

By: Representative Young

To: Education;
Appropriations

HOUSE BILL NO. 583

1 AN ACT TO CREATE "THE DIGITAL ACCESS LEARNING AND VIRTUAL
2 INSTRUCTION PROGRAM ACT OF 2018"; TO DEFINE CERTAIN TERMS USED IN
3 THIS ACT; TO REQUIRE STATE DEPARTMENT OF EDUCATION TO ANNUALLY
4 PUBLISH A LIST OF APPROVED DIGITAL LEARNING AND VIRTUAL
5 INSTRUCTION PROGRAM PROVIDERS THAT OFFER DIGITAL LEARNING SERVICES
6 AND PROVIDE THE SAME TO THE CHAIRMEN OF THE HOUSE AND SENATE
7 EDUCATION COMMITTEES; TO PRESCRIBE THE REQUIRED COMPONENTS OF
8 DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION ENVIRONMENTS; TO
9 REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ANNUALLY PROVIDE
10 SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS WITH A LIST OF
11 PROVIDERS APPROVED TO OFFER DIGITAL ACCESS LEARNING OR VIRTUAL
12 INSTRUCTION PROGRAMS; TO PRESCRIBE THE CRITERIA NECESSARY FOR
13 DIGITAL ACCESS LEARNING OR VIRTUAL INSTRUCTION PROGRAMS TO BE
14 APPROVED BY THE DEPARTMENT; TO REQUIRE A TWO-YEAR PHASE-IN PERIOD
15 FOR FULL IMPLEMENTATION OF DIGITAL ACCESS LEARNING OR VIRTUAL
16 INSTRUCTION PROGRAMS IN ALL PUBLIC SCHOOL DISTRICTS AND PUBLIC
17 CHARTER SCHOOLS; TO PROVIDE THAT THE 2018-2019 SCHOOL YEAR SHALL
18 BE THE YEAR OF PILOT PROGRAM FOR CERTAIN DISTRICTS AND CHARTER
19 SCHOOLS SELECTED BY THE DEPARTMENT USING ESTABLISHED CRITERIA; TO
20 REQUIRE ALL PUBLIC SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS TO
21 PROVIDE OPPORTUNITIES TO ALL STUDENTS IN GRADES K-12 FOR
22 PARTICIPATION IN PART-TIME AND FULL-TIME DIGITAL ACCESS LEARNING
23 OR VIRTUAL INSTRUCTION PROGRAM OPTIONS BY THE START OF THE
24 2019-2020 SCHOOL YEAR; TO PROVIDE THAT AN APPROVED PROVIDER SHALL
25 RETAIN ITS APPROVED STATUS FOR A PERIOD OF FIVE YEARS AFTER THE
26 DATE OF THE DEPARTMENT'S APPROVAL; TO REQUIRE EACH SCHOOL DISTRICT
27 AND CHARTER SCHOOL TO INCLUDE IN ITS IMPLEMENTATION PERIOD METHODS
28 OF FACILITATING THE TRANSITION TO A PAPERLESS INSTRUCTION MODEL
29 THAT PROVIDES FOR THE INTEGRATION OF CERTAIN ELECTRONIC DEVICES
30 AND OTHER DIGITAL MOBILE DEVICES CAPABLE OF CONNECTING TO THE
31 DISTRICT'S OR SCHOOL'S WIRELESS TECHNOLOGY INFRASTRUCTURE; TO
32 STIPULATE THAT THE MODEL SHALL REQUIRE DISTRICTS AND CHARTER
33 SCHOOLS TO PROVIDE A WIRELESS TECHNOLOGY INFRASTRUCTURE CAPABLE OF
34 SUPPORTING AGGREGATED SEGREGATED COMMUNICATION OF INSTRUCTIONAL



35 MATERIALS FROM TEACHERS TO EACH STUDENT IN THE EDUCATIONAL COHORT
36 BASED ON GRADE AND CLASSROOM ASSIGNMENT WITH UNRESTRICTED ACCESS
37 TO THE AVAILABLE INFORMATION; TO REQUIRE EACH PUBLIC SCHOOL
38 DISTRICT AND PUBLIC CHARTER SCHOOL TO PROVIDE EACH STUDENT WITH AN
39 ASSIGNED DIGITAL MOBILE DEVICE INSTALLED WITH THE NECESSARY
40 INSTRUCTIONAL MATERIALS ADOPTED BY THE LOCAL SCHOOL DISTRICT AS
41 COMPONENTS OF ITS CURRICULUM STANDARDS FOR PURPOSES OF ACCESSING
42 AND PERFORMING ALL COURSEWORK ASSIGNMENTS; TO REQUIRE EACH PUBLIC
43 SCHOOL DISTRICT AND PUBLIC CHARTER SCHOOL TO PURCHASE LICENSURE
44 AGREEMENTS FROM THE PUBLISHERS OF ELECTRONIC INSTRUCTIONAL
45 MATERIALS FOR USE OF THE PUBLISHED CURRICULUM AND INSTRUCTION
46 MATERIALS BY INSTRUCTIONAL STAFF AND STUDENTS; TO REQUIRE EACH
47 SCHOOL DISTRICT OR PUBLIC CHARTER SCHOOL TO MAINTAIN INSURANCE ON
48 EACH DIGITAL MOBILE DEVICE PURCHASED AND ASSIGNED TO STUDENTS,
49 WHICH SHALL REMAIN THE PROPERTY OF THE SCHOOL DISTRICT OR CHARTER
50 SCHOOL; TO PROVIDE THAT STUDENTS RECEIVING A DIGITAL MOBILE DEVICE
51 AND THEIR PARENTS OR LEGAL GUARDIAN SHALL BE LIABLE FOR THE
52 PAYMENT OF ANY DEDUCTIBLE COSTS REQUIRED FOR LOST, STOLEN, DAMAGED
53 OR DESTROYED DEVICES; TO AMEND SECTIONS 37-161-3, 37-43-1,
54 37-43-19, 37-43-21, 37-43-23, 37-43-31, 37-43-37 AND 37-7-301,
55 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
56 PROVISIONS; AND FOR RELATED PURPOSES.

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

58 **SECTION 1.** This act shall be known, and may be cited as "The
59 Digital Access Learning and Virtual Instruction Program Act of
60 2018."

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

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

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

68 (2) This act does not authorize a government entity to
69 provide directly or indirectly basic local exchange, voice, data,
70 broadband, video or wireless telecommunication service.



71 **SECTION 3.** (1) (a) As used in this act, "digital learning"
72 means a digital technology or Internet-based educational delivery
73 model that does not rely exclusively on compressed interactive
74 video.

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

79 (2) The State Department of Education shall annually:

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

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

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

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

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

93 (c) Digital learning content that meets or exceeds the



94 curriculum standards and requirements adopted by the State Board
95 of Education that is capable of being assessed and measured
96 through standardized tests or local assessments; and

97 (d) Infrastructure that is sufficient to handle and
98 facilitate a quality digital access learning or virtual
99 instruction environment and promotes the sharing of information
100 through wireless Internet access points and local intranet.

101 **SECTION 5.** (1) The department shall annually provide public
102 school districts and public charter schools with a list of
103 providers approved to offer digital access learning or virtual
104 instruction programs. To be approved by the department, as a
105 digital access learning or virtual instruction provider, the
106 provider shall submit documented proof that it:

107 (a) Is nonsectarian and nondiscriminatory in its
108 programs, employment practices and operations;

109 (b) Demonstrates or partners with an organization that
110 demonstrates successful experience in furnishing digital access
111 learning or virtual instruction to public school students as
112 demonstrated by student growth in each subject area and grade
113 level for which it proposes to provide digital access learning or
114 virtual instruction;

115 (c) Meets or exceeds the minimum curriculum standards
116 and requirements established by the State Board of Education and
117 ensures instructional and curricular quality through a curriculum
118 and accountability plan that addresses every subject area and



119 grade level for which it agrees to provide digital access learning
120 or virtual instruction;

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

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

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

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

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

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

142 (iii) Mechanisms that determine and ensure that a
143 student has satisfied requirements for grade level promotion and



144 high school graduation with a standard diploma, as appropriate;
145 and

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

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

153 (ii) School policies and procedures;

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

156 (iv) Teacher-student ratios;

157 (v) Student completion and promotion rates; and

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

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

167 **SECTION 6.** (1) (a) Beginning in the 2018-2019 school year,
168 the State Department of Education shall select a certain number of



169 public school districts and public charter schools to conduct a
170 pilot program to provide at least one (1) digital access learning
171 course or virtual instruction program to their students as either
172 a primary or supplementary method of instruction. The department
173 shall establish criteria to be used in determining the number and
174 location of school districts and charter schools selected to
175 participate in the pilot program and shall adopt rules to
176 implement the pilot program, the purpose of which shall be to more
177 smoothly implement the requirements under paragraph (b) of this
178 subsection.

179 (b) Beginning with the 2019-2020 school year, all
180 public school districts and public charter schools shall provide
181 opportunities to all students in Grades K-12 for participation in
182 part-time and full-time digital access learning or virtual
183 instruction program options. Written notice of the opportunities,
184 including an open enrollment period for full-time students of at
185 least ninety (90) days and not ending earlier than thirty (30)
186 days before the first day of the school year, shall be provided
187 directly to the parents or legal guardian of all students. The
188 purpose of the program shall be to make quality virtual
189 instruction available to students using online and distance
190 learning technology in the nontraditional classroom. The program
191 shall provide at least three (3) options for:

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



194 (ii) Part-time digital access learning or virtual
195 instruction for students enrolled in Grades K-12.

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

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

210 (a) Be of high quality;

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

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

216 (d) Be capable of being assessed and measured through
217 standardized tests or local assessments.



218 (3) To provide students with the option of participating in
219 digital access learning or virtual instruction programs as
220 required by subsection (1) of this section, a public school
221 district or public charter school may apply one or all
222 of the following mechanisms:

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

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

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

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

239 (4) An approved provider shall retain its approved status
240 for a period of five (5) years after the date of the department's
241 approval under Section 5 of this act as long as the provider
242 continues to comply with all requirements of this section;



243 however, each provider approved by the department for the
244 2018-2019 school year shall reapply for approval to provide a
245 part-time program for students in Grades K-12.

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

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

257 **SECTION 7.** (1) In conforming with the timeline of
258 full-scale implementation of the digital access learning and
259 virtual instruction programs in public school districts and public
260 charter schools, each school district and charter school shall
261 also include in its implementation period methods facilitating the
262 transition to a paperless instruction model. This paperless
263 instruction model shall provide for the integration of promethean
264 boards, E-books, iPads, tablets and other digital mobile devices
265 which are capable of connecting to the wireless technology
266 infrastructure and access points throughout locations in the
267 districts' or charter schools' classrooms. This model shall also



268 require districts and charter schools to provide the capability of
269 its wireless technology infrastructure to support both aggregated
270 segregated communication of instructional materials from teachers
271 to each student in the educational cohort based on grade and
272 classroom assignment with unrestricted access to the available
273 information.

274 (2) Beginning with the 2019-2020 school year, instead of
275 traditional textbooks, each public school district and public
276 charter school shall provide each student enrolled therein with an
277 assigned digital mobile device, such as the devices described in
278 subsection (1) of this section, for purposes of accessing and
279 performing all coursework assignments. Each device shall be
280 installed with the necessary instructional materials which have
281 been adopted by the local school district as components of its
282 curriculum standards, and for which licensure agreements have been
283 purchased from the publishers for use of the published curriculum
284 and instruction materials. Each school district or public charter
285 school shall maintain insurance on each digital mobile device
286 purchased and assigned to students, which shall remain the
287 property of the school district or charter school. However, each
288 student and parent or legal guardian of students receiving a
289 digital mobile device under the provisions of the section shall be
290 liable for the payment of any deductible costs required for lost,
291 stolen, damaged or destroyed devices.



292 **SECTION 8.** Section 37-161-3, Mississippi Code of 1972, is
293 amended as follows:

294 37-161-3. (1) The Legislature finds and declares the
295 following:

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

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

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

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

309 (2) There is created the Mississippi Virtual Public School
310 Program, which is the responsibility of the State Department of
311 Education. It is the intent of the Legislature that the
312 Mississippi Virtual Public School established under this section
313 provides Mississippi families, public school districts and public
314 charter schools with an alternative choice to access additional
315 educational resources in an effort to improve academic
316 achievement. The Mississippi Virtual Public School must be



317 recognized as a public school and provide equitable treatment and
318 resources as are other public schools in the state. Private
319 providers, overseen by the State Department of Education, may be
320 selected by the State Board of Education to administer, manage or
321 operate virtual school programs in this state, including the total
322 operation of the Mississippi Virtual Public School Program. Any
323 private provider chosen to provide services under the provisions
324 of this subsection shall be chosen through a competitive RFP
325 process.

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

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

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

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



341 (5) (a) The State Board of Education shall establish the
342 Mississippi Virtual Public School beginning in school year
343 2006-2007.

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

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

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

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

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

361 (10) Enrollment in the Mississippi Virtual Public School
362 must be free of charge to students. The costs associated with the
363 operations of the virtual school must be shared by the State
364 Department of Education, subject to appropriation, and/or the
365 local school districts or public charter schools.



366 **SECTION 9.** Section 37-43-1, Mississippi Code of 1972, is
367 amended as follows:

368 37-43-1. (1) This chapter is intended to furnish a plan for
369 the adoption, purchase, distribution, care and use of free
370 textbooks to be loaned, or electronic textbooks or digital mobile
371 devices to be made available to the pupils in all elementary and
372 high schools, * * * including public charter schools, of
373 Mississippi.

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

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

389 (4) For the purposes of this chapter, the term "board" shall
390 mean the State Board of Education.



391 (5) "Textbook" shall be defined as any medium or manual of
392 instruction, printed or electronic, which contains a systematic
393 presentation of the principles of a subject and which constitutes
394 a major instructional vehicle for that subject.

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

409 (7) "Electronic textbook" means any book or book substitutes
410 that a student accesses through the use of a computer, E-reader,
411 electronic device, digital mobile device or other electronic
412 medium that is available through an Internet-based provider of
413 course content, or any other material that contributes to the
414 learning process through electronic means.



415 **SECTION 10.** Section 37-43-19, Mississippi Code of 1972, is
416 amended as follows:

417 37-43-19. The board shall have the power and is hereby
418 authorized:

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

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

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

438 (d) To have complete power and authority over additions
439 and amendments to textbooks or electronic textbooks, advertising



440 for bids and the contents thereof, including auxiliary materials
441 and workbooks, advertising on the protective covers of textbooks,
442 bids and proposals, prices of textbooks, electronic textbooks,
443 specimen copies, cash deposits, selection and adoption,
444 distribution, fumigation, emergencies, selling to others, return
445 of deposits, forfeiture of deposits, regulations governing
446 deposits, renovation and repair of books, requisition,
447 transportation or shipment of books, and any other acts or
448 regulations, not contrary to law, that may be deemed necessary for
449 furnishing and loaning free textbooks, electronic textbooks or
450 digital mobile devices to the school children, as provided in this
451 chapter.

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

454 37-43-21. (1) For the purpose of assisting the board during
455 an adoption, there shall be rating committees in each of the
456 fields in which textbooks or electronic textbooks are considered
457 for adoption. Each committee shall be composed of seven (7)
458 members. The State Superintendent of Public Education shall
459 appoint four (4) members of each of the committees, each of whom
460 shall be a competent, experienced teacher who is currently
461 teaching in the field in which the textbooks or electronic
462 textbooks are considered for adoption. The Governor of the State
463 of Mississippi thereupon shall appoint three (3) members of each
464 of said committees, who shall be persons he deems competent to



465 participate in the appraisal of books offered for adoption, in
466 each field, for use in the public schools of this state.

467 (2) It shall be the duty of said rating committees to
468 appraise the books offered for adoption in each field in which
469 textbooks are offered for adoption and recommend eight (8) books
470 and/or series for each adoption to be made by the board and giving
471 the reasons for or basis of such recommendations. No book shall
472 be recommended which does not receive a majority vote of the
473 members of each committee. Any member dissenting from any
474 majority vote of the committee shall make his appraisal of any
475 book recommended or rejected by the majority of the committee and
476 specify the reasons therefor and make such recommendations as he
477 thinks proper. All appraisals, recommendations, and dissents if
478 any, shall be in writing and filed with the board for its
479 consideration upon the adoption. The travel expenses of such
480 committees shall be reimbursed in the amount as provided in
481 Section 25-3-41 and shall be paid out of the State Textbook Fund.
482 Such rating committees shall be subject to the provisions of
483 Section 37-43-17. The board shall have the power to reject any
484 and all recommendations of the rating committees and to call for
485 further recommendations; in no case shall the board adopt any book
486 not recommended by the rating committees.

487 (3) Any and all sample textbooks or electronic textbooks
488 that may be furnished by the publisher thereof as provided by
489 Section 37-43-59 to any member of the board, the Superintendent of



490 Public Education, and any member of a rating committee shall
491 within one (1) year after receipt of same by said member be turned
492 in to the State School Book Depository without cost to the State
493 of Mississippi, and the same shall thereafter be used without any
494 cost to the State of Mississippi in supplying free textbooks,
495 electronic textbooks or digital mobile devices to the educable
496 children of the State of Mississippi as now provided by law or
497 shall be sold to the highest bidder by the board with the proceeds
498 immediately deposited in the State Treasury to the credit of the
499 State Textbook Fund.

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

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

513 (6) Prices for new textbook, electronic textbook or digital
514 mobile device purchases shall not be higher than the lowest price



515 at which books are sold anywhere in the United States, after all
516 discounts are allowed.

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

519 37-43-23. The State Board of Education is hereby authorized,
520 empowered and directed to advertise for and receive sealed bids
521 for textbooks, electronic textbooks or digital mobile devices.
522 Bidders shall quote their lowest net wholesale prices, f.o.b.
523 Central Depository, Jackson, Mississippi; however, the board may,
524 in its discretion, establish a state depository or depositories or
525 inaugurate any other plan for the distribution of books. Such
526 prices shall not be higher than the lowest price at which books
527 are sold anywhere in the United States, after all discounts are
528 allowed. It is the intent of the Legislature that the price paid
529 for a textbook, electronic textbook or digital mobile device shall
530 not exceed the lowest price at which the same book, both having
531 the same copyright date, is sold anywhere in the United States
532 after all discounts are allowed. Every contract entered into
533 under the provisions of this section by the board and any
534 publisher or publishing company shall contain a provision that the
535 publisher covenants and agrees that he is not furnishing under
536 contract executed after the first day of January of the year in
537 which the contract becomes effective, to any state, county or
538 school district in the United States, the textbooks, electronic
539 textbooks or digital mobile devices embraced in the contract at a



540 price below the price stipulated therein. At any time that the
541 board may find that any book or books, in either regular or
542 special editions, are being furnished in any other state at a
543 lower price under contract than it is being furnished in
544 Mississippi, the contract shall be forfeited to the state. Any
545 contractor who violates this provision shall return all money paid
546 out for such book or books and also forfeit such book or books to
547 the state, and suit may be brought on the bond of the contractor
548 for all losses sustained.

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

560 All books furnished the State of Mississippi by contractors
561 under this chapter shall continue to measure up to the same
562 standards as are required in the contract, said standards to
563 include printing, binding, cover boards, mechanical makeup, and
564 any other relevant points as set out in the plans and



565 specifications as fixed by the board. Any contractor of any book
566 or books, who fails to keep said books up to said standards, shall
567 forfeit, not only his contract to the state, but shall return all
568 money paid out for such book or books and also forfeit said books
569 to the state.

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

572 37-43-31. (1) The State Board of Education shall adopt and
573 furnish textbooks or electronic textbooks only for use in those
574 courses set up in the state course of study as recommended by the
575 State Accreditation Commission and adopted by such board, or
576 courses established by acts of the Legislature. In all subjects
577 the board, in its discretion, may adopt textbooks, electronic
578 textbooks and/or series from those recommended by the textbook
579 rating committees. The board may adopt a plan which permits the
580 local school districts to choose the book or books to be
581 requisitioned from those adopted, provided:

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

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

587 (c) That nothing herein provided shall be construed as
588 giving any school the authority to discard or replace usable
589 copies of textbooks now being furnished by the state;



590 (d) That the State Department of Education is
591 authorized to disburse the annual textbook appropriation directly
592 to the public school districts in accordance with * * * paragraph
593 (b) of this subsection. The textbooks, electronic textbooks or
594 digital mobile devices procured through this chapter, as well as
595 textbooks which are on hand on June 30, 1994, which were
596 previously purchased through the provisions of this statute, shall
597 become the property of the public school district which purchased
598 them, unless the State Department of Education authorizes the
599 transfer of unneeded textbooks to another location in accordance
600 with rules and regulations promulgated by the State Board of
601 Education;

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

612 (f) That funds made available through this chapter may
613 be used to purchase any state-adopted or * * * nonadopted textbook
614 from any state depository, directly from the publisher, or in



615 accordance with the provisions of Sections 37-43-21(5) and
616 37-43-31(3). For purchases made directly from the publisher, the
617 public school district, or the State Department of Education when
618 purchasing for other than public schools, shall not pay a higher
619 price for a textbook than that listed on the current state-adopted
620 list.

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

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

638 (4) If new and innovative textbooks, electronic textbooks or
639 digital mobile devices that would improve a particular course of



640 study become available between adoption cycles, a school board may
641 petition the State Board of Education for permission to purchase
642 these books out of sequence to be paid for with state textbook
643 funds.

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

- 648 (a) Obscene, lewd, sexist or vulgar material;
649 (b) Advocating prejudicial behavior or actions; or
650 (c) Encouraging acts determined to be * * * antisocial
651 or derogatory to any race, sex or religion.

652 (6) All books or series of books adopted under the petition
653 procedures of this chapter shall be purchased under the provisions
654 for bidding, pricing and distribution as prescribed in Section
655 37-43-23.

656 (7) Petition procedure books or series of books adopted
657 under this section shall be considered only until the date of the
658 next regular adoption series in the applicable subject area.
659 Petition procedure books shall be submitted for formal adoption at
660 the next applicable regular textbook adoption as prescribed under
661 the provisions of Chapter 43, Title 37, Mississippi Code of 1972;
662 otherwise, such books adopted under the petition procedures which
663 do not receive formal adoption approval as recommended by the
664 textbook rating committee shall be dropped from the state textbook



665 petition adoption list. Provided, however, this provision shall
666 in no way prohibit a school district from using other funds,
667 federal or local, for the purchase of such books or digital mobile
668 devices.

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

671 37-43-37. All books and digital mobile devices shall have a
672 uniform label printed on the inside cover. Each school shall
673 number all books and digital mobile devices, placing the number on
674 said labels. All teachers shall keep an accurate record of the
675 number and names of all books and digital mobile devices issued to
676 each pupil.

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

679 37-7-301. The school boards of all school districts shall
680 have the following powers, authority and duties in addition to all
681 others imposed or granted by law, to wit:

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

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



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

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

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

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

711 (g) To support, within reasonable limits, the
712 superintendent, principal and teachers where necessary for the
713 proper discipline of the school;



714 (h) To exclude from the schools students with what
715 appears to be infectious or contagious diseases; provided,
716 however, such student may be allowed to return to school upon
717 presenting a certificate from a public health officer, duly
718 licensed physician or nurse practitioner that the student is free
719 from such disease;

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

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

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

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

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

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

737 (o) To make orders directed to the superintendent of
738 schools for the issuance of pay certificates for lawful purposes



739 on any available funds of the district and to have full control of
740 the receipt, distribution, allotment and disbursement of all funds
741 provided for the support and operation of the schools of such
742 school district whether such funds be derived from state
743 appropriations, local ad valorem tax collections, or otherwise.
744 The local school board shall be authorized and empowered to
745 promulgate rules and regulations that specify the types of claims
746 and set limits of the dollar amount for payment of claims by the
747 superintendent of schools to be ratified by the board at the next
748 regularly scheduled meeting after payment has been made;

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

753 (q) To provide athletic programs and other school
754 activities and to regulate the establishment and operation of such
755 programs and activities;

756 (r) To join, in their discretion, any association of
757 school boards and other public school-related organizations, and
758 to pay from local funds other than minimum foundation funds, any
759 membership dues;

760 (s) To expend local school activity funds, or other
761 available school district funds, other than minimum education
762 program funds, for the purposes prescribed under this paragraph.

763 "Activity funds" shall mean all funds received by school officials



764 in all school districts paid or collected to participate in any
765 school activity, such activity being part of the school program
766 and partially financed with public funds or supplemented by public
767 funds. The term "activity funds" shall not include any funds
768 raised and/or expended by any organization unless commingled in a
769 bank account with existing activity funds, regardless of whether
770 the funds were raised by school employees or received by school
771 employees during school hours or using school facilities, and
772 regardless of whether a school employee exercises influence over
773 the expenditure or disposition of such funds. Organizations shall
774 not be required to make any payment to any school for the use of
775 any school facility if, in the discretion of the local school
776 governing board, the organization's function shall be deemed to be
777 beneficial to the official or extracurricular programs of the
778 school. For the purposes of this provision, the term
779 "organization" shall not include any organization subject to the
780 control of the local school governing board. Activity funds may
781 only be expended for any necessary expenses or travel costs,
782 including advances, incurred by students and their chaperons in
783 attending any in-state or out-of-state school-related programs,
784 conventions or seminars and/or any commodities, equipment, travel
785 expenses, purchased services or school supplies which the local
786 school governing board, in its discretion, shall deem beneficial
787 to the official or extracurricular programs of the district,
788 including items which may subsequently become the personal



789 property of individuals, including yearbooks, athletic apparel,
790 book covers and trophies. Activity funds may be used to pay
791 travel expenses of school district personnel. The local school
792 governing board shall be authorized and empowered to promulgate
793 rules and regulations specifically designating for what purposes
794 school activity funds may be expended. The local school governing
795 board shall provide (i) that such school activity funds shall be
796 maintained and expended by the principal of the school generating
797 the funds in individual bank accounts, or (ii) that such school
798 activity funds shall be maintained and expended by the
799 superintendent of schools in a central depository approved by the
800 board. The local school governing board shall provide that such
801 school activity funds be audited as part of the annual audit
802 required in Section 37-9-18. The State Department of Education
803 shall prescribe a uniform system of accounting and financial
804 reporting for all school activity fund transactions;

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

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

811 (v) (i) To lease a school building from an individual,
812 partnership, nonprofit corporation or a private for-profit
813 corporation for the use of such school district, and to expend



814 funds therefor as may be available from any nonminimum program
815 sources. The school board of the school district desiring to
816 lease a school building shall declare by resolution that a need
817 exists for a school building and that the school district cannot
818 provide the necessary funds to pay the cost or its proportionate
819 share of the cost of a school building required to meet the
820 present needs. The resolution so adopted by the school board
821 shall be published once each week for three (3) consecutive weeks
822 in a newspaper having a general circulation in the school district
823 involved, with the first publication thereof to be made not less
824 than thirty (30) days prior to the date upon which the school
825 board is to act on the question of leasing a school building. If
826 no petition requesting an election is filed prior to such meeting
827 as hereinafter provided, then the school board may, by resolution
828 spread upon its minutes, proceed to lease a school building. If
829 at any time prior to said meeting a petition signed by not less
830 than twenty percent (20%) or fifteen hundred (1500), whichever is
831 less, of the qualified electors of the school district involved
832 shall be filed with the school board requesting that an election
833 be called on the question, then the school board shall, not later
834 than the next regular meeting, adopt a resolution calling an
835 election to be held within such school district upon the question
836 of authorizing the school board to lease a school building. Such
837 election shall be called and held, and notice thereof shall be
838 given, in the same manner for elections upon the questions of the



839 issuance of the bonds of school districts, and the results thereof
840 shall be certified to the school board. If at least three-fifths
841 (3/5) of the qualified electors of the school district who voted
842 in such election shall vote in favor of the leasing of a school
843 building, then the school board shall proceed to lease a school
844 building. The term of the lease contract shall not exceed twenty
845 (20) years, and the total cost of such lease shall be either the
846 amount of the lowest and best bid accepted by the school board
847 after advertisement for bids or an amount not to exceed the
848 current fair market value of the lease as determined by the
849 averaging of at least two (2) appraisals by certified general
850 appraisers licensed by the State of Mississippi. The term "school
851 building" as used in this paragraph (v) (i) shall be construed to
852 mean any building or buildings used for classroom purposes in
853 connection with the operation of schools and shall include the
854 site therefor, necessary support facilities, and the equipment
855 thereof and appurtenances thereto such as heating facilities,
856 water supply, sewage disposal, landscaping, walks, drives and
857 playgrounds. The term "lease" as used in this paragraph (v) (i)
858 may include a lease-purchase contract;

859 (ii) If two (2) or more school districts propose
860 to enter into a lease contract jointly, then joint meetings of the
861 school boards having control may be held but no action taken shall
862 be binding on any such school district unless the question of
863 leasing a school building is approved in each participating school



864 district under the procedure hereinabove set forth in paragraph
865 (v) (i). All of the provisions of paragraph (v) (i) regarding the
866 term and amount of the lease contract shall apply to the school
867 boards of school districts acting jointly. Any lease contract
868 executed by two (2) or more school districts as joint lessees
869 shall set out the amount of the aggregate lease rental to be paid
870 by each, which may be agreed upon, but there shall be no right of
871 occupancy by any lessee unless the aggregate rental is paid as
872 stipulated in the lease contract. All rights of joint lessees
873 under the lease contract shall be in proportion to the amount of
874 lease rental paid by each;

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

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

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

885 (z) To expend funds for the payment of substitute
886 teachers and to adopt reasonable regulations for the employment
887 and compensation of such substitute teachers;



888 (aa) To acquire in its own name by purchase all real
889 property which shall be necessary and desirable in connection with
890 the construction, renovation or improvement of any public school
891 building or structure. Whenever the purchase price for such real
892 property is greater than Fifty Thousand Dollars (\$50,000.00), the
893 school board shall not purchase the property for an amount
894 exceeding the fair market value of such property as determined by
895 the average of at least two (2) independent appraisals by
896 certified general appraisers licensed by the State of Mississippi.
897 If the board shall be unable to agree with the owner of any such
898 real property in connection with any such project, the board shall
899 have the power and authority to acquire any such real property by
900 condemnation proceedings pursuant to Section 11-27-1 et seq.,
901 Mississippi Code of 1972, and for such purpose, the right of
902 eminent domain is hereby conferred upon and vested in said board.
903 Provided further, that the local school board is authorized to
904 grant an easement for ingress and egress over sixteenth section
905 land or lieu land in exchange for a similar easement upon
906 adjoining land where the exchange of easements affords substantial
907 benefit to the sixteenth section land; provided, however, the
908 exchange must be based upon values as determined by a competent
909 appraiser, with any differential in value to be adjusted by cash
910 payment. Any easement rights granted over sixteenth section land
911 under such authority shall terminate when the easement ceases to
912 be used for its stated purpose. No sixteenth section or lieu land



913 which is subject to an existing lease shall be burdened by any
914 such easement except by consent of the lessee or unless the school
915 district shall acquire the unexpired leasehold interest affected
916 by the easement;

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

920 (cc) Subject to rules and regulations of the State
921 Board of Education, to purchase relocatable classrooms for the use
922 of such school district, in the manner prescribed in Section
923 37-1-13;

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

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

931 (ff) As part of their duties to prescribe the use of
932 textbooks, electronic textbooks or digital mobile devices, to
933 provide that parents and legal guardians shall be responsible for
934 the textbooks, electronic textbooks or digital mobile devices and
935 for the compensation to the school district for any books which
936 are not returned to the proper schools upon the withdrawal of
937 their dependent child. If a textbook, electronic textbook or



938 digital mobile device is lost or not returned by any student who
939 drops out of the public school district, the parent or legal
940 guardian shall also compensate the school district for the fair
941 market value of the textbooks, electronic textbooks or digital
942 mobile devices;

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

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

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

957 (hh) To allow individual lessons for music, art and
958 other curriculum-related activities for academic credit or
959 nonacademic credit during school hours and using school equipment
960 and facilities, subject to uniform rules and regulations adopted
961 by the school board;



962 (ii) To charge reasonable fees for participating in an
963 extracurricular activity for academic or nonacademic credit for
964 necessary and required equipment such as safety equipment, band
965 instruments and uniforms;

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

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

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

975 (mm) To expend federal No Child Left Behind Act funds,
976 or any other available funds that are expressly designated and
977 authorized for that use, to pay training, educational expenses,
978 salary incentives and salary supplements to employees of local
979 school districts; except that incentives shall not be considered
980 part of the local supplement as defined in Section 37-151-5(o),
981 nor shall incentives be considered part of the local supplement
982 paid to an individual teacher for the purposes of Section
983 37-19-7(1). Mississippi Adequate Education Program funds or any
984 other state funds may not be used for salary incentives or salary
985 supplements as provided in this paragraph (mm);



986 (nn) To use any available funds, not appropriated or
987 designated for any other purpose, for reimbursement to the
988 state-licensed employees from both in state and out of state, who
989 enter into a contract for employment in a school district, for the
990 expense of moving when the employment necessitates the relocation
991 of the licensed employee to a different geographical area than
992 that in which the licensed employee resides before entering into
993 the contract. The reimbursement shall not exceed One Thousand
994 Dollars (\$1,000.00) for the documented actual expenses incurred in
995 the course of relocating, including the expense of any
996 professional moving company or persons employed to assist with the
997 move, rented moving vehicles or equipment, mileage in the amount
998 authorized for county and municipal employees under Section
999 25-3-41 if the licensed employee used his personal vehicle or
1000 vehicles for the move, meals and such other expenses associated
1001 with the relocation. No licensed employee may be reimbursed for
1002 moving expenses under this section on more than one (1) occasion
1003 by the same school district. Nothing in this section shall be
1004 construed to require the actual residence to which the licensed
1005 employee relocates to be within the boundaries of the school
1006 district that has executed a contract for employment in order for
1007 the licensed employee to be eligible for reimbursement for the
1008 moving expenses. However, the licensed employee must relocate
1009 within the boundaries of the State of Mississippi. Any individual
1010 receiving relocation assistance through the Critical Teacher



1011 Shortage Act as provided in Section 37-159-5 shall not be eligible
1012 to receive additional relocation funds as authorized in this
1013 paragraph;

1014 (oo) To use any available funds, not appropriated or
1015 designated for any other purpose, to reimburse persons who
1016 interview for employment as a licensed employee with the district
1017 for the mileage and other actual expenses incurred in the course
1018 of travel to and from the interview at the rate authorized for
1019 county and municipal employees under Section 25-3-41;

1020 (pp) Consistent with the report of the Task Force to
1021 Conduct a Best Financial Management Practices Review, to improve
1022 school district management and use of resources and identify cost
1023 savings as established in Section 8 of Chapter 610, Laws of 2002,
1024 local school boards are encouraged to conduct independent reviews
1025 of the management and efficiency of schools and school districts.
1026 Such management and efficiency reviews shall provide state and
1027 local officials and the public with the following:

1028 (i) An assessment of a school district's
1029 governance and organizational structure;

1030 (ii) An assessment of the school district's
1031 financial and personnel management;

1032 (iii) An assessment of revenue levels and sources;

1033 (iv) An assessment of facilities utilization,
1034 planning and maintenance;



1035 (v) An assessment of food services, transportation
1036 and safety/security systems;

1037 (vi) An assessment of instructional and
1038 administrative technology;

1039 (vii) A review of the instructional management and
1040 the efficiency and effectiveness of existing instructional
1041 programs; and

1042 (viii) Recommended methods for increasing
1043 efficiency and effectiveness in providing educational services to
1044 the public;

1045 (qq) To enter into agreements with other local school
1046 boards for the establishment of an educational service agency
1047 (ESA) to provide for the cooperative needs of the region in which
1048 the school district is located, as provided in Section 37-7-345;

1049 (rr) To implement a financial literacy program for
1050 students in Grades 10 and 11. The board may review the national
1051 programs and obtain free literature from various nationally
1052 recognized programs. After review of the different programs, the
1053 board may certify a program that is most appropriate for the
1054 school districts' needs. If a district implements a financial
1055 literacy program, then any student in Grade 10 or 11 may
1056 participate in the program. The financial literacy program shall
1057 include, but is not limited to, instruction in the same areas of
1058 personal business and finance as required under Section
1059 37-1-3(2) (b). The school board may coordinate with volunteer



1060 teachers from local community organizations, including, but not
1061 limited to, the following: United States Department of
1062 Agriculture Rural Development, United States Department of Housing
1063 and Urban Development, Junior Achievement, bankers and other
1064 nonprofit organizations. Nothing in this paragraph shall be
1065 construed as to require school boards to implement a financial
1066 literacy program;

1067 (ss) To collaborate with the State Board of Education,
1068 Community Action Agencies or the Department of Human Services to
1069 develop and implement a voluntary program to provide services for
1070 a prekindergarten program that addresses the cognitive, social,
1071 and emotional needs of four-year-old and three-year-old children.
1072 The school board may utilize any source of available revenue to
1073 fund the voluntary program. Effective with the 2013-2014 school
1074 year, to implement voluntary prekindergarten programs under the
1075 Early Learning Collaborative Act of 2013 pursuant to state funds
1076 awarded by the State Department of Education on a matching basis;

1077 (tt) With respect to any lawful, written obligation of
1078 a school district, including, but not limited to, leases
1079 (excluding leases of sixteenth section public school trust land),
1080 bonds, notes, or other agreement, to agree in writing with the
1081 obligee that the Department of Revenue or any state agency,
1082 department or commission created under state law may:

1083 (i) Withhold all or any part (as agreed by the
1084 school board) of any monies which such local school board is



1085 entitled to receive from time to time under any law and which is
1086 in the possession of the Department of Revenue, or any state
1087 agency, department or commission created under state law; and

1088 (ii) Pay the same over to any financial
1089 institution, trustee or other obligee, as directed in writing by
1090 the school board, to satisfy all or part of such obligation of the
1091 school district.

1092 The school board may make such written agreement to withhold
1093 and transfer funds irrevocable for the term of the written
1094 obligation and may include in the written agreement any other
1095 terms and provisions acceptable to the school board. If the
1096 school board files a copy of such written agreement with the
1097 Department of Revenue, or any state agency, department or
1098 commission created under state law then the Department of Revenue
1099 or any state agency, department or commission created under state
1100 law shall immediately make the withholdings provided in such
1101 agreement from the amounts due the local school board and shall
1102 continue to pay the same over to such financial institution,
1103 trustee or obligee for the term of the agreement.

1104 This paragraph (tt) shall not grant any extra authority to a
1105 school board to issue debt in any amount exceeding statutory
1106 limitations on assessed value of taxable property within such
1107 school district or the statutory limitations on debt maturities,
1108 and shall not grant any extra authority to impose, levy or collect
1109 a tax which is not otherwise expressly provided for, and shall not



1110 be construed to apply to sixteenth section public school trust
1111 land;

1112 (uu) With respect to any matter or transaction that is
1113 competitively bid by a school district, to accept from any bidder
1114 as a good-faith deposit or bid bond or bid surety, the same type
1115 of good-faith deposit or bid bond or bid surety that may be
1116 accepted by the state or any other political subdivision on
1117 similar competitively bid matters or transactions. This paragraph
1118 (uu) shall not be construed to apply to sixteenth section public
1119 school trust land. The school board may authorize the investment
1120 of any school district funds in the same kind and manner of
1121 investments, including pooled investments, as any other political
1122 subdivision, including community hospitals;

1123 (vv) To utilize the alternate method for the conveyance
1124 or exchange of unused school buildings and/or land, reserving a
1125 partial or other undivided interest in the property, as
1126 specifically authorized and provided in Section 37-7-485;

1127 (ww) To delegate, privatize or otherwise enter into a
1128 contract with private entities for the operation of any and all
1129 functions of nonacademic school process, procedures and operations
1130 including, but not limited to, cafeteria workers, janitorial
1131 services, transportation, professional development, achievement
1132 and instructional consulting services materials and products,
1133 purchasing cooperatives, insurance, business manager services,
1134 auditing and accounting services, school safety/risk prevention,



1135 data processing and student records, and other staff services;
1136 however, the authority under this paragraph does not apply to the
1137 leasing, management or operation of sixteenth section lands.
1138 Local school districts, working through their regional education
1139 service agency, are encouraged to enter into buying consortia with
1140 other member districts for the purposes of more efficient use of
1141 state resources as described in Section 37-7-345;

1142 (xx) To partner with entities, organizations and
1143 corporations for the purpose of benefiting the school district;

1144 (yy) To borrow funds from the Rural Economic
1145 Development Authority for the maintenance of school buildings;

1146 (zz) To fund and operate voluntary early childhood
1147 education programs, defined as programs for children less than
1148 five (5) years of age on or before September 1, and to use any
1149 source of revenue for such early childhood education programs.
1150 Such programs shall not conflict with the Early Learning
1151 Collaborative Act of 2013;

1152 (aaa) To issue and provide for the use of procurement
1153 cards by school board members, superintendents and licensed school
1154 personnel consistent with the rules and regulations of the
1155 Mississippi Department of Finance and Administration under Section
1156 31-7-9; and

1157 (bbb) To conduct an annual comprehensive evaluation of
1158 the superintendent of schools consistent with the assessment
1159 components of paragraph (pp) of this section and the assessment



1160 benchmarks established by the Mississippi School Board Association
1161 to evaluate the success the superintendent has attained in meeting
1162 district goals and objectives, the superintendent's leadership
1163 skill and whether or not the superintendent has established
1164 appropriate standards for performance, is monitoring success and
1165 is using data for improvement.

1166 **SECTION 16.** This act shall take effect and be in force from
1167 and after July 1, 2018.

