

By: Representative Dixon

To: Education

HOUSE BILL NO. 1078

1 AN ACT TO AMEND SECTION 37-7-311, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE LOCAL SCHOOL BOARDS TO ORGANIZE SCHOOLS IN THE DISTRICT  
3 BY APPROPRIATE AGE AND GRADE CLASSIFICATION, SPECIFYING WHICH  
4 GRADES WILL BE CATEGORIZED AT THE ELEMENTARY, MIDDLE AND HIGH  
5 SCHOOL GRADE LEVELS; TO BRING FORWARD SECTIONS 37-7-301 AND  
6 37-21-51, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE  
7 AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 37-7-311, Mississippi Code of 1972, is  
10 amended as follows:

11 37-7-311. (1) The school board shall organize \* \* \*  
12 schools in the district by appropriate age and grade  
13 classification so as to avoid unnecessary duplication \* \* \* in the  
14 following manner:

15 (a) Elementary shall consist of kindergarten through  
16 Grade 6;

17 (b) Middle school shall consist of Grade 7 through  
18 Grade 9; and

19 (c) High school shall consist of Grade 10 through Grade  
20 12.



21       (2) Except as otherwise provided in subsection (1), any  
22 school district in which the student enrollment does not  
23 facilitate the organization of schools as provided in that  
24 subsection, the school district so affected may organize its  
25 school as a K-12 facility provided that students are separated by  
26 appropriate age and grade therein.

27       (3) The school board shall determine what grades shall be  
28 taught at each school and shall have the power to specify  
29 attendance areas and to designate the school each pupil shall  
30 attend.

31       (4) If a school district operates an early childhood  
32 education or prekindergarten program, the parents of those  
33 children between ages three (3) and five (5) years who attend such  
34 program funded with state monies, shall be directed to enroll  
35 their children in the local Head Start program or to seek  
36 enrollment in licensed child care facilities or licensed public,  
37 parochial and private school prekindergarten programs which  
38 operate independently of the school district.

39       **SECTION 2.** Section 37-7-301, Mississippi Code of 1972, is  
40 brought forward as follows:

41       37-7-301. The school boards of all school districts shall  
42 have the following powers, authority and duties in addition to all  
43 others imposed or granted by law, to wit:

44           (a) To organize and operate the schools of the district  
45 and to make such division between the high school grades and



46 elementary grades as, in their judgment, will serve the best  
47 interests of the school;

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

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

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

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



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

73 (g) To support, within reasonable limits, the  
74 superintendent, principal and teachers where necessary for the  
75 proper discipline of the school;

76 (h) To exclude from the schools students with what  
77 appears to be infectious or contagious diseases; provided,  
78 however, such student may be allowed to return to school upon  
79 presenting a certificate from a public health officer, duly  
80 licensed physician or nurse practitioner that the student is free  
81 from such disease;

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

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

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

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



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

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

99 (o) To make orders directed to the superintendent of  
100 schools for the issuance of pay certificates for lawful purposes  
101 on any available funds of the district and to have full control of  
102 the receipt, distribution, allotment and disbursement of all funds  
103 provided for the support and operation of the schools of such  
104 school district whether such funds be derived from state  
105 appropriations, local ad valorem tax collections, or otherwise.  
106 The local school board shall be authorized and empowered to  
107 promulgate rules and regulations that specify the types of claims  
108 and set limits of the dollar amount for payment of claims by the  
109 superintendent of schools to be ratified by the board at the next  
110 regularly scheduled meeting after payment has been made;

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

115 (q) To provide athletic programs and other school  
116 activities and to regulate the establishment and operation of such  
117 programs and activities;



118 (r) To join, in their discretion, any association of  
119 school boards and other public school-related organizations, and  
120 to pay from local funds other than minimum foundation funds, any  
121 membership dues;

122 (s) To expend local school activity funds, or other  
123 available school district funds, other than minimum education  
124 program funds, for the purposes prescribed under this paragraph.  
125 "Activity funds" shall mean all funds received by school officials  
126 in all school districts paid or collected to participate in any  
127 school activity, such activity being part of the school program  
128 and partially financed with public funds or supplemented by public  
129 funds. The term "activity funds" shall not include any funds  
130 raised and/or expended by any organization unless commingled in a  
131 bank account with existing activity funds, regardless of whether  
132 the funds were raised by school employees or received by school  
133 employees during school hours or using school facilities, and  
134 regardless of whether a school employee exercises influence over  
135 the expenditure or disposition of such funds. Organizations shall  
136 not be required to make any payment to any school for the use of  
137 any school facility if, in the discretion of the local school  
138 governing board, the organization's function shall be deemed to be  
139 beneficial to the official or extracurricular programs of the  
140 school. For the purposes of this provision, the term  
141 "organization" shall not include any organization subject to the  
142 control of the local school governing board. Activity funds may



143 only be expended for any necessary expenses or travel costs,  
144 including advances, incurred by students and their chaperons in  
145 attending any in-state or out-of-state school-related programs,  
146 conventions or seminars and/or any commodities, equipment, travel  
147 expenses, purchased services or school supplies which the local  
148 school governing board, in its discretion, shall deem beneficial  
149 to the official or extracurricular programs of the district,  
150 including items which may subsequently become the personal  
151 property of individuals, including yearbooks, athletic apparel,  
152 book covers and trophies. Activity funds may be used to pay  
153 travel expenses of school district personnel. The local school  
154 governing board shall be authorized and empowered to promulgate  
155 rules and regulations specifically designating for what purposes  
156 school activity funds may be expended. The local school governing  
157 board shall provide (i) that such school activity funds shall be  
158 maintained and expended by the principal of the school generating  
159 the funds in individual bank accounts, or (ii) that such school  
160 activity funds shall be maintained and expended by the  
161 superintendent of schools in a central depository approved by the  
162 board. The local school governing board shall provide that such  
163 school activity funds be audited as part of the annual audit  
164 required in Section 37-9-18. The State Department of Education  
165 shall prescribe a uniform system of accounting and financial  
166 reporting for all school activity fund transactions;



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

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

173           (v) (i) To lease a school building from an individual,  
174 partnership, nonprofit corporation or a private for-profit  
175 corporation for the use of such school district, and to expend  
176 funds therefor as may be available from any nonminimum program  
177 sources. The school board of the school district desiring to  
178 lease a school building shall declare by resolution that a need  
179 exists for a school building and that the school district cannot  
180 provide the necessary funds to pay the cost or its proportionate  
181 share of the cost of a school building required to meet the  
182 present needs. The resolution so adopted by the school board  
183 shall be published once each week for three (3) consecutive weeks  
184 in a newspaper having a general circulation in the school district  
185 involved, with the first publication thereof to be made not less  
186 than thirty (30) days prior to the date upon which the school  
187 board is to act on the question of leasing a school building. If  
188 no petition requesting an election is filed prior to such meeting  
189 as hereinafter provided, then the school board may, by resolution  
190 spread upon its minutes, proceed to lease a school building. If  
191 at any time prior to said meeting a petition signed by not less





192 than twenty percent (20%) or fifteen hundred (1500), whichever is  
193 less, of the qualified electors of the school district involved  
194 shall be filed with the school board requesting that an election  
195 be called on the question, then the school board shall, not later  
196 than the next regular meeting, adopt a resolution calling an  
197 election to be held within such school district upon the question  
198 of authorizing the school board to lease a school building. Such  
199 election shall be called and held, and notice thereof shall be  
200 given, in the same manner for elections upon the questions of the  
201 issuance of the bonds of school districts, and the results thereof  
202 shall be certified to the school board. If at least three-fifths  
203 (3/5) of the qualified electors of the school district who voted  
204 in such election shall vote in favor of the leasing of a school  
205 building, then the school board shall proceed to lease a school  
206 building. The term of the lease contract shall not exceed twenty  
207 (20) years, and the total cost of such lease shall be either the  
208 amount of the lowest and best bid accepted by the school board  
209 after advertisement for bids or an amount not to exceed the  
210 current fair market value of the lease as determined by the  
211 averaging of at least two (2) appraisals by certified general  
212 appraisers licensed by the State of Mississippi. The term "school  
213 building" as used in this paragraph (v) (i) shall be construed to  
214 mean any building or buildings used for classroom purposes in  
215 connection with the operation of schools and shall include the  
216 site therefor, necessary support facilities, and the equipment



217 thereof and appurtenances thereto such as heating facilities,  
218 water supply, sewage disposal, landscaping, walks, drives and  
219 playgrounds. The term "lease" as used in this paragraph (v) (i)  
220 may include a lease-purchase contract;

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

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



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

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

247 (z) To expend funds for the payment of substitute  
248 teachers and to adopt reasonable regulations for the employment  
249 and compensation of such substitute teachers;

250 (aa) To acquire in its own name by purchase all real  
251 property which shall be necessary and desirable in connection with  
252 the construction, renovation or improvement of any public school  
253 building or structure. Whenever the purchase price for such real  
254 property is greater than Fifty Thousand Dollars (\$50,000.00), the  
255 school board shall not purchase the property for an amount  
256 exceeding the fair market value of such property as determined by  
257 the average of at least two (2) independent appraisals by  
258 certified general appraisers licensed by the State of Mississippi.  
259 If the board shall be unable to agree with the owner of any such  
260 real property in connection with any such project, the board shall  
261 have the power and authority to acquire any such real property by  
262 condemnation proceedings pursuant to Section 11-27-1 et seq.,  
263 Mississippi Code of 1972, and for such purpose, the right of  
264 eminent domain is hereby conferred upon and vested in said board.  
265 Provided further, that the local school board is authorized to



266 grant an easement for ingress and egress over sixteenth section  
267 land or lieu land in exchange for a similar easement upon  
268 adjoining land where the exchange of easements affords substantial  
269 benefit to the sixteenth section land; provided, however, the  
270 exchange must be based upon values as determined by a competent  
271 appraiser, with any differential in value to be adjusted by cash  
272 payment. Any easement rights granted over sixteenth section land  
273 under such authority shall terminate when the easement ceases to  
274 be used for its stated purpose. No sixteenth section or lieu land  
275 which is subject to an existing lease shall be burdened by any  
276 such easement except by consent of the lessee or unless the school  
277 district shall acquire the unexpired leasehold interest affected  
278 by the easement;

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

282 (cc) Subject to rules and regulations of the State  
283 Board of Education, to purchase relocatable classrooms for the use  
284 of such school district, in the manner prescribed in Section  
285 37-1-13;

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



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

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

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

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

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



316 (hh) To allow individual lessons for music, art and  
317 other curriculum-related activities for academic credit or  
318 nonacademic credit during school hours and using school equipment  
319 and facilities, subject to uniform rules and regulations adopted  
320 by the school board;

321 (ii) To charge reasonable fees for participating in an  
322 extracurricular activity for academic or nonacademic credit for  
323 necessary and required equipment such as safety equipment, band  
324 instruments and uniforms;

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

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

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

334 (mm) To expend federal No Child Left Behind Act funds,  
335 or any other available funds that are expressly designated and  
336 authorized for that use, to pay training, educational expenses,  
337 salary incentives and salary supplements to employees of local  
338 school districts; except that incentives shall not be considered  
339 part of the local supplement as defined in Section 37-151-5(o),  
340 nor shall incentives be considered part of the local supplement



341 paid to an individual teacher for the purposes of Section  
342 37-19-7(1). Mississippi Adequate Education Program funds or any  
343 other state funds may not be used for salary incentives or salary  
344 supplements as provided in this paragraph (mm);

345 (nn) To use any available funds, not appropriated or  
346 designated for any other purpose, for reimbursement to the  
347 state-licensed employees from both in state and out of state, who  
348 enter into a contract for employment in a school district, for the  
349 expense of moving when the employment necessitates the relocation  
350 of the licensed employee to a different geographical area than  
351 that in which the licensed employee resides before entering into  
352 the contract. The reimbursement shall not exceed One Thousand  
353 Dollars (\$1,000.00) for the documented actual expenses incurred in  
354 the course of relocating, including the expense of any  
355 professional moving company or persons employed to assist with the  
356 move, rented moving vehicles or equipment, mileage in the amount  
357 authorized for county and municipal employees under Section  
358 25-3-41 if the licensed employee used his personal vehicle or  
359 vehicles for the move, meals and such other expenses associated  
360 with the relocation. No licensed employee may be reimbursed for  
361 moving expenses under this section on more than one (1) occasion  
362 by the same school district. Nothing in this section shall be  
363 construed to require the actual residence to which the licensed  
364 employee relocates to be within the boundaries of the school  
365 district that has executed a contract for employment in order for



366 the licensed employee to be eligible for reimbursement for the  
367 moving expenses. However, the licensed employee must relocate  
368 within the boundaries of the State of Mississippi. Any individual  
369 receiving relocation assistance through the Critical Teacher  
370 Shortage Act as provided in Section 37-159-5 shall not be eligible  
371 to receive additional relocation funds as authorized in this  
372 paragraph;

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

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

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

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





391 (iii) An assessment of revenue levels and sources;  
392 (iv) An assessment of facilities utilization,  
393 planning and maintenance;  
394 (v) An assessment of food services, transportation  
395 and safety/security systems;  
396 (vi) An assessment of instructional and  
397 administrative technology;  
398 (vii) A review of the instructional management and  
399 the efficiency and effectiveness of existing instructional  
400 programs; and  
401 (viii) Recommended methods for increasing  
402 efficiency and effectiveness in providing educational services to  
403 the public;  
404 (qq) To enter into agreements with other local school  
405 boards for the establishment of an educational service agency  
406 (ESA) to provide for the cooperative needs of the region in which  
407 the school district is located, as provided in Section 37-7-345;  
408 (rr) To implement a financial literacy program for  
409 students in Grades 10 and 11. The board may review the national  
410 programs and obtain free literature from various nationally  
411 recognized programs. After review of the different programs, the  
412 board may certify a program that is most appropriate for the  
413 school districts' needs. If a district implements a financial  
414 literacy program, then any student in Grade 10 or 11 may  
415 participate in the program. The financial literacy program shall



416 include, but is not limited to, instruction in the same areas of  
417 personal business and finance as required under Section  
418 37-1-3(2) (b). The school board may coordinate with volunteer  
419 teachers from local community organizations, including, but not  
420 limited to, the following: United States Department of  
421 Agriculture Rural Development, United States Department of Housing  
422 and Urban Development, Junior Achievement, bankers and other  
423 nonprofit organizations. Nothing in this paragraph shall be  
424 construed as to require school boards to implement a financial  
425 literacy program;

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

436 (tt) With respect to any lawful, written obligation of  
437 a school district, including, but not limited to, leases  
438 (excluding leases of sixteenth section public school trust land),  
439 bonds, notes, or other agreement, to agree in writing with the



440 obligee that the Department of Revenue or any state agency,  
441 department or commission created under state law may:

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

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

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

463           This paragraph (tt) shall not grant any extra authority to a  
464 school board to issue debt in any amount exceeding statutory



465 limitations on assessed value of taxable property within such  
466 school district or the statutory limitations on debt maturities,  
467 and shall not grant any extra authority to impose, levy or collect  
468 a tax which is not otherwise expressly provided for, and shall not  
469 be construed to apply to sixteenth section public school trust  
470 land;

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

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

486 (ww) To delegate, privatize or otherwise enter into a  
487 contract with private entities for the operation of any and all  
488 functions of nonacademic school process, procedures and operations  
489 including, but not limited to, cafeteria workers, janitorial



490 services, transportation, professional development, achievement  
491 and instructional consulting services materials and products,  
492 purchasing cooperatives, insurance, business manager services,  
493 auditing and accounting services, school safety/risk prevention,  
494 data processing and student records, and other staff services;  
495 however, the authority under this paragraph does not apply to the  
496 leasing, management or operation of sixteenth section lands.  
497 Local school districts, working through their regional education  
498 service agency, are encouraged to enter into buying consortia with  
499 other member districts for the purposes of more efficient use of  
500 state resources as described in Section 37-7-345;

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

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

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

511 (aaa) To issue and provide for the use of procurement  
512 cards by school board members, superintendents and licensed school  
513 personnel consistent with the rules and regulations of the



514 Mississippi Department of Finance and Administration under Section  
515 31-7-9; and

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

525 **SECTION 3.** Section 37-21-51, Mississippi Code of 1972, is  
526 brought forward as follows:

527 37-21-51. (1) As used in this section:

528 (a) "Preschool or prekindergarten children" means any  
529 children who have not entered kindergarten but will have obtained  
530 four (4) years of age on or before September 1 of a school year.

531 (b) An "early learning collaborative" is a district or  
532 countywide council that writes and submits an application to  
533 participate in the voluntary prekindergarten program. An early  
534 learning collaborative is comprised, at a minimum, of a public  
535 school district and/or a local Head Start affiliate if in  
536 existence, private or parochial schools, or one or more licensed  
537 child care centers. Agencies or other organizations that work  
538 with young children and their families may also participate in the



539 collaborative to provide resources and coordination even if those  
540 agencies or organizations are not prekindergarten providers.

541 (c) A "prekindergarten provider" is a public, private  
542 or parochial school, licensed child care center or Head Start  
543 center that serves prekindergarten children and participates in  
544 the voluntary prekindergarten program.

545 (d) A "lead partner" is a public school district or  
546 other nonprofit entity with the instructional expertise and  
547 operational capacity to manage the early learning collaborative's  
548 prekindergarten program as described in the collaborative's  
549 approved application for funds. The lead partner serves as the  
550 fiscal agent for the collaborative and shall disburse awarded  
551 funds in accordance with the collaborative's approved application.  
552 The lead partner must facilitate a professional learning community  
553 for the teachers in the prekindergarten program and lead the  
554 collaborative. The lead partner ensures that the collaborative  
555 adopts and implements curriculum and assessments that align with  
556 the comprehensive early learning standards. The public school  
557 district shall be the lead partner if no other qualifying lead  
558 partner is selected.

559 (e) "Comprehensive early learning standards" are  
560 standards adopted by the State Board of Education that address the  
561 highest level of fundamental domains of early learning to include,  
562 but not be limited to, physical well-being and motor development,  
563 social/emotional development, approaches toward learning, language



564 development and cognition and general knowledge. The  
565 comprehensive early learning standards shall also include  
566 standards for emergent literacy skills, including oral  
567 communication, knowledge of print and letters, phonological and  
568 phonemic awareness, and vocabulary and comprehension development.

569 (f) A "research-based curriculum" is an age-appropriate  
570 curriculum that is based on the findings of current research and  
571 has been found to be effective in improving student learning.

572 (2) To ensure that all children have access to quality early  
573 childhood education and development services, the Legislature  
574 finds and declares the following:

575 (a) Parents have the primary duty to educate their  
576 young preschool children;

577 (b) The State of Mississippi can assist and educate  
578 parents in their role as the primary caregivers and educators of  
579 young preschool children;

580 (c) There is a need to explore innovative approaches  
581 and strategies for aiding parents and families in the education  
582 and development of young preschool children; and

583 (d) There exists a patchwork of prekindergarten  
584 entities but no coordination of services and there needs to be a  
585 coordination of these services.

586 (3) (a) This subsection shall be known and may be cited as  
587 the "Early Learning Collaborative Act of 2013."





588           (b) Effective with the 2013-2014 school year, the  
589 Mississippi State Department of Education shall establish a  
590 voluntary prekindergarten program, which shall be a collaboration  
591 among the entities providing prekindergarten programs including  
592 Head Start, licensed child care facilities and licensed public,  
593 parochial and private school prekindergarten programs. This  
594 program shall be implemented no later than the 2014-2015 school  
595 year. Enrollment in the prekindergarten program shall be  
596 coordinated with the Head Start agencies in the local areas and  
597 shall not be permitted to cause a reduction in children served by  
598 the Head Start program. Under this program, eligible entities may  
599 submit an application for funds to (i) defray the cost of  
600 additional and/or more qualified teaching staff, appropriate  
601 educational materials and equipment and to improve the quality of  
602 educational experiences offered to four-year-old children in early  
603 care and education programs, and/or to (ii) extend developmentally  
604 appropriate education services at such programs currently serving  
605 four-year-old children to include practices of high quality  
606 instruction, and to (iii) administer, implement, monitor and  
607 evaluate the programs, and to (iv) defray the cost of professional  
608 development and age-appropriate child assessment.

609           (c) Subject to the availability of funds appropriated  
610 therefor, the State Department of Education shall administer the  
611 implementation, monitoring and evaluation of the voluntary



612 prekindergarten program, including awards and the application  
613 process.

614 (i) The department shall establish a rigorous and  
615 transparent application process for the awarding of funds. Lead  
616 partners shall submit the applications on behalf of their early  
617 learning collaborative.

618 (ii) The department will establish monitoring  
619 policies and procedures that, at a minimum, will include at least  
620 one (1) site visit a year.

621 (iii) The department will provide technical  
622 assistance to collaboratives and their providers to improve the  
623 quality of prekindergarten programs.

624 (iv) The department will evaluate the  
625 effectiveness of each early childhood collaborative and each  
626 prekindergarten provider. If the State Department of Education  
627 adopts a statewide kindergarten screening that assesses the  
628 readiness of each student for kindergarten, the State Department  
629 of Education shall adopt a minimum rate of readiness that each  
630 prekindergarten provider must meet in order to remain eligible for  
631 prekindergarten program funds. Each parent who enrolls his or her  
632 child in the prekindergarten program must submit the child for the  
633 statewide kindergarten screening, regardless of whether the child  
634 is admitted to kindergarten in a public school.



635 (d) Prekindergarten program funds shall be awarded to  
636 early childhood collaboratives whose proposed programs meet the  
637 program criteria. The criteria shall include:

638 (i) Voluntary enrollment of children;

639 (ii) Collaboration among prekindergarten providers  
640 and other early childhood programs through the establishment of an  
641 early learning collaborative;

642 (iii) Qualifications of master teachers, teachers  
643 and assistants, which must conform to guidelines in Section  
644 37-21-3;

645 (iv) At least fifteen (15) hours of annual  
646 professional development for program instructional staff,  
647 including professional development in early literacy;

648 (v) The use of state-adopted comprehensive early  
649 learning standards;

650 (vi) The use of a research-based curriculum that  
651 is designed to prepare students to be ready for kindergarten, with  
652 emphasis in early literacy, and is aligned with the comprehensive  
653 early learning standards;

654 (vii) The use of age-appropriate assessments  
655 aligned to the comprehensive early learning standards;

656 (viii) Teacher/child ratios of one (1) adult for  
657 every ten (10) children with a maximum of twenty (20) children per  
658 classroom and a minimum of five (5) children per classroom;



659                   (ix) The provision of at least one (1) meal  
660 meeting state and federal nutrition guidelines for young children;  
661                   (x) Plans to screen and/or refer children for  
662 vision, hearing and other health issues;  
663                   (xi) Parent involvement opportunities;  
664                   (xii) Plans to serve children with disabilities as  
665 indicated under IDEA;  
666                   (xiii) The number of instructional hours to be  
667 provided, which shall equal no less than five hundred forty (540)  
668 instructional hours per school year for half-day programs and one  
669 thousand eighty (1,080) instructional hours per school year for  
670 full-day programs; and  
671                   (xiv) A budget detailing the use of funds for  
672 allowed expenses.

673           Participating child care centers shall: (a) meet state child  
674 care facility licensure requirements unless exempted under Section  
675 43-20-5, Mississippi Code of 1972, and (b) select and utilize a  
676 nationally recognized assessment tool, approved by the State  
677 Department of Education, designed to document classroom quality,  
678 which must be in place not later than July 1, 2016, as certified  
679 by the State Department of Education.

680           Within the prekindergarten program, a prekindergarten  
681 provider must comply with the antidiscrimination requirements  
682 applicable to public schools. A prekindergarten provider may not  
683 discriminate against a parent or child, including the refusal to



684 admit a child for enrollment in the prekindergarten program, in  
685 violation of these antidiscrimination requirements. However, a  
686 prekindergarten provider may refuse to admit a child based on the  
687 provider's standard eligibility guidelines, provided that these  
688 guidelines do not violate the antidiscrimination requirements.  
689 Consistent with the Legislature's recognition of the primacy of a  
690 parent's role in the education of a preschool-age child and the  
691 related recognition of the state in assisting and educating  
692 parents in that role, if the State Department of Education adopts  
693 a statewide kindergarten screening that assesses the readiness of  
694 each student for kindergarten, the State Department of Education  
695 shall recognize each child's unique pattern of development when  
696 adopting a minimum rate of readiness that prekindergarten  
697 providers must meet in order to remain eligible for  
698 prekindergarten program funds. Each parent who enrolls his or her  
699 child in the prekindergarten program may submit the child for the  
700 statewide kindergarten screening, regardless of whether the child  
701 is admitted to kindergarten in a public school.

702 The State Department of Education may add program criteria  
703 not inconsistent with these requirements and shall develop  
704 policies and procedures to implement and enforce these criteria.

705 (e) The State Department of Education shall ensure that  
706 early learning collaboratives provide each parent enrolling a  
707 child in the voluntary prekindergarten program with a profile of  
708 every prekindergarten provider participating in the



709 collaborative's geographic catchment area. The State Department  
710 of Education shall prescribe the information to be included in  
711 each profile as well as the format of the profiles. At a minimum,  
712 the profiles must include the prekindergarten provider's services,  
713 curriculum, instructor credentials and instructor-to-student  
714 ratio.

715 (f) A teacher, assistant teacher or other employee  
716 whose salary and fringe benefits are paid from state funds under  
717 this act shall only be classified as a state or local school  
718 district employee eligible for state health insurance benefits or  
719 membership in the Public Employees' Retirement System, if the  
720 person's employer is already an agency or instrumentality of the  
721 state, such as a school district, and the employee would be  
722 eligible for such benefits in the normal course of business.

723 (g) Funding shall be provided for this program  
724 beginning with the 2014 fiscal year subject to appropriation by  
725 the Legislature as provided in paragraph (h) of this subsection.  
726 The department shall make an annual report to the Legislature and  
727 the Governor regarding the effectiveness of the program. The PEER  
728 Committee shall review those reports and other program data and  
729 submit an independent evaluation of program operation and  
730 effectiveness to the Legislature and the Governor on or before  
731 October 1 of the calendar year before the beginning of the next  
732 phased-in period of funding.



733 (h) (i) The Legislature shall appropriate funds to  
734 implement the Early Education Collaborative Act of 2013 on a  
735 phased-in basis as follows:

736 1. The first phase shall be based on an  
737 annual state appropriation of not more than Eight Million Dollars  
738 (\$8,000,000.00) and shall serve approximately three thousand five  
739 hundred (3,500) children through five (5) to eight (8) early  
740 learning collaboratives and their prekindergarten providers;

741 2. The second phase shall be based on an  
742 annual state appropriation of not more than Sixteen Million  
743 Dollars (\$16,000,000.00) and shall serve approximately seven  
744 thousand (7,000) children through ten (10) to fifteen (15) early  
745 learning collaboratives and their prekindergarten providers;

746 3. The third phase shall be based on an  
747 annual state appropriation of not more than Thirty-three Million  
748 Nine Hundred Fifty Thousand Dollars (\$33,950,000.00) and shall  
749 serve approximately fifteen thousand (15,000) children through  
750 twenty (20) to twenty-five (25) early learning collaboratives and  
751 their prekindergarten providers.

752 (ii) Future phases shall be based on interest in  
753 the program and the effectiveness of the program as determined by  
754 the school readiness of participants. Each phase shall last for  
755 at least three (3) years but no more than five (5) years. The  
756 State Department of Education shall determine when to move to a  
757 new phase of the program, within the timeline provided herein.



758 (iii) Funding shall be provided to early learning  
759 collaboratives on the basis of Two Thousand One Hundred Fifty  
760 Dollars (\$2,150.00) per student in a full-day program and One  
761 Thousand Seventy-five Dollars (\$1,075.00) per student in a  
762 half-day program proposed in the collaborative's approved  
763 application. Once an early learning collaborative's plan is  
764 approved and funded, the collaborative and/or its prekindergarten  
765 providers shall receive funds on an ongoing basis unless the  
766 collaborative and/or its prekindergarten providers no longer meet  
767 the criteria to participate in the program.

768 (iv) Early learning collaboratives shall match  
769 state funds on a 1:1 basis. Local matching funds may include  
770 local tax dollars, federal dollars as allowed, parent tuition,  
771 philanthropic contributions, or in-kind donations of facilities,  
772 equipment and services required as part of the program such as  
773 food service or health screenings.

774 (v) The State Department of Education shall  
775 reserve no more than five percent (5%) of the appropriation in any  
776 year for administrative costs. Funds remaining after awards to  
777 early learning collaboratives and the department's administrative  
778 needs are met may be carried over in the following year. In the  
779 first year of implementation of the program, the department may  
780 delay the awarding of funds until the 2014-2015 school year should  
781 time not be sufficient to establish the program's operation prior  
782 to the 2013-2014 school year.





783 (vi) In the initial phase of implementation, the  
784 State Department of Education shall award state funds under the  
785 Early Learning Collaborative Act of 2013 based on a community's  
786 capacity, commitment and need. To determine capacity, commitment  
787 and need, the State Department of Education shall require evidence  
788 of existing strong local collaborations of early education  
789 stakeholders. Such evidence shall include, but not be limited to,  
790 collaborations resulting from any of the following:

- 791 1. Participation in Excel By 5;
- 792 2. Participation in supporting Partnerships  
793 to Assure Ready Kids (SPARK);
- 794 3. Participation in the Gilmore Early  
795 Learning Initiative (GELI); or
- 796 4. Participation in the Mississippi Building  
797 Blocks.

798 In determining community need, the department shall consider  
799 low academic achievement within the public school districts  
800 participating in an applicant early learning collaborative and the  
801 number and percentage of children without quality prekindergarten  
802 options.

803 (vii) All authority granted to the State  
804 Department of Education to establish program rules is subject to  
805 the public processes established in the provisions of the  
806 Mississippi Administrative Procedures Law, including, but not  
807 limited to, filing notice of the proposed rules, public hearings



808 and any economic impact statement with the Office of the Secretary  
809 of State before presenting such information to the State Board of  
810 Education for final approval.

811           **SECTION 4.** This act shall take effect and be in force from  
812 and after July 1, 2018.

