

By: Representative Young

To: Education

HOUSE BILL NO. 139

1 AN ACT TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO STUDY
2 THE ISSUE OF PROVIDING HOLISTIC EDUCATIONAL EFFICIENCY AND
3 OPPORTUNITIES TO SCHOOL DISTRICTS IN THOSE COUNTIES HAVING TWO OR
4 MORE SCHOOL DISTRICTS; TO SPECIFY CERTAIN DATA THAT MUST BE
5 COMPILED IN A REPORT ON THE STUDY WHICH MUST BE SUBMITTED TO THE
6 LEGISLATURE BEFORE NOVEMBER 1, 2019; TO PROVIDE FOR THE
7 ADMINISTRATIVE REORGANIZATION OF PUBLIC SCHOOL DISTRICTS IN
8 MISSISSIPPI IN ORDER TO PROVIDE HOLISTIC EDUCATIONAL OPPORTUNITIES
9 TO ALL STUDENTS; TO AMEND SECTION 37-7-103, MISSISSIPPI CODE OF
10 1972, TO PROVIDE THAT FROM AND AFTER JULY 1, 2020, ALL MUNICIPAL
11 SEPARATE, CONSOLIDATED, LINE CONSOLIDATED AND SPECIAL MUNICIPAL
12 SCHOOL DISTRICTS IN EACH COUNTY SHALL BE ABOLISHED AND JOINED FOR
13 ADMINISTRATIVE EFFICIENCY INTO A COUNTYWIDE SCHOOL DISTRICT WITH
14 ONE COUNTY BOARD OF EDUCATION AND ONE APPOINTED COUNTY
15 SUPERINTENDENT OF EDUCATION; TO DIRECT THE STATE BOARD OF
16 EDUCATION TO PUBLISH AN EFFICIENCY JOINDER LIST OF DISTRICTS
17 AFFECTED IN ORDER TO CREATE A COUNTYWIDE SCHOOL DISTRICT IN EACH
18 COUNTY AND TO REQUIRE ALL SCHOOL DISTRICTS TO COMPLY WITH
19 ADMINISTRATIVE ORDERS ISSUED BY THE STATE BOARD OF EDUCATION; TO
20 PROVIDE FOR THE TRANSFER OF REAL AND PERSONAL PROPERTY OF AFFECTED
21 SCHOOL DISTRICTS; TO PROVIDE FOR EMPLOYEE CONTRACTS IN SCHOOL
22 DISTRICTS SUBJECT TO ADMINISTRATIVE EFFICIENCY JOINDER; TO PROVIDE
23 FOR THE DUTY TO PAY THE OUTSTANDING DEBT OF SCHOOL DISTRICTS
24 AFFECTED BY THAT EFFICIENCY JOINDER; TO PROVIDE THAT THE
25 ADMINISTRATIVE EFFICIENCY JOINDER SHALL NOT REQUIRE THE CLOSING OF
26 ANY SCHOOL OR FACILITY; TO PROVIDE FOR THE RULEMAKING AUTHORITY OF
27 THE STATE BOARD OF EDUCATION REGARDING THE ADMINISTRATIVE
28 EFFICIENCY JOINDER; TO AMEND SECTION 37-15-13, MISSISSIPPI CODE OF
29 1972, TO PROVIDE THAT NO CHANGE IN THE ATTENDANCE ZONE OF ANY
30 SCHOOL SHALL BE MADE BY A NEWLY ELECTED COUNTY BOARD OF EDUCATION;
31 TO AMEND SECTIONS 37-5-1, 37-5-7, 37-5-9 AND 37-5-19, MISSISSIPPI
32 CODE OF 1972, TO PROVIDE FOR THE ELECTION OF MEMBERS OF ALL COUNTY
33 BOARDS OF EDUCATION IN NOVEMBER 2020 AND EVERY FOUR YEARS
34 THEREAFTER FOR FOUR-YEAR TERMS; TO PROVIDE THAT THE ELECTION IS BY



SUPERVISORS DISTRICT WITH ALL ELECTORS RESIDING THEREIN ELIGIBLE TO VOTE IN THE ELECTION; TO PROVIDE FOR THE ELECTION OF A MEMBER AT LARGE FROM ANY COUNTY HAVING NO HIGH SCHOOL ATTENDANCE CENTER; TO PROVIDE FOR FILLING VACANCIES TO THE COUNTY BOARD OF EDUCATION; TO BRING FORWARD SECTIONS 37-9-13, 37-5-61 AND 37-9-25, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; TO AMEND SECTIONS 37-6-3, 37-6-5, 37-6-7, 37-6-9, 37-6-11, 37-6-13, 37-6-15 AND 37-7-301, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 37-57-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF SUPERVISORS SHALL BE THE LEVYING AUTHORITY FOR ALL AD VALOREM TAXES FOR THE SUPPORT OF THE SCHOOL DISTRICT IN THE COUNTY; TO REPEAL SECTIONS 37-7-105 THROUGH 37-7-115, MISSISSIPPI CODE OF 1972, WHICH PROVIDE PROCEDURES FOR THE ABOLITION, ALTERATION AND CREATION OF PUBLIC SCHOOL DISTRICTS BY LOCAL SCHOOL BOARDS AND BY PETITION OF THE ELECTORATE; TO REPEAL SECTION 37-5-3, MISSISSIPPI CODE OF 1972, WHICH PROVIDES CERTAIN RESIDENCY REQUIREMENTS FOR MEMBERS OF COUNTY BOARDS OF EDUCATION; TO REPEAL SECTION 37-5-18, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE ELECTION OF MEMBERS OF COUNTY BOARDS OF EDUCATION FROM SPECIAL DISTRICTS; TO REPEAL SECTION 37-9-12, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REFERENDUM ON THE QUESTION OF RETAINING THE ELECTIVE METHOD OF CHOOSING THE COUNTY SUPERINTENDENT OF EDUCATION; TO REPEAL SECTIONS 37-5-63 THROUGH 37-5-75, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ELECTION OF COUNTY SUPERINTENDENTS OF EDUCATION; TO REPEAL SECTIONS 37-7-201 THROUGH 37-7-229 AND 37-7-701 THROUGH 37-7-725, MISSISSIPPI CODE OF 1972, WHICH PROVIDE QUALIFICATIONS, ELECTION PROCEDURES, TERMS OF OFFICE, PETITION PROCEDURES, VACANCY PROCEDURES AND OPTIONAL SELECTION METHODS FOR BOARDS OF TRUSTEES OF MUNICIPAL SEPARATE SCHOOL DISTRICTS, CONSOLIDATED SCHOOL DISTRICTS, LINE CONSOLIDATED SCHOOL DISTRICTS AND SPECIAL MUNICIPAL SEPARATE SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) The State Department of Education shall conduct a study on providing holistic educational efficiency and opportunities to school districts in those counties in the State of Mississippi which have two (2) or more school districts situated in such counties. Using existing staff, the department shall compile the most recent data available which reflects the following:



(a) The total number of students enrolled in the public school system in each county;

(b) The name of the school districts situated within each county and the number of students enrolled in those school districts;

(c) The total and per pupil administrative cost of each school district, using the same funds, functions and objects that the department is required to use under Section 37-151-7(1)(b) in the annual determination of the base student cost under the Mississippi Adequate Education Program;

(d) The accreditation level of each school district;
and

(e) Such other objective information that may be deemed relevant by the department in addressing the issue of the holistic educational efficiency and opportunities of school districts.

The information gathered under this subsection shall be compiled and presented, by county, in a user friendly format that easily allows for comparisons to be made between school districts under each category of information.

(2) In addition to the data compiled under subsection (1) of this section, the department shall include the following information in the study:

(a) An in-depth analysis of all matters that must be considered in determining whether or not reducing the number of school districts in the state would be feasible or advantageous;



(b) A list of pros and cons to reducing or not reducing the number of school districts in each specific county having two (2) or more school districts;

(c) A projection of the most feasible minimum size of a school district that is capable of promoting a wholesome educational experience, completed with advanced placement courses, athletics and other extracurricular activities;

(d) A projection of the savings in state and local funding which would be achieved through the consolidation of school districts in each specific county having two (2) or more school districts; and

(e) A recommended procedure to accomplish the consolidation of school districts in each specific county having two (2) or more school districts and a reasonable time frame in which the consolidation could be achieved.

(3) In order to quantify and affirm the number of school districts necessary within the state, if determined that single county school districts are not in the best interest of the children and families of this state, the department shall use the following criterion:

(a) An assessment of the largest school districts in the state;

(b) An assessment of the smallest school districts in the state;



(c) The administrative, operational and programs of instruction and curriculum of those schools accredited at the highest and lowest levels of performance on the accreditation rating scale;

(d) The socio-economic demographics of each district with greater populations of at-risk students; and

(e) Levels of social, economic, academic and cultural exposure.

(4) The department shall prepare a written report on the study which includes, at a minimum, the data and information specified under subsections (1) and (2) of this section. The report must be presented to the Chairmen of the House and Senate Education Committees, Speaker of the House, Lieutenant Governor and the Governor before November 1, 2019.

SECTION 2. Section 37-7-103, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2020, this section shall read as follows:]

37-7-103. From and after July 1, 1987, the school board of any school district shall have full jurisdiction, power and authority, at any regular meeting thereof or at any special meeting called for that purpose, to abolish such existing district, or to reorganize, change or alter the boundaries of any such district. In addition thereto, with the consent of the school board of the school district involved, the school board may add to such school district any part of the school district



adjoining same, and with the consent of the school board of the school district involved, may detach territory from such school district and annex same to an adjoining district. Provided, however, that the consent of the school board of the school districts involved in implementing the provisions of Section 37-7-104, 37-7-104.2, 37-7-104.3, 37-7-104.4, 37-7-104.5, 37-7-104.6, 37-7-104.7 or 37-7-104.8 shall not be required for the administrative consolidation of such school districts pursuant to the order of the State Board of Education.

[From and after July 1, 2020, this section shall read as follows:]

37-7-103. From and after July 1, * * * 2020, * * * each county in the State of Mississippi shall constitute a single school district and shall be known as the "School District of _____ County, Mississippi." Each school district shall constitute a unit for the control, organization and administration of schools. The responsibility for the actual operation and administration of all schools within the districts in conformity with rules and minimum standards prescribed by the state, and also the responsibility for the provision of any desirable and practicable opportunities authorized by the law beyond those required by the state, are delegated by law to the members of the county boards of education, with an appointed county superintendent of education as executive officer for the board.

(2) For purposes of this section, the term "administrative efficiency joinder" means the joining of two (2) or more school



districts to create a new single school district in the county
with one (1) administrative unit, one (1) school board and one (1)
school superintendent, and which is not required to close school
facilities. An administratively efficiently joined school
district may not have more than one (1) superintendent of
schools. Before February 1, 2020, the State Department of
Education shall publish an efficiency joinder list that includes
all school districts in the state that are not countywide school
districts embracing an entire county. The county board of
education shall provide for the administrative efficiency joinder
of all school districts in the county into one (1) countywide
school district embracing the entire county before July 1, 2020.
Any school district on the efficiency joinder list that does not
voluntarily join with the countywide school district shall be
joined for administrative efficiency by the State Board of
Education with the countywide school district in which that
district is located before June 1, 2020, to be effective on July
1, 2020. The State Board of Education shall move promptly on its
own motion to join for administrative efficiency a school district
on the efficiency joinder list in order to enable the affected
school districts to reasonably accomplish the resulting
administrative efficiency joinder into a countywide school
district before July 1, 2020. All school districts on the
efficiency joinder list must comply with any order issued by the



198 county board of education or the State Board of Education, as the
199 case may be, before July 1, 2020.

200 (3) On July 1, 2020, the board of trustees of any municipal
201 separate, special municipal separate, consolidated or line
202 consolidated school district on the efficiency joinder list issued
203 by the State Board of Education shall be abolished. All real and
204 personal property owned or titled in the name of a school district
205 on the efficiency joinder list shall be transferred to the
206 countywide school district of the county in which that school
207 district is located. If a school district is located in two (2)
208 or more counties, the State Board of Education shall issue an
209 order directing the transfer of real and personal property to the
210 appropriate countywide school district. Each school board shall
211 be responsible for establishing the contracts for teachers and
212 principals for the next school year with the consultation of the
213 county board of education. The selection of the county
214 superintendent of education in the successor countywide school
215 district shall be the responsibility of the county board of
216 education. The county board of education shall prepare and
217 approve the budget of the new countywide district, and the county
218 board of education may use staff from the existing districts to
219 prepare the budget. Any proposed order of a county board of
220 education directing the transfer of the assets or real or personal
221 property of a school district on the efficiency joinder list must
222 be submitted and approved by the State Board of Education. The



determination of the State Board of Education shall be final and
conclusive for the purposes of the transfer of property required
by an administrative efficiency joinder. Any person or school
district aggrieved by an order of a school board adopted under the
requirements of this section may appeal to the State Board of
Education within ten (10) days from the date of the adjournment of
the meeting at which the order is entered. The appeal shall be de
novo, and the findings of the State Board of Education upon that
question shall be final and conclusive for the purpose of the
approval or disapproval of the action by the board. Any special
municipal school district embracing the territory of an entire
county shall be abolished on July 1, 2020, and reconstituted as a
countywide school district with a county board of education.

(4) When any school district on the efficiency joinder list
issued by the State Board of Education is abolished under this
section, the abolition shall not impair or release the property of
that school district from liability for the payment of the bonds
or other indebtedness of the district. The board of supervisors
of the county shall continue to levy taxes on the property of the
abolished district from year to year according to the terms of
that indebtedness until same shall be fully paid.

(5) This section may not be construed to require the closing
of any school or school facility, unless the facility is an
unneded administrative office. All joinders of administrative
efficiency under this section shall be accomplished so as not to



248 delay or in any manner negatively affect the desegregation of
249 another school district in the county under court order.

250 (6) In the administratively efficiently joined countywide
251 school district created under this section, the ad valorem tax
252 rate shall be determined as set forth under Sections 37-57-1
253 through 37-57-133. No school district joined for administrative
254 efficiency with a school district designated by the State Board of
255 Education as being in academic or fiscal distress or under state
256 conservatorship shall be subject to academic or fiscal distress
257 sanctions for a period of three (3) years from the effective date
258 of the required administrative efficiency joinder.

259 (7) The State Board of Education shall promulgate rules and
260 regulations to facilitate the administrative efficiency joinder of
261 school districts required under this section. The State Board of
262 Education formally shall declare the boundary lines of the
263 counties as the new boundaries of the school districts in the
264 State of Mississippi.

265 **SECTION 3.** Section 37-15-13, Mississippi Code of 1972, is
266 amended as follows:

267 37-15-13. When any child qualified under the requirements of
268 Section 37-15-9 * * * applies or presents himself for enrollment
269 in or admission to the public schools of any school district of
270 this state, the * * * county board of education of * * * the
271 school district * * * has the power and authority to designate the
272 particular school or attendance center of the district in



which * * * the child * * * must be enrolled and which he * * *
must attend; no enrollment of a child in a school shall be final
or permanent until * * * that designation * * * is made by * * *
the county board of education. No child shall be entitled to
attend any school or attendance center except that to which he has
been assigned by the * * * county board of education; however, the
principal of a school or superintendent of the district may, in
proper cases, permit a child to attend a school temporarily until
a permanent assignment is made by the * * * county board of
education. No change in the attendance zone of any school or
attendance center may be made by a newly elected county board of
education which succeeds to the territory of a school district
that is joined for administrative efficiency under the
requirements of Section 37-7-103.

SECTION 4. Section 37-5-1, Mississippi Code of 1972, is
amended as follows:

37-5-1. (1) There is * * * established a county board of
education in each county of the State of Mississippi. * * * The
county board of education shall consist of five (5) members, one
(1) of which * * * shall be elected by the qualified electors of
each * * * supervisors district of the county. * * * Each member
so elected shall be a resident and qualified elector of the
supervisors district from which he is elected.

(2) * * * If an entire county is embraced by a line
consolidated district on July 1, 2020, and that county does not



have a high school within its boundaries, then the qualified electors of the county shall elect one (1) additional member at large to the county board of education of the county in which the high school age students of the county attend school.

* * *

SECTION 5. Section 37-5-7, Mississippi Code of 1972, is amended as follows:

[Until July 1, 2020, this section shall read as follows:]

37-5-7. (1) On the first Tuesday after the first Monday in May, 1954, an election shall be held in each county in this state in the same manner as general state and county elections are held and conducted, which election shall be held for the purpose of electing the county boards of education established under the provisions of this chapter. At such election, the members of the said board from Supervisors Districts * * * 1 and * * * 2 shall be elected for the term expiring on the first Monday of January, 1957; members of the board from Supervisors Districts * * * 3 and * * * 4 shall be elected for a term expiring on the first Monday of January, 1959; and the member of the board from Supervisors District * * * 5 shall be elected for a term expiring on the first Monday of January, 1955. Except as otherwise provided in subsection (2), all subsequent members of the board shall be elected for a term of six (6) years at the regular general election held on the first Monday in November next preceding the expiration of the term of office of the respective



member or members of such board. All members of the county board of education as herein constituted, shall take office on the first Monday of January following the date of their election.

(2) On the first Tuesday after the first Monday in November, in any year in which any county shall elect to utilize the authority contained in Section 37-5-1(2), an election shall be held in each such county in this state for the purpose of electing the county boards of education in such counties. At said election the members of the said county board of education from Districts * * * 1 and * * * 2 shall be elected for a term of four (4) years, the members from Districts * * * 3 and * * * 4 shall be elected for a term of six (6) years, and the member from District * * * 5 shall be elected for a term of two (2) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of six (6) years each. All members of the county board of education shall take office on the first Monday of January following the date of their election.

(3) (a) Current members of the Board of Trustees of the Greenwood Public School District serving on November 1, 2017, shall continue in office as the new County Board of Education of the Greenwood-Leflore School District until their successors are elected as follows:

(i) The two (2) appointed board members of the Greenwood Public School District whose terms are nearest to expiration shall expire on January 1, 2019, and thereafter become



348 permanently elected positions to be filled by persons elected as
349 board members from Supervisors Districts 2 and 3 in a November
350 2018 election held for that purpose, in the manner prescribed in
351 Section 37-7-203, and the newly elected members will take office
352 on January 1, 2019, for a term of four (4) years;

353 (ii) The final two (2) appointed board members of
354 the Greenwood Public School District whose terms are the farthest
355 removed from expiration shall expire on January 1, 2020, and
356 thereafter become permanently elected positions to be filled by
357 persons elected as board members from Supervisors Districts 4 and
358 5 in a November 2019 election held for that purpose, in the manner
359 prescribed in Section 37-7-203, and the newly elected members will
360 take office on January 1, 2020, for a term of four (4) years; and

361 (iii) One (1) appointed board member of the
362 Greenwood Public School District whose term is next nearest to
363 expiration shall expire on January 1, 2021, and thereafter become
364 a permanently elected position to be filled by a person elected as
365 a board member from Supervisors District 1 in a November 2020
366 election held for that purpose, in the manner prescribed in
367 Section 37-7-203, and the newly elected members will take office
368 on January 1, 2021, for a term of four (4) years.

369 (b) All subsequent members shall be elected for a term
370 of four (4) years at the regular general election held on the
371 first Monday in November next preceding the expiration of the term



of office of the respective members, and shall take office on
January 1 next succeeding the election.

(4) On the first Tuesday after the first Monday in November 2017, an election shall be held in Holmes County for the purpose of electing the county board of education in the new Holmes County Consolidated School District. At the election, the members of the said county board of education shall be elected from single member board of education districts, which shall be consistent with the supervisors district lines in the county, and shall be elected for an initial term of six (6) years. Subsequent elections for the Holmes County Board of Education shall be held on the first Tuesday after the first Monday in November 2023 and every four (4) years thereafter at the same time and manner as other general elections are held, and the member shall be elected for a term of four (4) years. All members of the county board of education in the new Holmes County Consolidated School District shall take office on the first Monday of January following the date of their election.

(5) On the first Tuesday after the first Monday in November 2023, an election shall be held in Chickasaw County for the purpose of electing the county board of education in the new Chickasaw County School District. The board of supervisors shall declare and designate posts for each member of the new board. At said election, the members of the said county board of education from Posts One and Two shall be elected for a term of four (4)



years, the members from Posts Three and Four shall be elected for a term of three (3) years and the member from Post Five shall be elected for a term of two (2) years. Thereafter, members shall be elected at general elections as vacancies occur for terms of four (4) years each. All members of the county board of education in the new Chickasaw County School District shall take office on the first Monday of January following the date of their election.

[From and after July 1, 2020, this section shall read as follows:]

37-5-7. * * * On the first Tuesday after the first Monday in * * * November 2020, an election shall be held in each county in this state in the same manner * * * and at the same time as the federal presidential election is held and conducted, which election shall be held for the purpose of electing the county boards of education established under the provisions of this chapter. * * * All members of the board elected in November 2020 shall be elected for a term of * * * four (4) years * * *. All members of the county board of education as herein constituted, shall take office on the first Monday of January following the date of their election.

* * *

SECTION 6. Section 37-5-9, Mississippi Code of 1972, is amended as follows:

37-5-9. (1) The name of any qualified elector who is a candidate for the county board of education shall be placed on the



ballot used in the general elections by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days * * * before the date of * * * the general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within each supervisors district. Where there are less than one hundred (100) qualified electors in said supervisors district, it shall only be required that said petition of nomination be signed by at least twenty percent (20%) of the qualified electors of * * * the supervisors district. The candidate in each supervisors district who receives the highest number of votes cast in the district shall be declared elected. If no candidate receives a majority of the votes cast in the general election, then the two (2) candidates who receive the highest number of votes cast in the district shall have their names submitted as candidates in a runoff election three (3) weeks after the date of the general election, and the candidate who receives a majority of the votes cast in the district in the runoff election must be declared elected.

(2) When any member of the county board of education is to be elected from the county at large under the provisions of this chapter, then the petition required by the preceding paragraph hereof shall be signed by the required number of qualified electors residing in any part of the county * * *. The candidate



who receives the highest number of votes cast in the election shall be declared elected. If no candidate receives a majority of the votes cast in the general election, then the two (2) candidates who receive the highest number of votes cast in the district shall have their names submitted as candidates in a runoff election three (3) weeks after the date of the general election, and the candidate who receives a majority of the votes cast in the district in the runoff election must be declared elected.

* * *

SECTION 7. Section 37-5-19, Mississippi Code of 1972, is amended as follows:

37-5-19. Vacancies in the membership of the county board of education shall be filled by appointment, within sixty (60) days after the vacancy occurs, by the remaining members of the county board of education. * * * The appointee shall be selected from the qualified electors of the supervisors district in which the vacancy occurs, and shall serve until the first Monday of January next succeeding the next general election, at which general election a member shall be elected to fill the remainder of the unexpired term in the same manner and with the same qualifications applicable to the election of a member for the full term. In the event the school district is under conservatorship and no members of the county board of education remain in office, the Governor



shall call a special election to fill the vacancies and said election will be conducted by the county election commission.

* * * If the vacancy occurs more than five (5) months * * * before the next general election and the remaining members of the county board of education are unable to agree upon an individual to be appointed, any two (2) of the remaining members may certify * * * the disagreement to the county election commission. Upon the receipt of such a certificate by the county election commission, or any member thereof, the commission shall hold a special election to fill the vacancy, which * * * election, notice thereof and ballot shall be controlled by the laws concerning special elections to fill vacancies in county or county district offices. The person elected at * * * that special election shall serve for the remainder of the unexpired term.

SECTION 8. Section 37-5-61, Mississippi Code of 1972, is brought forward as follows:

37-5-61. (1) There shall be a county superintendent of education in each county.

(2) Said superintendent shall serve as the executive secretary of the county board of education, but shall have no vote in the proceedings before the board and no voice in fixing the policies thereof.

(3) In addition, said superintendent shall be the director of all schools in the county school district which are outside the municipal separate school districts.



(4) Said superintendent shall be elected at the same time and in the same manner as other county officers are elected and shall hold office for a term of four (4) years. However, in the event that a vacancy in the office of the superintendent of schools elected at the November 2015 general election shall occur before January 1, 2019, the office of superintendent of school shall immediately become an appointed position, and the local school board shall appoint the superintendent of the school district.

SECTION 9. Section 37-9-13, Mississippi Code of 1972, is brought forward as follows:

37-9-13. (1) Each school district shall have a superintendent of schools, selected in the manner provided by law. No person shall be eligible to the office of superintendent of schools unless such person shall hold a valid administrator's license issued by the State Department of Education and shall have classroom or administrative experience of not less than six (6) years which shall include at least three (3) years of administrative experience as a school building principal (a) in a school with an "A" or "B" accountability rating, or (b) in a school that increased its accountability rating by a letter grade during the period in which the principal was employed as principal at the school, or (c) in a school with comparable accountability rating or improvement in another state which shall be verified by the Mississippi Department of Education.



521 (2) From and after January 1, 2019, in all public school
522 districts, the local school board shall appoint the superintendent
523 of schools of such district. At the expiration of the term of any
524 county superintendent of education elected at the November 2015
525 general election, the county superintendent of education of said
526 county shall not be elected but shall thereafter be appointed by
527 the local school board in the manner provided in Section 37-9-25.
528 However, in the event that a vacancy in the office of the
529 superintendent of schools elected at the November 2015 general
530 election shall occur before January 1, 2019, the office of
531 superintendent of schools shall immediately become an appointed
532 position, and the local school board shall appoint the
533 superintendent of the school district. The superintendent of
534 schools shall have the general powers and duties to administer the
535 schools within his district as prescribed in Section 37-9-14 et
536 seq., Mississippi Code of 1972.

537 (3) As an alternative to the qualifications prescribed in
538 subsection (1) of this section, the State Board of Education is
539 authorized and directed to issue regulations by January 1, 2018,
540 which include minimum credentials, educational prerequisites, and
541 relevant best practice experience requirements that will qualify a
542 person to serve as a superintendent without having the direct
543 experience or certification as an educator specified in subsection
544 (1) of this section.



(4) The provisions of this section shall be applicable to any superintendent of schools selected on or after July 1, 2017, who has not previously served as a superintendent or assistant superintendent within the last five (5) years.

SECTION 10. Section 37-9-25, Mississippi Code of 1972, is brought forward as follows:

37-9-25. The school board shall have the power and authority, in its discretion, to employ the superintendent, unless such superintendent is elected at the November 2015 general election, for not exceeding four (4) scholastic years and the principals or licensed employees for not exceeding three (3) scholastic years. In such case, contracts shall be entered into with such superintendents, principals and licensed employees for the number of years for which they have been employed. However, in the event that a vacancy in the office of the superintendent of schools elected at the November 2015 general election shall occur before January 1, 2019, the local school board shall then appoint the superintendent of the school district and enter into contract with the appointee for a period not to exceed three (3) scholastic years. All such contracts with licensed employees shall for the years after the first year thereof be subject to the contingency that the licensed employee may be released if, during the life of the contract, the average daily attendance should decrease from that existing during the previous year and thus necessitate a reduction in the number of licensed employees during any year



after the first year of the contract. However, in all such cases the licensed employee must be released before July 1 or at least thirty (30) days prior to the beginning of the school term, whichever date should occur earlier. The salary to be paid for the years after the first year of such contract shall be subject to revision, either upward or downward, in the event of an increase or decrease in the funds available for the payment thereof, but, unless such salary is revised prior to the beginning of a school year, it shall remain for such school year at the amount fixed in such contract. However, where school district funds, other than minimum education program funds, are available during the school year in excess of the amount anticipated at the beginning of the school year the salary to be paid for such year may be increased to the extent that such additional funds are available and nothing herein shall be construed to prohibit same.

SECTION 11. Section 37-6-3, Mississippi Code of 1972, is amended as follows:

37-6-3. (1) From and after July 1, 1987, all school districts in the State of Mississippi shall have the same prerogatives, powers, duties and privileges as provided in this chapter. From and after July 1, 2020, each county shall constitute a school district for the control, organization and administration of schools, and all other school districts shall be abolished as provided in Section 37-7-103.



(2) As used in this chapter and the laws of this state, the term "school board" or "local school board" * * * means * * * the county board of education of any countywide school district in this state * * *.

(3) As used in this chapter and the laws of this state, the term "superintendent" or "superintendent of schools" * * * means * * * the county superintendent of education of any countywide school district in this state whose duties require the supervision of students * * *.

* * *

SECTION 12. Section 37-6-5, Mississippi Code of 1972, is amended as follows:

37-6-5. Each * * * county in the state shall * * * constitute a school district and shall be known as the "School District of _____ County, Mississippi."

SECTION 13. Section 37-6-7, Mississippi Code of 1972, is amended as follows:

37-6-7. Each county school district shall be governed by a * * * county board of education consisting of five (5) members, selected in the manner provided by law.

SECTION 14. Section 37-6-9, Mississippi Code of 1972, is amended as follows:

37-6-9. The * * * county board of education shall organize by the election of a president and a secretary from its membership whose duty it shall be to make reports and to perform all other



619 duties required by law. A majority of the members of the * * *
620 board shall constitute a quorum for the transaction of business.
621 Minutes shall be kept of all meetings of the * * * board showing:
622 (a) The members present and absent;
623 (b) The date, time and place of the meeting;
624 (c) An accurate recording of any final actions taken at
625 such meeting;
626 (d) A record by individual member of any votes taken at
627 such meeting; and
628 (e) Any other information that the school board
629 requests to be reflected in the minutes.

630 Each member of the * * * board present shall either vote or
631 abstain on every question upon which a vote is taken at * * * any
632 meeting. All action taken by a * * * board shall become official
633 at the time it is taken. All minutes of the * * * board shall be
634 signed by the president of the board, shall be attested by the
635 secretary of the board and shall be adopted by the board at the
636 next regular meeting, or within thirty (30) working days,
637 whichever occurs later.

638 **SECTION 15.** Section 37-6-11, Mississippi Code of 1972, is
639 amended as follows:

640 37-6-11. The * * * county board of education shall meet
641 regularly at * * * the time and at * * * the place as * * *
642 designated by an order entered upon the minutes thereof. Special
643 meetings of * * * county boards of education shall be held upon



644 the call of the president thereof, or upon the call of a majority
645 of the members thereof.

646 **SECTION 16.** Section 37-6-13, Mississippi Code of 1972, is
647 amended as follows:

648 37-6-13. (1) Each person serving as a member of the * * *
649 county board of education of any school district shall receive per
650 diem in the amount of Sixty-seven Dollars (\$67.00) for no more
651 than thirty-six (36) meetings of the school board during any one
652 (1) fiscal year or, in his or her discretion, irrevocably may
653 choose to receive as compensation for his or her services an
654 annual salary in the amount of Two Thousand Four Hundred Dollars
655 (\$2,400.00), which choice shall remain in force for all successive
656 terms or periods of service of that member. The receipt of the
657 compensation shall not entitle any member of a * * * board to
658 receive or be eligible for any state employee group insurance,
659 retirement or other fringe benefits. Each member shall be
660 reimbursed for the necessary expenses and mileage in attending
661 meetings of the * * * board. In addition to the foregoing, all
662 members may be reimbursed for mileage and actual expenses incurred
663 in the further performance of their duties, including attendance
664 at any mandatory * * * board training session or at regional and
665 national education meetings, when * * * the mileage and other
666 expenses are authorized by the board * * * before the date on
667 which they occur. Detailed vouchers shall be submitted for



668 reimbursement for all expenses authorized by this section. * * *

669 The reimbursement shall be in accordance with Section 25-3-41.

670 * * * Those expenses shall be paid on order of the school
671 board by pay certificates issued by the county superintendent
672 of * * * education involved against the funds available for
673 payment of the administrative expense of the district.

674 (2) (a) If a member of a * * * board misses twenty percent
675 (20%) or more of the meetings of the * * * board during a calendar
676 year, except for absences caused by required military duty, the
677 member must reimburse the school district that portion of the
678 total salary paid to the member that year which is proportionate
679 to the number of meetings missed by the member in relation to the
680 total number of * * * board meetings held during that year. For
681 purposes of this subsection, consideration may be given only to
682 meetings of which public notice is required.

683 (b) Before February 1 of each year, the president of
684 each * * * county board of education shall submit a report to the
685 State Board of Education containing the names of any members of
686 the * * * board who missed twenty percent (20%) or more of
687 the * * * board meetings during the preceding calendar year.

688 **SECTION 17.** Section 37-6-15, Mississippi Code of 1972, is
689 amended as follows:

690 37-6-15. (1) Before entering upon the discharge of the
691 duties of his office, each member of the * * * county board of
692 education shall give a surety bond in the penal sum of Fifty



Thousand Dollars (\$50,000.00), with sufficient surety, to be payable, conditioned and approved in the manner provided by law.

(2) The * * * board may execute a blanket surety bond for each school district official and employee (including school business managers and any other employee who receipts and/or disburses school district funds) in the penalty of Fifty Thousand Dollars (\$50,000.00), unless a different penalty is prescribed by statute, to be payable, conditioned and approved in the manner provided by law. The premium on * * * the bond shall be paid out of the school district maintenance fund.

SECTION 18. Section 37-7-301, Mississippi Code of 1972, is amended as follows:

37-7-301. The * * * county boards of * * * education shall have the following powers, authority and duties in addition to all others imposed or granted by law, to wit:

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

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

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



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

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

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

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

(h) To exclude from the schools students with what appears to be infectious or contagious diseases; * * * however, * * * the student may be allowed to return to school upon



743 presenting a certificate from a public health officer, duly
744 licensed physician or nurse practitioner that the student is free
745 from * * * the disease;

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

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

750 (k) To authorize the use of the school buildings and
751 grounds for the holding of public meetings and gatherings of the
752 people under such regulations as may be prescribed by * * * the
753 board;

754 (l) To prescribe and enforce rules and regulations not
755 inconsistent with law or with the regulations of the State Board
756 of Education for their own government and for the government of
757 the schools, and to transact their business at regular and special
758 meetings called and held in the manner provided by law;

759 (m) To maintain and operate all of the schools under
760 their control for * * * the length of time during the year as may
761 be required;

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

764 (o) To make orders directed to the county
765 superintendent of * * * education for the issuance of pay
766 certificates for lawful purposes on any available funds of the
767 district and to have full control of the receipt, distribution,



768 allotment and disbursement of all funds provided for the support
769 and operation of the schools of * * * the school district
770 whether * * * the funds * * * are derived from state
771 appropriations, local ad valorem tax collections, or otherwise.
772 The * * * county board of education shall be authorized and
773 empowered to promulgate rules and regulations that specify the
774 types of claims and set limits of the dollar amount for payment of
775 claims by the county superintendent of * * * education to be
776 ratified by the board at the next regularly scheduled meeting
777 after payment has been made;

778 (p) To select all school district personnel in the
779 manner provided by law, and to provide for * * * any employee
780 fringe benefit programs, including accident reimbursement plans,
781 as may be deemed necessary and appropriate by the board;

782 (q) To provide athletic programs and other school
783 activities and to regulate the establishment and operation
784 of * * * those programs and activities;

785 (r) To join, in their discretion, any association of
786 school boards and other public school-related organizations, and
787 to pay from local funds other than * * * adequate education
788 program funds, any membership dues;

789 (s) To expend local school activity funds, or other
790 available school district funds, other than * * * adequate
791 education program funds, for the purposes prescribed under this
792 paragraph. "Activity funds" * * * means all funds received by



793 school officials in all school districts paid or collected to
794 participate in any school activity, * * * that activity being part
795 of the school program and partially financed with public funds or
796 supplemented by public funds. The term "activity funds" shall not
797 include any funds raised and/or expended by any organization
798 unless commingled in a bank account with existing activity funds,
799 regardless of whether the funds were raised by school employees or
800 received by school employees during school hours or using school
801 facilities, and regardless of whether a school employee exercises
802 influence over the expenditure or disposition of * * * the funds.
803 Organizations shall not be required to make any payment to any
804 school for the use of any school facility if, in the discretion of
805 the * * * county board of education, the organization's
806 function * * * is deemed to be beneficial to the official or
807 extracurricular programs of the school. For the purposes of this
808 provision, the term "organization" shall not include any
809 organization subject to the control of the * * * board. Activity
810 funds may only be expended for any necessary expenses or travel
811 costs, including advances, incurred by students and their
812 chaperons in attending any in-state or out-of-state school-related
813 programs, conventions or seminars and/or any commodities,
814 equipment, travel expenses, purchased services or school
815 supplies * * * that the * * * board, in its discretion, shall deem
816 beneficial to the official or extracurricular programs of the
817 district, including items * * * that may * * * later become the



818 personal property of individuals, including yearbooks, athletic
819 apparel, book covers and trophies. Activity funds may be used to
820 pay travel expenses of school district personnel. The * * *
821 county board of education shall be authorized and empowered to
822 promulgate rules and regulations specifically designating for what
823 purposes school activity funds may be expended. The * * * board
824 shall provide the following:

825 (i) That * * * the school activity funds shall be
826 maintained and expended by the principal of the school generating
827 the funds in individual bank accounts * * * ; or

828 (ii) That * * * the school activity funds shall be
829 maintained and expended by the county superintendent of * * *
830 education in a central depository approved by the board * * * ; and

831 (iii) * * * That * * * the school activity funds
832 be audited as part of the annual audit required in Section
833 37-9-18.

834 The State Department of Education shall prescribe a uniform
835 system of accounting and financial reporting for all school
836 activity fund transactions;

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

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



843 (v) (i) To lease a school building from an individual,
844 partnership, nonprofit corporation or a private for-profit
845 corporation for the use of such school district, and to expend
846 funds therefor as may be available from any * * * sources other
847 than adequate education program funds. The * * * county board
848 of * * * education desiring to lease a school building shall
849 declare by resolution that a need exists for a school building and
850 that the school district cannot provide the necessary funds to pay
851 the cost or its proportionate share of the cost of a school
852 building required to meet the present needs. The resolution so
853 adopted by the * * * board shall be published once each week for
854 three (3) consecutive weeks in a newspaper having a general
855 circulation in the school district involved, with the first
856 publication thereof to be made not less than thirty (30)
857 days * * * before the date upon which the * * * board is to act on
858 the question of leasing a school building. If no petition
859 requesting an election is filed * * * before a meeting as
860 hereinafter provided, then the school board may, by resolution
861 spread upon its minutes, proceed to lease a school building. If
862 at any time * * * before the meeting a petition signed by not less
863 than twenty percent (20%) or fifteen hundred (1500), whichever is
864 less, of the qualified electors of the school district
865 involved * * * is filed with the * * * board requesting that an
866 election be called on the question, then the * * * board shall,
867 not later than the next regular meeting, adopt a resolution



868 calling an election to be held within * * * the school district
869 upon the question of authorizing the * * * board to lease a school
870 building. * * * The election shall be called and held, and notice
871 thereof shall be given, in the same manner for elections upon the
872 questions of the issuance of the bonds of school districts, and
873 the results thereof shall be certified to the * * * board. If at
874 least three-fifths (3/5) of the qualified electors of the school
875 district who voted in * * * the election * * * vote in favor of
876 the leasing of a school building, then the * * * board shall
877 proceed to lease a school building. The term of the lease
878 contract shall not exceed twenty (20) years, and the total cost
879 of * * * the lease shall be either the amount of the lowest and
880 best bid accepted by the * * * board after advertisement for bids
881 or an amount not to exceed the current fair market value of the
882 lease as determined by the averaging of at least two (2)
883 appraisals by certified general appraisers licensed by the State
884 of Mississippi. The term "school building" as used in this
885 paragraph (v)(i) shall be construed to mean any building or
886 buildings used for classroom purposes in connection with the
887 operation of schools and shall include the site therefor,
888 necessary support facilities, and the equipment thereof and
889 appurtenances thereto such as heating facilities, water supply,
890 sewage disposal, landscaping, walks, drives and playgrounds. The
891 term "lease" as used in this paragraph (v)(i) may include a
892 lease-purchase contract;



893 (ii) If two (2) or more school districts propose
894 to enter into a lease contract jointly, then joint meetings of
895 the * * * county boards of education having control may be held
896 but no action taken shall be binding on any * * * of those school
897 districts unless the question of leasing a school building is
898 approved in each participating school district under the procedure
899 hereinabove set forth in paragraph (v)(i). All of the provisions
900 of paragraph (v)(i) regarding the term and amount of the lease
901 contract shall apply to the * * * county boards of * * * education
902 acting jointly. Any lease contract executed by two (2) or more
903 school districts as joint lessees shall set out the amount of the
904 aggregate lease rental to be paid by each, which may be agreed
905 upon, but there shall be no right of occupancy by any lessee
906 unless the aggregate rental is paid as stipulated in the lease
907 contract. All rights of joint lessees under the lease contract
908 shall be in proportion to the amount of lease rental paid by each;

909 (w) To employ all noninstructional and * * *
910 nonlicensed employees and fix the duties and compensation of * * *
911 those personnel deemed necessary * * * according to the
912 recommendation of the county superintendent of * * * education;

913 (x) To employ and fix the duties and compensation
914 of * * * any legal counsel as deemed necessary;

915 (y) Subject to rules and regulations of the State Board
916 of Education, to purchase, own and operate trucks, vans and other



917 motor vehicles, which shall bear the proper identification
918 required by law;

919 (z) To expend funds for the payment of substitute
920 teachers and to adopt reasonable regulations for the employment
921 and compensation of * * * those substitute teachers;

922 (aa) To acquire in its own name by purchase all real
923 property * * * that is necessary and desirable in connection with
924 the construction, renovation or improvement of any public school
925 building or structure. Whenever the purchase price for * * * the
926 real property is greater than Fifty Thousand Dollars (\$50,000.00),
927 the * * * county board of education shall not purchase the
928 property for an amount exceeding the fair market value of * * *
929 that property as determined by the average of at least two (2)
930 independent appraisals by certified general appraisers licensed by
931 the State of Mississippi. If the board * * * is unable to agree
932 with the owner of any * * * the real property in connection with
933 any * * * construction, renovation or improvement project, the
934 board shall have the power and authority to acquire * * * the real
935 property by condemnation proceedings * * * under Section 11-27-1
936 et seq., * * * and for such purpose, the right of eminent domain
937 is * * * conferred upon and vested in * * * the board. * * *
938 The * * * county board of education is authorized to grant an
939 easement for ingress and egress over sixteenth section land or
940 lieu land in exchange for a similar easement upon adjoining land
941 where the exchange of easements affords substantial benefit to the



942 sixteenth section land; * * * however, the exchange must be based
943 upon values as determined by a competent appraiser, with any
944 differential in value to be adjusted by cash payment. Any
945 easement rights granted over sixteenth section land under * * *
946 this authority shall terminate when the easement ceases to be used
947 for its stated purpose. No sixteenth section or lieu land * * *
948 that is subject to an existing lease shall be burdened by
949 any * * * easement authorized under this paragraph except by
950 consent of the lessee or unless the school district * * * acquires
951 the unexpired leasehold interest affected by the easement;

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

955 (cc) Subject to rules and regulations of the State
956 Board of Education, to purchase relocatable classrooms for the use
957 of * * * the school district, in the manner prescribed in Section
958 37-1-13;

959 (dd) Enter into contracts or agreements with other
960 school districts, political subdivisions or governmental entities
961 to carry out one or more of the powers or duties of the * * *
962 county board of education, or to allow more efficient utilization
963 of limited resources for providing services to the public;

964 (ee) To provide for in-service training for employees
965 of the district;



966 (ff) As part of their duties to prescribe the use of
967 textbooks, to provide that parents and legal guardians shall be
968 responsible for the textbooks and for the compensation to the
969 school district for any books * * * that are not returned to the
970 proper schools upon the withdrawal of their dependent child. If a
971 textbook is lost or not returned by any student who drops out of
972 the public school district, the parent or legal guardian shall
973 also compensate the school district for the fair market value of
974 the textbooks;

975 (gg) To conduct fund-raising activities on behalf of
976 the school district that the * * * county board of education, in
977 its discretion, deems appropriate or beneficial to the official or
978 extracurricular programs of the district * * *, subject to the
979 following conditions:

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

983 (ii) Fund-raising activities conducted or
984 authorized by the board for the sale of school pictures, the
985 rental of caps and gowns or the sale of graduation invitations for
986 which the * * * board receives a commission, rebate or fee shall
987 contain a disclosure statement advising that a portion of the
988 proceeds of the sales or rentals shall be contributed to the
989 student activity fund;



990 (hh) To allow individual lessons for music, art and
991 other curriculum-related activities for academic credit or
992 nonacademic credit during school hours and using school equipment
993 and facilities, subject to uniform rules and regulations adopted
994 by the * * * board;

995 (ii) To charge reasonable fees for participating in an
996 extracurricular activity for academic or nonacademic credit for
997 necessary and required equipment such as safety equipment, band
998 instruments and uniforms;

999 (jj) To conduct or participate in any fund-raising
1000 activities on behalf of or in connection with a tax-exempt
1001 charitable organization;

1002 (kk) To exercise * * * any powers as may be reasonably
1003 necessary to carry out the provisions of this section;

1004 (ll) To expend funds for the services of nonprofit arts
1005 organizations or other * * * similar nonprofit organizations * * *
1006 that provide performances or other services for the students of
1007 the school district;

1008 (mm) To expend federal No Child Left Behind Act funds,
1009 or any other available funds that are expressly designated and
1010 authorized for that use, to pay training, educational expenses,
1011 salary incentives and salary supplements to employees of local
1012 school districts; except that incentives shall not be considered
1013 part of the local supplement as defined in Section 37-151-5(o),
1014 nor shall incentives be considered part of the local supplement



1015 paid to an individual teacher for the purposes of Section
1016 37-19-7(1). Mississippi Adequate Education Program funds or any
1017 other state funds may not be used for salary incentives or salary
1018 supplements as provided in this paragraph (mm);

1019 (nn) To use any available funds, not appropriated or
1020 designated for any other purpose, for reimbursement to the
1021 state-licensed employees from both in state and out of state, who
1022 enter into a contract for employment in a school district, for the
1023 expense of moving when the employment necessitates the relocation
1024 of the licensed employee to a different geographical area than
1025 that in which the licensed employee resides before entering into
1026 the contract. The reimbursement shall not exceed One Thousand
1027 Dollars (\$1,000.00) for the documented actual expenses incurred in
1028 the course of relocating, including the expense of any
1029 professional moving company or persons employed to assist with the
1030 move, rented moving vehicles or equipment, mileage in the amount
1031 authorized for county and municipal employees under Section
1032 25-3-41 if the licensed employee used his personal vehicle or
1033 vehicles for the move, meals and * * * any other expenses
1034 associated with the relocation. No licensed employee may be
1035 reimbursed for moving expenses under this section on more than one
1036 (1) occasion by the same school district. Nothing in this section
1037 shall be construed to require the actual residence to which the
1038 licensed employee relocates to be within the boundaries of the
1039 school district that has executed a contract for employment in



1040 order for the licensed employee to be eligible for reimbursement
1041 for the moving expenses. However, the licensed employee must
1042 relocate within the boundaries of the State of Mississippi. Any
1043 individual receiving relocation assistance through the Critical
1044 Teacher Shortage Act as provided in Section 37-159-5 shall not be
1045 eligible to receive additional relocation funds as authorized in
1046 this paragraph;

1047 (oo) To use any available funds, not appropriated or
1048 designated for any other purpose, to reimburse persons who
1049 interview for employment as a licensed employee with the district
1050 for the mileage and other actual expenses incurred in the course
1051 of travel to and from the interview at the rate authorized for
1052 county and municipal employees under Section 25-3-41;

1053 (pp) Consistent with the report of the Task Force to
1054 Conduct a Best Financial Management Practices Review, to improve
1055 school district management and use of resources and identify cost
1056 savings as established in Section 8 of Chapter 610, Laws of
1057 2002, * * * county boards of education are encouraged to conduct
1058 independent reviews of the management and efficiency of schools
1059 and school districts. * * * The management and efficiency reviews
1060 shall provide state and local officials and the public with the
1061 following:

1062 (i) An assessment of a school district's
1063 governance and organizational structure;



1064 (ii) An assessment of the school district's
1065 financial and personnel management;
1066 (iii) An assessment of revenue levels and sources;
1067 (iv) An assessment of facilities utilization,
1068 planning and maintenance;
1069 (v) An assessment of food services, transportation
1070 and safety/security systems;
1071 (vi) An assessment of instructional and
1072 administrative technology;
1073 (vii) A review of the instructional management and
1074 the efficiency and effectiveness of existing instructional
1075 programs; and
1076 (viii) Recommended methods for increasing
1077 efficiency and effectiveness in providing educational services to
1078 the public;
1079 (qq) To enter into agreements with other * * * county
1080 boards of education for the establishment of an educational
1081 service agency (ESA) to provide for the cooperative needs of the
1082 region in which the school district is located, as provided in
1083 Section 37-7-345;
1084 (rr) To implement a financial literacy program for
1085 students in Grades 10 and 11. The board may review the national
1086 programs and obtain free literature from various nationally
1087 recognized programs. After review of the different programs, the
1088 board may certify a program that is most appropriate for the



1089 school districts' needs. If a district implements a financial
1090 literacy program, then any student in Grade 10 or 11 may
1091 participate in the program. The financial literacy program shall
1092 include, but is not limited to, instruction in the same areas of
1093 personal business and finance as required under Section
1094 37-1-3(2) (b). The * * * county board of education may coordinate
1095 with volunteer teachers from local community organizations,
1096 including, but not limited to, the following:

1097 (i) United States Department of Agriculture Rural
1098 Development * * *;

1099 (ii) United States Department of Housing and Urban
1100 Development * * *;

1101 (iii) Junior Achievement * * *;

1102 (iv) Bankers; and

1103 (v) Other nonprofit organizations.

1104 Nothing in this paragraph shall be construed as to
1105 require * * * county boards of education to implement a financial
1106 literacy program;

1107 (ss) (i) To collaborate with the State Board of
1108 Education, Community Action Agencies or the Department of Human
1109 Services to develop and implement a voluntary program to provide
1110 services for a prekindergarten program that addresses the
1111 cognitive, social, and emotional needs of four-year-old and
1112 three-year-old children. The * * * county board of education may



1113 utilize any source of available revenue to fund the voluntary
1114 program.

1115 (ii) Effective with the 2013-2014 school year, to
1116 implement voluntary prekindergarten programs under the Early
1117 Learning Collaborative Act of 2013 pursuant to state funds awarded
1118 by the State Department of Education on a matching basis;

1119 (tt) With respect to any lawful, written obligation of
1120 a school district, including, but not limited to, leases
1121 (excluding leases of sixteenth section public school trust land),
1122 bonds, notes, or other agreement, to agree in writing with the
1123 obligee that the Department of Revenue or any state agency,
1124 department or commission created under state law may:

1125 (i) Withhold all or any part (as agreed by
1126 the * * * county board of education) of any monies * * * that the
1127 local school board is entitled to receive from time to time under
1128 any law and which is in the possession of the Department of
1129 Revenue, or any state agency, department or commission created
1130 under state law; and

1131 (ii) Pay the same over to any financial
1132 institution, trustee or other obligee, as directed in writing by
1133 the * * * board, to satisfy all or part of such obligation of the
1134 school district.

1135 The * * * board may make * * * the written agreement to
1136 withhold and transfer funds irrevocable for the term of the
1137 written obligation and may include in the written agreement any



1138 other terms and provisions acceptable to the school board. If
1139 the * * * board files a copy of * * * the written agreement with
1140 the Department of Revenue, or any state agency, department or
1141 commission created under state law then the Department of Revenue
1142 or any state agency, department or commission created under state
1143 law shall immediately make the withholdings provided in * * * the
1144 agreement from the amounts due the * * * county board of education
1145 and shall continue to pay the same over to * * * the financial
1146 institution, trustee or obligee for the term of the agreement.

1147 This paragraph (tt) shall not grant any extra authority to a
1148 school board to issue debt in any amount exceeding statutory
1149 limitations on assessed value of taxable property within * * * the
1150 school district or the statutory limitations on debt maturities,
1151 and shall not grant any extra authority to impose, levy or collect
1152 a tax * * * that is not otherwise expressly provided for, and
1153 shall not be construed to apply to sixteenth section public school
1154 trust land;

1155 (uu) With respect to any matter or transaction that is
1156 competitively bid by a school district, to accept from any bidder
1157 as a good-faith deposit or bid bond or bid surety, the same type
1158 of good-faith deposit or bid bond or bid surety that may be
1159 accepted by the state or any other political subdivision on
1160 similar competitively bid matters or transactions. This paragraph
1161 (uu) shall not be construed to apply to sixteenth section public
1162 school trust land. The * * * board may authorize the investment



1163 of any school district funds in the same kind and manner of
1164 investments, including pooled investments, as any other political
1165 subdivision, including community hospitals;

1166 (vv) To utilize the alternate method for the conveyance
1167 or exchange of unused school buildings and/or land, reserving a
1168 partial or other undivided interest in the property, as
1169 specifically authorized and provided in Section 37-7-485;

1170 (ww) To delegate, privatize or otherwise enter into a
1171 contract with private entities for the operation of any and all
1172 functions of nonacademic school process, procedures and operations
1173 including, but not limited to, cafeteria workers, janitorial
1174 services, transportation, professional development, achievement
1175 and instructional consulting services materials and products,
1176 purchasing cooperatives, insurance, business manager services,
1177 auditing and accounting services, school safety/risk prevention,
1178 data processing and student records, and other staff services;
1179 however, the authority under this paragraph does not apply to the
1180 leasing, management or operation of sixteenth section lands.

1181 Local school districts, working through their regional education
1182 service agency, are encouraged to enter into buying consortia with
1183 other member districts for the purposes of more efficient use of
1184 state resources as described in Section 37-7-345;

1185 (xx) To partner with entities, organizations and
1186 corporations for the purpose of benefiting the school district;



1187 (yy) To borrow funds from the Rural Economic
1188 Development Authority for the maintenance of school buildings;
1189 (zz) To fund and operate voluntary early childhood
1190 education programs, defined as programs for children less than
1191 five (5) years of age on or before September 1, and to use any
1192 source of revenue for * * * those early childhood education
1193 programs. * * * Those programs shall not conflict with the Early
1194 Learning Collaborative Act of 2013;
1195 (aaa) To issue and provide for the use of procurement
1196 cards by * * * board members, county superintendents of education
1197 and licensed school personnel consistent with the rules and
1198 regulations of the Mississippi Department of Finance and
1199 Administration under Section 31-7-9; and
1200 (bbb) To conduct an annual comprehensive evaluation of
1201 the county superintendent of * * * education consistent with the
1202 assessment components of paragraph (pp) of this section and the
1203 assessment benchmarks established by the Mississippi School Board
1204 Association to evaluate the success the superintendent has
1205 attained in meeting district goals and objectives, the
1206 superintendent's leadership skill and whether or not the
1207 superintendent has established appropriate standards for
1208 performance, is monitoring success and is using data for
1209 improvement.
1210 **SECTION 19.** Section 37-57-1, Mississippi Code of 1972, is
1211 amended as follows:



1212 37-57-1. (1) (a) From and after July 1, 2019, the boards
1213 of supervisors of the counties shall levy and collect all taxes
1214 for and on behalf of all school districts * * *. * * * The taxes
1215 shall be collected by the county tax collector at the same time
1216 and in the same manner as county taxes are collected by him, and
1217 the same penalties for delinquency shall be applicable.

1218 * * *

1219 * * * The county * * * tax collector * * * shall pay * * *
1220 the tax collections, except for taxes collected for the payment of
1221 the principal of and interest on school bonds or notes and except
1222 for taxes collected to defray collection costs, into the school
1223 depository and report to the * * * county board of * * * education
1224 at the same time and in the same manner as the tax collector makes
1225 his payments and reports of other taxes collected by him.

1226 * * *

1227 (b) For the purposes of this chapter and any other laws
1228 pertaining to taxes levied or bonds or notes issued for and on
1229 behalf of school districts, the term "levying authority" means the
1230 board of supervisors of the county * * * of the particular school
1231 district * * *.

1232 (2) The levying authority for the school district shall, at
1233 the same time and in the same manner as other taxes are levied by
1234 the levying authority, levy a tax of not less than twenty-eight
1235 (28) mills for the then current fiscal year, less the estimated
1236 amount of the yield of the School Ad Valorem Tax Reduction Fund



1237 grant to the school district as determined by the State Department
1238 of Education or twenty-seven percent (27%) of the basic adequate
1239 education program cost for * * * the school district, whichever is
1240 a lesser amount, upon all of the taxable property of the county
1241 school district, as required under Section 37-151-7(2) (a).
1242 However, in no case shall the minimum local ad valorem tax effort
1243 for any school district be equal to an amount that would require a
1244 millage rate exceeding fifty-five (55) mills in that school
1245 district. * * * However, * * * if a levying authority is levying
1246 in excess of fifty-five (55) mills on July 1, 1997, the levying
1247 authority may levy an additional amount not exceeding three (3)
1248 mills in the aggregate for the period beginning July 1, 1997, and
1249 ending June 30, 2003, subject to the limitation on increased
1250 receipts from ad valorem taxes prescribed in Sections 37-57-105
1251 and 37-57-107. Nothing in this subsection shall be construed to
1252 require any school district that is levying more than fifty-five
1253 (55) mills * * * under Sections 37-57-1 and 37-57-105 to decrease
1254 its millage rate to fifty-five (55) mills or less. In
1255 making * * * the levy, the levying authority shall levy an
1256 additional amount sufficient to cover anticipated delinquencies
1257 and costs of collection so that the net amount of money to be
1258 produced by * * * the levy shall be equal to the amount * * * that
1259 the school district is required to contribute as its * * * minimum
1260 local ad valorem tax effort. The tax so levied shall be collected
1261 by the tax collector at the same time and in the same manner as



1262 other ad valorem taxes are collected by him. The amount of taxes
1263 so collected as a result of * * * the levy shall be paid into the
1264 district maintenance fund of the school district by the tax
1265 collector at the same time and in the same manner as reports and
1266 payments of other ad valorem taxes are made by * * * the tax
1267 collector, except that the amount collected to defray costs of
1268 collection may be paid into the county general fund. The levying
1269 authority shall have the power and authority to direct and cause
1270 warrants to be issued against * * * the fund for the purpose of
1271 refunding any amount of taxes erroneously or illegally paid
1272 into * * * the fund where * * * the refund has been approved in
1273 the manner provided by law.

1274 **SECTION 20.** Effective July 1, 2020, Sections 37-7-105,
1275 37-7-107, 37-7-109, 37-7-111, 37-7-113 and 37-7-115, Mississippi
1276 Code of 1972, which provide procedures for the abolition,
1277 alteration and creation of public school districts by local school
1278 boards and by petition of the electorate, are repealed.

1279 **SECTION 21.** Effective July 1, 2020, Section 37-5-3,
1280 Mississippi Code of 1972, which provides certain residency
1281 restrictions for members of county boards of education, and
1282 Section 37-5-18, Mississippi Code of 1972, which provides for the
1283 election of members of county boards of education from special
1284 districts, are repealed.

1285 **SECTION 22.** Effective July 1, 2020, Section 37-9-12,
1286 Mississippi Code of 1972, which provides for a referendum on the



1287 question of retaining the elective method of choosing the county
1288 superintendent of education, and Sections 37-5-63, 37-5-65,
1289 37-5-67, 37-5-69, 37-5-71 and 37-5-75, Mississippi Code of 1972,
1290 which provide for the election of county superintendents of
1291 education, are repealed.

1292 **SECTION 23.** Effective July 1, 2020, Sections 37-7-201,
1293 37-7-203, 37-7-204, 37-7-207, 37-7-208, 37-7-209, 37-7-211,
1294 37-7-215, 37-7-217, 37-7-219, 37-7-221, 37-7-223, 37-7-225,
1295 37-7-227, 37-7-229, 37-7-701, 37-7-703, 37-7-705, 37-7-707,
1296 37-7-709, 37-7-711, 37-7-713, 37-7-715, 37-7-717, 37-7-723 and
1297 37-7-725, Mississippi Code of 1972, which provide qualifications,
1298 election procedures, terms of office, petition procedures, vacancy
1299 procedures and optional selection methods for boards of trustees
1300 of municipal separate school districts, consolidated school
1301 districts, line consolidated school districts and special
1302 municipal separate school districts, are repealed.

1303 **SECTION 24.** This act shall take effect and be in force from
1304 and after July 1, 2019.

