306 human sexual activity;

8307 (e) Teaches that sexual activity outside of the context
8308 of marriage is likely to have harmful psychological and physical
8309 effects;



8310 (f) Teaches that bearing children out of wedlock is
8311 likely to have harmful consequences for the child, the child's
8312 parents and society;

8313 (g) Teaches young people how to reject sexual advances
8314 and how alcohol and drug use increase vulnerability to sexual
8315 advances; and

8316 (h) Teaches the importance of attaining
8317 self-sufficiency before engaging in sexual activity.

8318 (7) * * * ~~Beginning with the 1998-1999 school year and~~
8319 Pursuant to appropriation therefor by the Legislature, in addition
8320 to other funds allotted under the * * * ~~minimum education program~~
8321 uniform per student funding formula, each school district shall be
8322 allotted an additional * * * ~~teacher unit per every one hundred~~
8323 ~~(100) teacher units~~, amount for the purpose of employing qualified
8324 public school nurses in such school district, which in no event
8325 shall be less than one (1) * * * ~~teacher unit~~ nurse per school
8326 district, for such purpose. In the event the Legislature provides
8327 less funds than the total state funds needed for the public school
8328 nurse allotment, those school districts with fewer * * * ~~teacher~~
8329 ~~units~~ nurses per the number of students in enrollment shall be the
8330 first funded for such purpose, to the extent of funds available.

8331 (8) Prior to the 1998-1999 school year, nursing staff
8332 assigned to the program shall be employed through the local county
8333 health department and shall be subject to the supervision of the
8334 State Department of Health with input from local school officials.



8335 Local county health departments may contract with any
8336 comprehensive private primary health care facilities within their
8337 county to employ and utilize additional nursing staff. Beginning
8338 with the 1998-1999 school year, nursing staff assigned to the
8339 program shall be employed by the local school district and shall
8340 be designated as "health service coordinators," and shall be
8341 required to possess a bachelor's degree in nursing as a minimum
8342 qualification.

8343 (9) Upon each student's enrollment, the parent or guardian
8344 shall be provided with information regarding the scope of the
8345 school nurse intervention program. The parent or guardian may
8346 provide the school administration with a written statement
8347 refusing all or any part of the nursing service. No child shall
8348 be required to undergo hearing and vision or scoliosis screening
8349 or any other physical examination or tests whose parent objects
8350 thereto on the grounds such screening, physical examination or
8351 tests are contrary to his sincerely held religious beliefs.

8352 (10) A consent form for reproductive health education shall
8353 be sent to the parent or guardian of each student upon his
8354 enrollment. If a response from the parent or guardian is not
8355 received within seven (7) days after the consent form is sent, the
8356 school shall send a letter to the student's home notifying the
8357 parent or guardian of the consent form. If the parent or guardian
8358 fails to respond to the letter within ten (10) days after it is
8359 sent, then the school principal shall be authorized to allow the



8360 student to receive reproductive health education. Reproductive
8361 health education shall include the teaching of total abstinence
8362 from premarital sex and, wherever practicable, reproductive health
8363 education should be taught in classes divided according to gender.
8364 All materials used in the reproductive health education program
8365 shall be placed in a convenient and easily accessible location for
8366 parental inspection. School nurses shall not dispense birth
8367 control pills or contraceptive devices in the school. Dispensing
8368 of such shall be the responsibility of the State Department of
8369 Health on a referral basis only.

8370 (11) No provision of this section shall be construed as
8371 prohibiting local school districts from accepting financial
8372 assistance of any type from the State of Mississippi or any other
8373 governmental entity, or any contribution, donation, gift, decree
8374 or bequest from any source which may be utilized for the
8375 maintenance or implementation of a school nurse intervention
8376 program in a public school system of this state.

8377 **SECTION 124.** Section 43-17-5, Mississippi Code of 1972, is
8378 amended as follows:

8379 43-17-5. (1) The amount of Temporary Assistance for Needy
8380 Families (TANF) benefits which may be granted for any dependent
8381 child and a needy caretaker relative shall be determined by the
8382 county department with due regard to the resources and necessary
8383 expenditures of the family and the conditions existing in each
8384 case, and in accordance with the rules and regulations made by the



8385 Department of Human Services which shall not be less than the
8386 Standard of Need in effect for 1988, and shall be sufficient when
8387 added to all other income (except that any income specified in the
8388 federal Social Security Act, as amended, may be disregarded) and
8389 support available to the child to provide such child with a
8390 reasonable subsistence compatible with decency and health. The
8391 first family member in the dependent child's budget may receive an
8392 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
8393 the second family member in the dependent child's budget may
8394 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
8395 month; and each additional family member in the dependent child's
8396 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
8397 month. The maximum for any individual family member in the
8398 dependent child's budget may be exceeded for foster or medical
8399 care or in cases of children with an intellectual disability or a
8400 physical disability. TANF benefits granted shall be specifically
8401 limited only (a) to children existing or conceived at the time the
8402 caretaker relative initially applies and qualifies for such
8403 assistance, unless this limitation is specifically waived by the
8404 department, or (b) to a child born following a
8405 twelve-consecutive-month period of discontinued benefits by the
8406 caretaker relative.

8407 (2) TANF benefits in Mississippi shall be provided to the
8408 recipient family by an online electronic benefits transfer system.



8409 (3) The Department of Human Services shall deny TANF
8410 benefits to the following categories of individuals, except for
8411 individuals and families specifically exempt or excluded for good
8412 cause as allowed by federal statute or regulation:

8413 (a) Families without a minor child residing with the
8414 custodial parent or other adult caretaker relative of the child;

8415 (b) Families which include an adult who has received
8416 TANF assistance for sixty (60) months after the commencement of
8417 the Mississippi TANF program, whether or not such period of time
8418 is consecutive;

8419 (c) Families not assigning to the state any rights a
8420 family member may have, on behalf of the family member or of any
8421 other person for whom the family member has applied for or is
8422 receiving such assistance, to support from any other person, as
8423 required by law;

8424 (d) Families who fail to cooperate in establishing
8425 paternity or obtaining child support, as required by law;

8426 (e) Any individual who has not attained eighteen (18)
8427 years of age, is not married to the head of household, has a minor
8428 child at least twelve (12) weeks of age in his or her care, and
8429 has not successfully completed a high school education or its
8430 equivalent, if such individual does not participate in educational
8431 activities directed toward the attainment of a high school diploma
8432 or its equivalent, or an alternative educational or training
8433 program approved by the department;



8434 (f) Any individual who has not attained eighteen (18)
8435 years of age, is not married, has a minor child in his or her
8436 care, and does not reside in a place or residence maintained by a
8437 parent, legal guardian or other adult relative or the individual
8438 as such parent's, guardian's or adult relative's own home;

8439 (g) Any minor child who has been, or is expected by a
8440 parent or other caretaker relative of the child to be, absent from
8441 the home for a period of more than thirty (30) days;

8442 (h) Any individual who is a parent or other caretaker
8443 relative of a minor child who fails to notify the department of
8444 the absence of the minor child from the home for the thirty-day
8445 period specified in paragraph (g), by the end of the five-day
8446 period that begins with the date that it becomes clear to the
8447 individual that the minor child will be absent for the thirty-day
8448 period;

8449 (i) Any individual who fails to comply with the
8450 provisions of the Employability Development Plan signed by the
8451 individual which prescribe those activities designed to help the
8452 individual become and remain employed, or to participate
8453 satisfactorily in the assigned work activity, as authorized under
8454 subsection (6) (c) and (d), or who does not engage in applicant job
8455 search activities within the thirty-day period for TANF
8456 application approval after receiving the advice and consultation
8457 of eligibility workers and/or caseworkers of the department



8458 providing a detailed description of available job search venues in
8459 the individual's county of residence or the surrounding counties;

8460 (j) A parent or caretaker relative who has not engaged
8461 in an allowable work activity once the department determines the
8462 parent or caretaker relative is ready to engage in work, or once
8463 the parent or caretaker relative has received TANF assistance
8464 under the program for twenty-four (24) months, whether or not
8465 consecutive, whichever is earlier;

8466 (k) Any individual who is fleeing to avoid prosecution,
8467 or custody or confinement after conviction, under the laws of the
8468 jurisdiction from which the individual flees, for a crime, or an
8469 attempt to commit a crime, which is a felony under the laws of the
8470 place from which the individual flees, or who is violating a
8471 condition of probation or parole imposed under federal or state
8472 law;

8473 (l) Aliens who are not qualified under federal law;

8474 (m) For a period of ten (10) years following
8475 conviction, individuals convicted in federal or state court of
8476 having made a fraudulent statement or representation with respect
8477 to the individual's place of residence in order to receive TANF,
8478 food stamps or Supplemental Security Income (SSI) assistance under
8479 Title XVI or Title XIX simultaneously from two (2) or more states;

8480 (n) Individuals who are recipients of federal
8481 Supplemental Security Income (SSI) assistance; and



8482 (o) Individuals who are eighteen (18) years of age or
8483 older who are not in compliance with the drug testing and
8484 substance use disorder treatment requirements of Section 43-17-6.

8485 (4) (a) Any person who is otherwise eligible for TANF
8486 benefits, including custodial and noncustodial parents, shall be
8487 required to attend school and meet the monthly attendance
8488 requirement as provided in this subsection if all of the following
8489 apply:

8490 (i) The person is under age twenty (20);

8491 (ii) The person has not graduated from a public or
8492 private high school or obtained a High School Equivalency Diploma
8493 equivalent;

8494 (iii) The person is physically able to attend
8495 school and is not excused from attending school; and

8496 (iv) If the person is a parent or caretaker
8497 relative with whom a dependent child is living, child care is
8498 available for the child.

8499 The monthly attendance requirement under this subsection
8500 shall be attendance at the school in which the person is enrolled
8501 for each day during a month that the school conducts classes in
8502 which the person is enrolled, with not more than two (2) absences
8503 during the month for reasons other than the reasons listed in
8504 paragraph (e)(iv) of this subsection. Persons who fail to meet
8505 participation requirements in this subsection shall be subject to
8506 sanctions as provided in paragraph (f) of this subsection.



8507 (b) As used in this subsection, "school" means any one
8508 (1) of the following:

8509 (i) A school as defined in Section 37-13-91(2);

8510 (ii) A vocational, technical and adult education
8511 program; or

8512 (iii) A course of study meeting the standards
8513 established by the State Department of Education for the granting
8514 of a declaration of equivalency of high school graduation.

8515 (c) If any compulsory-school-age child, as defined in
8516 Section 37-13-91(2), to which TANF eligibility requirements apply
8517 is not in compliance with the compulsory school attendance
8518 requirements of Section 37-13-91(6), the superintendent of schools
8519 of the school district in which the child is enrolled or eligible
8520 to attend shall notify the county department of human services of
8521 the child's noncompliance. The Department of Human Services shall
8522 review school attendance information as provided under this
8523 paragraph at all initial eligibility determinations and upon
8524 subsequent report of unsatisfactory attendance.

8525 (d) The signature of a person on an application for
8526 TANF benefits constitutes permission for the release of school
8527 attendance records for that person or for any child residing with
8528 that person. The department shall request information from the
8529 child's school district about the child's attendance in the school
8530 district's most recently completed semester of attendance. If
8531 information about the child's previous school attendance is not



8532 available or cannot be verified, the department shall require the
8533 child to meet the monthly attendance requirement for one (1)
8534 semester or until the information is obtained. The department
8535 shall use the attendance information provided by a school district
8536 to verify attendance for a child. The department shall review
8537 with the parent or caretaker relative a child's claim that he or
8538 she has a good cause for not attending school.

8539 A school district shall provide information to the department
8540 about the attendance of a child who is enrolled in a public school
8541 in the district within five (5) working days of the receipt of a
8542 written request for that information from the department. The
8543 school district shall define how many hours of attendance count as
8544 a full day and shall provide that information, upon request, to
8545 the department. In reporting attendance, the school district may
8546 add partial days' absence together to constitute a full day's
8547 absence.

8548 If a school district fails to provide to the department the
8549 information about the school attendance of any child within
8550 fifteen (15) working days after a written request, the department
8551 shall notify the Department of Audit within three (3) working days
8552 of the school district's failure to comply with that requirement.
8553 The Department of Audit shall begin audit proceedings within five
8554 (5) working days of notification by the Department of Human
8555 Services to determine the school district's compliance with the
8556 requirements of this subsection (4). If the Department of Audit



8557 finds that the school district is not in compliance with the
8558 requirements of this subsection, the school district shall be
8559 penalized as follows: The Department of Audit shall notify the
8560 State Department of Education of the school district's
8561 noncompliance, and the Department of Education shall reduce the
8562 calculation of the school district's * * *~~average daily~~
8563 ~~attendance (ADA)~~ student enrollment that is used to determine the
8564 allocation of * * *~~Mississippi Adequate Education Program~~
8565 Mississippi Uniform Per Student Funding Formula funds by the
8566 number of children for which the district has failed to provide to
8567 the Department of Human Services the required information about
8568 the school attendance of those children. The reduction in the
8569 calculation of the school district's * * *~~ADA~~ student enrollment
8570 under this paragraph shall be effective for a period of one (1)
8571 year.

8572 (e) A child who is required to attend school to meet
8573 the requirements under this subsection shall comply except when
8574 there is good cause, which shall be demonstrated by any of the
8575 following circumstances:

8576 (i) The minor parent is the caretaker of a child
8577 less than twelve (12) weeks old; or

8578 (ii) The department determines that child care
8579 services are necessary for the minor parent to attend school and
8580 there is no child care available; or



8581 (iii) The child is prohibited by the school
8582 district from attending school and an expulsion is pending. This
8583 exemption no longer applies once the teenager has been expelled;
8584 however, a teenager who has been expelled and is making
8585 satisfactory progress towards obtaining a High School Equivalency
8586 Diploma equivalent shall be eligible for TANF benefits; or

8587 (iv) The child failed to attend school for one or
8588 more of the following reasons:

- 8589 1. Illness, injury or incapacity of the child
8590 or the minor parent's child;
- 8591 2. Court-required appearances or temporary
8592 incarceration;
- 8593 3. Medical or dental appointments for the
8594 child or minor parent's child;
- 8595 4. Death of a close relative;
- 8596 5. Observance of a religious holiday;
- 8597 6. Family emergency;
- 8598 7. Breakdown in transportation;
- 8599 8. Suspension; or
- 8600 9. Any other circumstance beyond the control
8601 of the child, as defined in regulations of the department.

8602 (f) Upon determination that a child has failed without
8603 good cause to attend school as required, the department shall
8604 provide written notice to the parent or caretaker relative



8605 (whoever is the primary recipient of the TANF benefits) that
8606 specifies:

8607 (i) That the family will be sanctioned in the next
8608 possible payment month because the child who is required to attend
8609 school has failed to meet the attendance requirement of this
8610 subsection;

8611 (ii) The beginning date of the sanction, and the
8612 child to whom the sanction applies;

8613 (iii) The right of the child's parents or
8614 caretaker relative (whoever is the primary recipient of the TANF
8615 benefits) to request a fair hearing under this subsection.

8616 The child's parent or caretaker relative (whoever is the
8617 primary recipient of the TANF benefits) may request a fair hearing
8618 on the department's determination that the child has not been
8619 attending school. If the child's parents or caretaker relative
8620 does not request a fair hearing under this subsection, or if,
8621 after a fair hearing has been held, the hearing officer finds that
8622 the child without good cause has failed to meet the monthly
8623 attendance requirement, the department shall discontinue or deny
8624 TANF benefits to the child thirteen (13) years old, or older, in
8625 the next possible payment month. The department shall discontinue
8626 or deny twenty-five percent (25%) of the family grant when a child
8627 six (6) through twelve (12) years of age without good cause has
8628 failed to meet the monthly attendance requirement. Both the child
8629 and family sanction may apply when children in both age groups



8630 fail to meet the attendance requirement without good cause. A
8631 sanction applied under this subsection shall be effective for one
8632 (1) month for each month that the child failed to meet the monthly
8633 attendance requirement. In the case of a dropout, the sanction
8634 shall remain in force until the parent or caretaker relative
8635 provides written proof from the school district that the child has
8636 reenrolled and met the monthly attendance requirement for one (1)
8637 calendar month. Any month in which school is in session for at
8638 least ten (10) days during the month may be used to meet the
8639 attendance requirement under this subsection. This includes
8640 attendance at summer school. The sanction shall be removed the
8641 next possible payment month.

8642 (5) All parents or caretaker relatives shall have their
8643 dependent children receive vaccinations and booster vaccinations
8644 against those diseases specified by the State Health Officer under
8645 Section 41-23-37 in accordance with the vaccination and booster
8646 vaccination schedule prescribed by the State Health Officer for
8647 children of that age, in order for the parents or caretaker
8648 relatives to be eligible or remain eligible to receive TANF
8649 benefits. Proof of having received such vaccinations and booster
8650 vaccinations shall be given by presenting the certificates of
8651 vaccination issued by any health care provider licensed to
8652 administer vaccinations, and submitted on forms specified by the
8653 State Board of Health. If the parents without good cause do not
8654 have their dependent children receive the vaccinations and booster



8655 vaccinations as required by this subsection and they fail to
8656 comply after thirty (30) days' notice, the department shall
8657 sanction the family's TANF benefits by twenty-five percent (25%)
8658 for the next payment month and each subsequent payment month until
8659 the requirements of this subsection are met.

8660 (6) (a) If the parent or caretaker relative applying for
8661 TANF assistance is work eligible, as determined by the Department
8662 of Human Services, the person shall be required to engage in an
8663 allowable work activity once the department determines the parent
8664 or caretaker relative is determined work eligible, or once the
8665 parent or caretaker relative has received TANF assistance under
8666 the program for twenty-four (24) months, whether or not
8667 consecutive, whichever is earlier. No TANF benefits shall be
8668 given to any person to whom this section applies who fails without
8669 good cause to comply with the Employability Development Plan
8670 prepared by the department for the person, or who has refused to
8671 accept a referral or offer of employment, training or education in
8672 which he or she is able to engage, subject to the penalties
8673 prescribed in paragraph (e) of this subsection. A person shall be
8674 deemed to have refused to accept a referral or offer of
8675 employment, training or education if he or she:

8676 (i) Willfully fails to report for an interview
8677 with respect to employment when requested to do so by the
8678 department; or



8679 (ii) Willfully fails to report to the department
8680 the result of a referral to employment; or

8681 (iii) Willfully fails to report for allowable work
8682 activities as prescribed in paragraphs (c) and (d) of this
8683 subsection.

8684 (b) The Department of Human Services shall operate a
8685 statewide work program for TANF recipients to provide work
8686 activities and supportive services to enable families to become
8687 self-sufficient and improve their competitive position in the
8688 workforce in accordance with the requirements of the federal
8689 Personal Responsibility and Work Opportunity Reconciliation Act of
8690 1996 (Public Law 104-193), as amended, and the regulations
8691 promulgated thereunder, and the Deficit Reduction Act of 2005
8692 (Public Law 109-171), as amended. Within sixty (60) days after
8693 the initial application for TANF benefits, the TANF recipient must
8694 participate in a job search skills training workshop or a job
8695 readiness program, which shall include resume writing, job search
8696 skills, employability skills and, if available at no charge, the
8697 General Aptitude Test Battery or its equivalent. All adults who
8698 are not specifically exempt shall be referred by the department
8699 for allowable work activities. An adult may be exempt from the
8700 mandatory work activity requirement for the following reasons:

8701 (i) Incapacity;

8702 (ii) Temporary illness or injury, verified by
8703 physician's certificate;



8704 (iii) Is in the third trimester of pregnancy, and
8705 there are complications verified by the certificate of a
8706 physician, nurse practitioner, physician assistant, or any other
8707 licensed health care professional practicing under a protocol with
8708 a licensed physician;

8709 (iv) Caretaker of a child under twelve (12)
8710 months, for not more than twelve (12) months of the sixty-month
8711 maximum benefit period;

8712 (v) Caretaker of an ill or incapacitated person,
8713 as verified by physician's certificate;

8714 (vi) Age, if over sixty (60) or under eighteen
8715 (18) years of age;

8716 (vii) Receiving treatment for substance abuse, if
8717 the person is in compliance with the substance abuse treatment
8718 plan;

8719 (viii) In a two-parent family, the caretaker of a
8720 severely disabled child, as verified by a physician's certificate;
8721 or

8722 (ix) History of having been a victim of domestic
8723 violence, which has been reported as required by state law and is
8724 substantiated by police reports or court records, and being at
8725 risk of further domestic violence, shall be exempt for a period as
8726 deemed necessary by the department but not to exceed a total of
8727 twelve (12) months, which need not be consecutive, in the
8728 sixty-month maximum benefit period. For the purposes of this



8729 subparagraph (ix), "domestic violence" means that an individual
8730 has been subjected to:

8731 1. Physical acts that resulted in, or
8732 threatened to result in, physical injury to the individual;

8733 2. Sexual abuse;

8734 3. Sexual activity involving a dependent
8735 child;

8736 4. Being forced as the caretaker relative of
8737 a dependent child to engage in nonconsensual sexual acts or
8738 activities;

8739 5. Threats of, or attempts at, physical or
8740 sexual abuse;

8741 6. Mental abuse; or

8742 7. Neglect or deprivation of medical care.

8743 (c) For all families, all adults who are not
8744 specifically exempt shall be required to participate in work
8745 activities for at least the minimum average number of hours per
8746 week specified by federal law or regulation, not fewer than twenty
8747 (20) hours per week (thirty-five (35) hours per week for
8748 two-parent families) of which are attributable to the following
8749 allowable work activities:

8750 (i) Unsubsidized employment;

8751 (ii) Subsidized private employment;

8752 (iii) Subsidized public employment;



8753 (iv) Work experience (including work associated
8754 with the refurbishing of publicly assisted housing), if sufficient
8755 private employment is not available;

8756 (v) On-the-job training;

8757 (vi) Job search and job readiness assistance
8758 consistent with federal TANF regulations;

8759 (vii) Community service programs;

8760 (viii) Vocational educational training (not to
8761 exceed twelve (12) months with respect to any individual);

8762 (ix) The provision of child care services to an
8763 individual who is participating in a community service program;

8764 (x) Satisfactory attendance at high school or in a
8765 course of study leading to a high school equivalency certificate,
8766 for heads of household under age twenty (20) who have not
8767 completed high school or received such certificate;

8768 (xi) Education directly related to employment, for
8769 heads of household under age twenty (20) who have not completed
8770 high school or received such equivalency certificate.

8771 (d) The following are allowable work activities which
8772 may be attributable to hours in excess of the minimum specified
8773 in * * * ~~subsection (6)(e)~~ paragraph (c) of this subsection:

8774 (i) Job skills training directly related to
8775 employment;



8776 (ii) Education directly related to employment for
8777 individuals who have not completed high school or received a high
8778 school equivalency certificate;

8779 (iii) Satisfactory attendance at high school or in
8780 a course of study leading to a high school equivalency, for
8781 individuals who have not completed high school or received such
8782 equivalency certificate;

8783 (iv) Job search and job readiness assistance
8784 consistent with federal TANF regulations.

8785 (e) If any adult or caretaker relative refuses to
8786 participate in allowable work activity as required under this
8787 subsection (6), the following full family TANF benefit penalty
8788 will apply, subject to due process to include notification,
8789 conciliation and a hearing if requested by the recipient:

8790 (i) For the first violation, the department shall
8791 terminate the TANF assistance otherwise payable to the family for
8792 a two-month period or until the person has complied with the
8793 required work activity, whichever is longer;

8794 (ii) For the second violation, the department
8795 shall terminate the TANF assistance otherwise payable to the
8796 family for a six-month period or until the person has complied
8797 with the required work activity, whichever is longer;

8798 (iii) For the third violation, the department
8799 shall terminate the TANF assistance otherwise payable to the



8800 family for a twelve-month period or until the person has complied
8801 with the required work activity, whichever is longer;

8802 (iv) For the fourth violation, the person shall be
8803 permanently disqualified.

8804 For a two-parent family, unless prohibited by state or
8805 federal law, Medicaid assistance shall be terminated only for the
8806 person whose failure to participate in allowable work activity
8807 caused the family's TANF assistance to be sanctioned under
8808 this * * *~~subsection (6)~~ paragraph (e), unless an individual is
8809 pregnant, but shall not be terminated for any other person in the
8810 family who is meeting that person's applicable work requirement or
8811 who is not required to work. Minor children shall continue to be
8812 eligible for Medicaid benefits regardless of the disqualification
8813 of their parent or caretaker relative for TANF assistance under
8814 this subsection (6), unless prohibited by state or federal law.

8815 (f) Any person enrolled in a two-year or four-year
8816 college program who meets the eligibility requirements to receive
8817 TANF benefits, and who is meeting the applicable work requirements
8818 and all other applicable requirements of the TANF program, shall
8819 continue to be eligible for TANF benefits while enrolled in the
8820 college program for as long as the person meets the requirements
8821 of the TANF program, unless prohibited by federal law.

8822 (g) No adult in a work activity required under this
8823 subsection (6) shall be employed or assigned (i) when any other
8824 individual is on layoff from the same or any substantially



8825 equivalent job within six (6) months before the date of the TANF
8826 recipient's employment or assignment; or (ii) if the employer has
8827 terminated the employment of any regular employee or otherwise
8828 caused an involuntary reduction of its workforce in order to fill
8829 the vacancy so created with an adult receiving TANF assistance.
8830 The Mississippi Department of Employment Security, established
8831 under Section 71-5-101, shall appoint one or more impartial
8832 hearing officers to hear and decide claims by employees of
8833 violations of this paragraph (g). The hearing officer shall hear
8834 all the evidence with respect to any claim made hereunder and such
8835 additional evidence as he may require and shall make a
8836 determination and the reason therefor. The claimant shall be
8837 promptly notified of the decision of the hearing officer and the
8838 reason therefor. Within ten (10) days after the decision of the
8839 hearing officer has become final, any party aggrieved thereby may
8840 secure judicial review thereof by commencing an action, in the
8841 circuit court of the county in which the claimant resides, against
8842 the department for the review of such decision, in which action
8843 any other party to the proceeding before the hearing officer shall
8844 be made a defendant. Any such appeal shall be on the record which
8845 shall be certified to the court by the department in the manner
8846 provided in Section 71-5-531, and the jurisdiction of the court
8847 shall be confined to questions of law which shall render its
8848 decision as provided in that section.



8849 (7) The Department of Human Services may provide child care
8850 for eligible participants who require such care so that they may
8851 accept employment or remain employed. The department may also
8852 provide child care for those participating in the TANF program
8853 when it is determined that they are satisfactorily involved in
8854 education, training or other allowable work activities. The
8855 department may contract with Head Start agencies to provide child
8856 care services to TANF recipients. The department may also arrange
8857 for child care by use of contract or vouchers, provide vouchers in
8858 advance to a caretaker relative, reimburse a child care provider,
8859 or use any other arrangement deemed appropriate by the department,
8860 and may establish different reimbursement rates for child care
8861 services depending on the category of the facility or home. Any
8862 center-based or group home child care facility under this
8863 subsection shall be licensed by the State Department of Health
8864 pursuant to law. When child care is being provided in the child's
8865 own home, in the home of a relative of the child, or in any other
8866 unlicensed setting, the provision of such child care may be
8867 monitored on a random basis by the Department of Human Services or
8868 the State Department of Health. Transitional child care
8869 assistance may be continued if it is necessary for parents to
8870 maintain employment once support has ended, unless prohibited
8871 under state or federal law. Transitional child care assistance
8872 may be provided for up to twenty-four (24) months after the last



8873 month during which the family was eligible for TANF assistance, if
8874 federal funds are available for such child care assistance.

8875 (8) The Department of Human Services may provide
8876 transportation or provide reasonable reimbursement for
8877 transportation expenses that are necessary for individuals to be
8878 able to participate in allowable work activity under the TANF
8879 program.

8880 (9) Medicaid assistance shall be provided to a family of
8881 TANF program participants for up to twenty-four (24) consecutive
8882 calendar months following the month in which the participating
8883 family would be ineligible for TANF benefits because of increased
8884 income, expiration of earned income disregards, or increased hours
8885 of employment of the caretaker relative; however, Medicaid
8886 assistance for more than twelve (12) months may be provided only
8887 if a federal waiver is obtained to provide such assistance for
8888 more than twelve (12) months and federal and state funds are
8889 available to provide such assistance.

8890 (10) The department shall require applicants for and
8891 recipients of public assistance from the department to sign a
8892 personal responsibility contract that will require the applicant
8893 or recipient to acknowledge his or her responsibilities to the
8894 state.

8895 (11) The department shall enter into an agreement with the
8896 State Personnel Board and other state agencies that will allow
8897 those TANF participants who qualify for vacant jobs within state



8898 agencies to be placed in state jobs. State agencies participating
8899 in the TANF work program shall receive any and all benefits
8900 received by employers in the private sector for hiring TANF
8901 recipients. This subsection (11) shall be effective only if the
8902 state obtains any necessary federal waiver or approval and if
8903 federal funds are available therefor.

8904 (12) Any unspent TANF funds remaining from the prior fiscal
8905 year may be expended for any TANF allowable activities.

8906 (13) The Mississippi Department of Human Services shall
8907 provide TANF applicants information and referral to programs that
8908 provide information about birth control, prenatal health care,
8909 abstinence education, marriage education, family preservation and
8910 fatherhood.

8911 (14) No new TANF program requirement or restriction
8912 affecting a person's eligibility for TANF assistance, or allowable
8913 work activity, which is not mandated by federal law or regulation
8914 may be implemented by the Department of Human Services after July
8915 1, 2004, unless such is specifically authorized by an amendment to
8916 this section by the Legislature.

8917 **SECTION 125.** Section 65-26-9, Mississippi Code of 1972, is
8918 amended as follows:

8919 65-26-9. (1) There is hereby created in the State Treasury
8920 a special fund to be known as the Tennessee-Tombigbee Waterway
8921 Bridge Bond Retirement Fund. All revenues pledged for the payment
8922 of the principal of and interest on the bonds authorized to be



8923 issued by this chapter shall be deposited into the bond retirement
8924 fund. Expenditures from the bond retirement fund shall be made
8925 only in accordance with this section.

8926 (2) Subject to the provisions of subsection (3) of this
8927 section, amounts on deposit in the bond retirement fund and not
8928 immediately required for the making of any payments therefrom
8929 shall be invested in interest-bearing certificates of deposit in
8930 accordance with the provisions of Section 27-105-33, except
8931 interest so earned shall be credited to the bond retirement fund.

8932 (3) (a) There is hereby established within the bond
8933 retirement fund two (2) separate accounts as follows: (i) the
8934 "Tennessee-Tombigbee General Account"; and (ii) the
8935 "Tennessee-Tombigbee Principal and Interest Account."

8936 (b) (i) All amounts held in the bond retirement fund
8937 on April 23, 1986, and all amounts thereafter deposited in the
8938 bond retirement fund, shall be credited to the Tennessee-Tombigbee
8939 General Account.

8940 (ii) Until such time as the transfer of funds from
8941 the Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8942 Principal and Interest Account occurs as provided in paragraph
8943 (b)(iii) of this subsection, amounts in the general account shall
8944 be applied to the following purposes and in the following order of
8945 priority: first, to the extent required, to the payment, the
8946 principal of, redemption premium, if any, and interest on general
8947 obligation bonds; second, to the extent required, to the General



8948 Fund of the state to reimburse the state for expenditures in
8949 excess of twenty-five percent (25%) of the total costs of the
8950 principal and interest on bonds issued under authority of
8951 subsection (1) of Section 65-26-15 and for all expenditures for
8952 costs of the principal of and interest on bonds issued under
8953 authority of subsection (2) of Section 65-26-15; and third, to the
8954 extent required, if any, to the bridge construction fund created
8955 in Section 65-26-25 to make current payments to meet contractual
8956 obligations for bridge construction.

8957 (iii) Upon certification of the State Treasurer,
8958 filed with and approved by the State Bond Commission, that the
8959 amount on deposit in the Tennessee-Tombigbee General Account,
8960 together with earnings on investments to accrue to it, is equal to
8961 or greater than the aggregate of the entire principal, redemption
8962 premium, if any, and interest due and to become due, until the
8963 final maturity date or earlier scheduled redemption date thereof,
8964 on all general obligation bonds outstanding as of the date of such
8965 certification, then the State Treasurer shall transfer from the
8966 Tennessee-Tombigbee General Account to the Tennessee-Tombigbee
8967 Principal and Interest Account an amount equal to the entire
8968 principal, redemption premium, if any, and interest due and to
8969 become due, until the final maturity date or scheduled redemption
8970 date thereof, on all general obligation bonds outstanding as of
8971 the date of such transfer. The State of Mississippi hereby
8972 covenants with the holders from time to time of general obligation



8973 bonds that amounts deposited in the Tennessee-Tombigbee Principal
8974 and Interest Account will be applied solely to the payment of the
8975 principal of, redemption premium, if any, and interest on general
8976 obligation bonds.

8977 (iv) After the date of the transfer from the
8978 general account to the principal and interest account contemplated
8979 by paragraph (b)(iii) of this subsection, amounts from time to
8980 time on deposit in the Tennessee-Tombigbee General Account shall
8981 be applied monthly to the following purposes and in the following
8982 order of priority: first, to the extent required, to the payment
8983 of the principal of, redemption premium, if any, and interest on
8984 general obligation bonds issued under this chapter; second, to the
8985 extent required, to the General Fund of the state to reimburse the
8986 state for expenditures in excess of twenty-five percent (25%) of
8987 the total costs of the principal and interest on bonds issued
8988 under authority of subsection (1) of Section 65-26-15 and for all
8989 expenditures for costs of the principal of and interest on bonds
8990 issued under authority of subsection (2) of Section 65-26-15; and
8991 third, to the extent required, if any, to the bridge construction
8992 fund created in Section 65-26-25 to make current payments to meet
8993 contractual obligations for bridge construction.

8994 (4) It is the intent of the Legislature that all outstanding
8995 general obligation bonds issued under this chapter shall be
8996 retired by the State Bond Commission on the earliest scheduled
8997 redemption date thereof, provided that there are sufficient funds



8998 in the bond retirement fund together with earnings on investments
8999 to accrue to it. When the principal of, redemption premium, if
9000 any, and interest on all such outstanding general obligation bonds
9001 are paid in full, then any amounts remaining in the bond
9002 retirement fund, or separate accounts therein, together with
9003 earnings on investments to accrue to it, shall be apportioned and
9004 paid as follows:

9005 (a) Three Million Five Hundred Thousand Dollars
9006 (\$3,500,000.00) of such funds shall be paid into the appropriate
9007 fund for use by the Yellow Creek State Inland Port Authority for
9008 equipment or facilities necessary to the operation of the port.

9009 (b) Three Million Five Hundred Thousand Dollars
9010 (\$3,500,000.00) shall be paid into the State General Fund.

9011 (c) Seven Million Five Hundred Thousand Dollars
9012 (\$7,500,000.00) shall be paid to Tishomingo County. Of the Seven
9013 Million Five Hundred Thousand Dollars (\$7,500,000.00), (i) Two
9014 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
9015 placed by the county in a special trust fund, the principal of
9016 which shall remain inviolate and the interest on which shall be
9017 expended solely for improvement of elementary and secondary
9018 education in Tishomingo County and distributed among the school
9019 districts therein based on the * * * ~~average daily attendance~~
9020 student enrollment in each, and (ii) Five Million Dollars
9021 (\$5,000,000.00) shall be placed in the county general fund and may
9022 be expended for general county purposes.



9023 (d) The balance of such funds shall be paid to the
9024 counties of Alcorn, Chickasaw, Clay, Itawamba, Lee, Lowndes,
9025 Monroe, Noxubee, Kemper, Pontotoc, Prentiss and Tishomingo. Such
9026 funds shall be paid to such counties in the proportion that each
9027 county's contribution to the bridge bond fund bears to the total
9028 contribution from all twelve (12) counties; however, no county
9029 shall be paid more than Five Million Dollars (\$5,000,000.00) under
9030 this paragraph (d). Such funds shall be deposited by the county
9031 into a special account to be expended solely for economic
9032 development purposes. No expenditure of funds from the special
9033 account shall be made unless the amount to be expended from the
9034 special account is matched by other county funds in an amount
9035 equal to fifteen percent (15%) of the special account funds to be
9036 expended and until the Mississippi * * *~~Board of Economic~~
9037 Development Authority, upon application by the board of
9038 supervisors, has certified that the proposed expenditure is for
9039 economic development purposes and has approved the expenditure for
9040 such purposes; provided, however, the fifteen percent (15%) match
9041 hereinabove imposed shall not be required when the proposed
9042 expenditure for economic development purposes is on land owned or
9043 leased by the federal, state, county or municipal government.

9044 **SECTION 126.** Section 37-13-153, Mississippi Code of 1972,
9045 which required state funding for home economics teachers to be
9046 included as a line item in the education appropriations bills for
9047 fiscal years 1995, 1996 and 1997, is repealed.



9048 **SECTION 127.** Sections 37-151-1, 37-151-5, 37-151-6,
9049 37-151-7, 37-151-8, 37-151-77, 37-151-79, 37-151-81, 37-151-83 and
9050 37-151-85, Mississippi Code of 1972, which define certain terms
9051 and establish the formula to be used in determining the annual
9052 allocation of funds to each school district under the Mississippi
9053 Adequate Education Program (MAEP), are repealed.

9054 **SECTION 128.** Section 37-152-1, Mississippi Code of 1972,
9055 which creates the Commission on Restructuring the Mississippi
9056 Adequate Education Program (MAEP), is repealed.

9057 **SECTION 129.** This act shall take effect and be in force from
9058 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 THE
29 FUNDING FORMULA TO BE DETERMINED ON THE BASIS OF STUDENT
30 ENROLLMENT AND TO REQUIRE AUDITS TO BE CONDUCTED BY THE STATE
31 AUDITOR DURING SPECIFIED WEEKS; TO CREATE NEW SECTION 37-151-223,
32 MISSISSIPPI CODE OF 1972, TO REQUIRE PERIODIC RECOMMENDATIONS FOR
33 REVISIONS TO THE FORMULA TO BE MADE TO THE LEGISLATURE; TO CREATE
34 NEW SECTION 37-151-225, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT
35 A SCHOOL DISTRICT HAS AUTONOMY, SUBJECT TO REGULATORY AND
36 STATUTORY RESTRICTIONS, IN THE SPENDING OF ALL FUNDS ALLOCATED TO
37 THAT DISTRICT REGARDLESS OF THE COUNT OF STUDENTS IN CERTAIN
38 GRADES AND WEIGHTED STUDENT CATEGORIES; TO CREATE NEW SECTION
39 37-151-227, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE
40 DEPARTMENT OF EDUCATION TO ANNUALLY DETERMINE THE AMOUNT THAT
41 LOCAL SCHOOL DISTRICTS MUST CONTRIBUTE TO THE COST OF THE FUNDING
42 FORMULA AND TO ESTABLISH LIMITATIONS ON STATE FUNDING INCREASES
43 AND DECREASES FOR SCHOOL DISTRICTS DURING EACH OF THE NEXT SEVEN
44 FISCAL YEARS; TO CREATE NEW SECTION 37-151-229, MISSISSIPPI CODE
45 OF 1972, TO RECODIFY EXISTING MAXIMUM STUDENT-TEACHER RATIOS; TO
46 CREATE NEW SECTION 37-151-231, MISSISSIPPI CODE OF 1972, TO
47 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO INCORPORATE
48 ADDITIONAL REPORTING REQUIREMENTS IN THE ACCOUNTING MANUAL FOR
49 SCHOOL DISTRICTS IN ORDER TO FACILITATE GREATER TRANSPARENCY; TO
50 CREATE NEW SECTION 37-151-233, MISSISSIPPI CODE OF 1972, TO
51 REQUIRE THE DEPARTMENT TO IMPLEMENT A FISCAL TRANSPARENCY SYSTEM
52 THAT COMPARES FINANCIAL INVESTMENT IN A SCHOOL DISTRICT WITH
53 ACADEMIC GROWTH AND WHICH ALLOWS COMPARISONS WITH DATA FROM PEER
54 SCHOOL DISTRICTS; TO REQUIRE THE INFORMATION RELATING TO SCHOOL
55 DISTRICT SPENDING AND OUTCOMES TO BE PUBLISHED ON THE STATE
56 DEPARTMENT OF EDUCATION'S WEBSITE; TO CREATE NEW SECTION
57 37-151-235, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT TO
58 ESTABLISH A FINANCIAL RATING MODEL FOR SCHOOL DISTRICTS AND TO
59 ESTABLISH SANCTIONS FOR SCHOOL DISTRICTS HAVING POOR OUTCOMES; TO
60 CREATE NEW SECTION 37-151-237, MISSISSIPPI CODE OF 1972, TO
61 REQUIRE THE DEPARTMENT TO REVIEW RULES AND REGULATIONS OF THE
62 DEPARTMENT AND STATE BOARD OF EDUCATION WHICH INDIRECTLY CREATE A
63 FISCAL IMPACT ON SCHOOL DISTRICTS AND TO REVISE SUCH RULES AND
64 REGULATIONS AS APPROPRIATE TO FURTHER DISTRICT AUTONOMY UNDER THE
65 FUNDING FORMULA; TO ESTABLISH THE JOINT LEGISLATIVE STUDY
66 COMMITTEE ON STATUTORY EDUCATION ACCREDITATION STANDARDS FOR THE
67 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, 25-4-29, 27-25-706,
80 27-33-3, 27-39-317, 29-3-47, 29-3-49, 29-3-113, 29-3-137, 31-7-10,
81 37-1-3, 37-3-11, 37-3-83, 37-7-208, 37-7-301, 37-7-302, 37-7-303,
82 37-7-307, 37-7-319, 37-7-333, 37-7-339, 37-7-419, 37-9-17,
83 37-9-23, 37-9-25, 37-9-33, 37-9-35, 37-9-37, 37-9-77, 37-11-11,
84 37-13-63, 37-13-64, 37-13-69, 37-15-38, 37-16-3, 37-17-6,
85 37-17-17, 37-19-7, 37-21-6, 37-21-7, 37-22-5, 37-23-1, 37-23-15,
86 37-23-69, 37-23-109, 37-23-179, 37-27-55, 37-27-57, 37-28-5,
87 37-28-53, 37-28-55, 37-29-1, 37-29-272, 37-29-303, 37-31-13,
88 37-31-75, 37-35-3, 37-37-3, 37-41-7, 37-45-49, 37-47-9, 37-47-17,
89 37-47-25, 37-47-33, 37-57-1, 37-57-104, 37-57-105, 37-57-107,
90 37-61-3, 37-61-5, 37-61-7, 37-61-19, 37-61-29, 37-61-33, 37-61-35,
91 37-61-37, 37-131-7, 37-131-9, 37-131-11, 37-151-7.1, 37-151-9,
92 37-151-10, 37-151-87, 37-151-89, 37-151-91, 37-151-93, 37-151-95,
93 37-151-97, 37-151-99, 37-151-101, 37-151-103, 37-151-105,
94 37-151-107, 37-173-9, 37-173-13, 37-175-13, 37-179-3, 37-181-7,
95 41-79-5, 43-17-5 AND 65-26-9, MISSISSIPPI CODE OF 1972, IN
96 CONFORMITY TO THE PROVISIONS OF THIS ACT; TO REPEAL SECTION
97 37-13-153, MISSISSIPPI CODE OF 1972, WHICH REQUIRED STATE FUNDING
98 FOR HOME ECONOMICS TEACHERS TO BE INCLUDED AS A LINE ITEM IN THE
99 EDUCATION APPROPRIATIONS BILLS FOR CERTAIN PRIOR FISCAL YEARS; TO
100 REPEAL SECTIONS 37-151-1, 37-151-5, 37-151-6, 37-151-7, 37-151-8,
101 37-151-77, 37-151-79, 37-151-81, 37-151-83 AND 37-151-85,
102 MISSISSIPPI CODE OF 1972, WHICH DEFINE CERTAIN TERMS AND PRESCRIBE
103 THE FORMULA AND CERTAIN REQUIREMENTS UNDER THE MISSISSIPPI
104 ADEQUATE EDUCATION PROGRAM (MAEP); TO REPEAL SECTION 37-152-1,
105 MISSISSIPPI CODE OF 1972, WHICH CREATES THE COMMISSION ON
106 RESTRUCTURING THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM (MAEP);
107 AND FOR RELATED PURPOSES.

