

By: Representatives Sanford, Sykes

To: Education

HOUSE BILL NO. 102

1 AN ACT TO AMEND SECTION 43-5-1, MISSISSIPPI CODE OF 1972, TO
 2 AUTHORIZE THE STATE BOARD OF EDUCATION TO ESTABLISH A PRIVATE
 3 FOUNDATION OR NONPROFIT CORPORATION FOR THE PURPOSE OF ENGAGING IN
 4 FUNDRAISING ACTIVITIES AND RECEIVING AND DISBURSING NONPUBLIC
 5 FUNDS FOR THE BENEFIT OF THE MISSISSIPPI SCHOOL FOR THE DEAF; TO
 6 AMEND SECTION 43-5-11, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
 7 BOARD TO INCLUDE FINANCIAL DATA ON THE FOUNDATION OR NONPROFIT
 8 CORPORATION IN ITS ANNUAL LEGISLATIVE REPORT ON THE SCHOOLS FOR
 9 THE BLIND AND THE DEAF; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 43-5-1, Mississippi Code of 1972, is
 12 amended as follows:

13 43-5-1. (1) The State Board of Education shall be the Board
 14 of Trustees of the Mississippi School for the Deaf and the
 15 Mississippi School for the Blind and shall retain all powers and
 16 duties granted by law to the Board of Trustees of the Mississippi
 17 School for the Deaf and the Mississippi School for the Blind.

18 Wherever the term Board of Trustees of the Mississippi School for
 19 the Deaf and Mississippi School for the Blind appears in any law,
 20 the same shall mean the State Board of Education.



21 (2) The provisions of this section shall not be construed to
22 require any consolidation or combination of the Mississippi School
23 for the Deaf and the Mississippi School for the Blind other than
24 where economies can be realized through the common utilization of
25 maintenance personnel and equipment, physical facilities, vehicles
26 and administrative personnel, where the same can be done without
27 impairment of the effectiveness of the educational programs of the
28 two (2) institutions or the welfare of the students.

29 (3) The provisions of this section shall not be construed to
30 require any consolidation of services involving curriculum or
31 instructional programs of the two (2) institutions.

32 (4) The State Board of Education, on behalf of each of these
33 institutions, shall have the power to receive and hold property,
34 real and personal, and to accept and use as provided by law,
35 separate from the needs of the other institutions, all bequests,
36 devices and donations made or which may in the future be made to
37 or for it, and shall continue to enjoy the rights and privileges
38 heretofore conferred upon it by law and such as are necessary now,
39 or hereafter, to accomplish the purposes of its own establishment
40 and operation and maintenance hereunder, provided that the same be
41 not inconsistent with or in conflict with this chapter.

42 (5) The State Board of Education may form and establish a
43 private foundation or nonprofit corporation for the purpose of
44 generating revenue to help defray costs incurred in the operation
45 and maintenance of the Mississippi School for the Deaf. The



46 private foundation or nonprofit corporation may engage in
47 fundraising activities on behalf of the school and receive and
48 disburse funds generated by those activities and from bequests,
49 devices and any other donations made to the Mississippi School for
50 the Deaf. The private foundation or nonprofit corporation shall
51 adopt guidelines for the disbursement of funds and shall be
52 subject to the reporting requirements of Section 43-5-11. All
53 funds held by the private foundation or nonprofit corporation must
54 remain with the foundation or nonprofit corporation until
55 disbursement and may not be transferred to the State General Fund.
56 Public funds may not be deposited into the account of the private
57 foundation or nonprofit corporation established for the benefit of
58 the Mississippi School for the Deaf, and the Legislature may not
59 appropriate any State General Fund or Special Fund monies to the
60 private foundation or nonprofit corporation. All monies received
61 by the private foundation or nonprofit corporation must be
62 maintained separately from funds allocated to the State Board of
63 Education for operating and administrative costs associated with
64 the Mississippi School for the Deaf. A private foundation or
65 nonprofit corporation established for the benefit of the
66 Mississippi School for the Deaf is subject to annual financial
67 audits by the State Auditor and by auditors of donors in the same
68 manner as required for state agencies.

69 **SECTION 2.** Section 43-5-11, Mississippi Code of 1972, is
70 amended as follows:



71 43-5-11. The State Board of Education shall make a report to
72 every annual term of the Legislature, showing the needs and
73 condition and status of the School for the Blind and the School
74 for the Deaf. Such report to the Legislature shall show how the
75 money appropriated to the schools has been expended during the
76 preceding year, beginning and ending with the fiscal year of each
77 school, and must include a detailed financial statement of all
78 monies received and expended by any private foundation or
79 nonprofit corporation establish for the benefit of the Mississippi
80 School for the Deaf under Section 43-5-1. Such report shall
81 exhibit the salaries paid to teachers, officers and employees and
82 each and every item of receipt and expenditure. Each report shall
83 be balanced and shall begin with the balance at the end of the
84 preceding fiscal year. If any property belonging to the state or
85 either school is used for profit, such report shall show the
86 expenses incurred in managing the property and the amount received
87 from the same. Such report shall also show a summary of the gross
88 receipts and gross disbursements for each fiscal year and shall
89 show the money on hand at the beginning of the fiscal period of
90 each school preceding each session of the Legislature and the
91 necessary amount of expenses to be incurred from * * * the date of
92 the report to January 1 next following.

93 **SECTION 3.** This act shall take effect and be in force from
94 and after July 1, 2018.

